

**As Pending in Senate Finance Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

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

**Representative Amstutz (By Request)**

**Cosponsors: Representatives Beck, Blair, Buchy, Combs, McClain, Sears,  
Sprague, Stebelton, Terhar, Wachtmann**

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261.10.50, 261.10.60, 261.10.80, 261.10.90, 291  
261.20.10, 261.20.20, 261.20.70, 261.30.50, and 292  
263.10.80 of Am. Sub. H.B. 153 of the 129th 293  
General Assembly; and Section 2 of Am. Sub. S.B. 294  
63 of the 121st General Assembly and to amend the 295  
versions of sections 5122.31, 5123.19, and 5123.61 296  
of the Revised Code that are scheduled to take 297  
effect October 1, 2012, to continue the provisions 298  
of this act on and after that effective date; to 299  
make operating and other appropriations and to 300  
provide authorization and conditions for the 301  
operation of state programs. 302

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

**Section 101.01.** That sections 7.10, 7.16, 9.34, 102.02, 303  
103.05, 105.41, 107.54, 109.33, 109.57, 109.572, 109.801, 119.032, 304  
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5739.01, 5739.02, 5743.03, 5743.031, 5751.033, 5751.12, 6109.21, 428  
6111.46, 6117.39, and 6119.11 be amended; sections 123.011 429  
(123.22), 123.024 (123.06), 123.04 (123.02), 123.07 (123.03), 430  
123.08 (123.18), 123.09 (123.04), 123.10 (123.05), 123.101 431  
(123.27), 123.11 (123.07), 123.13 (123.08), 123.14 (123.09), 432  
123.15 (123.10), 123.17 (123.24), 123.21 (123.11), 123.46 433  
(123.12), 123.47 (123.13), 123.48 (123.14), 123.49 (123.15), 434  
123.77 (123.17), 185.01 (3701.92), 185.02 (3701.923), 185.03 435  
(3701.924), 185.05 (3701.925), 185.06 (3701.926), 185.07 436  
(3701.927), 185.09 (3701.928), 185.12 (3701.929), 1502.01 437  
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(3702.521), 3702.523 (3702.522), 3702.524 (3702.523), 3702.525 441  
(3702.524), 3702.526 (3702.525), 3733.02 (4781.26), 3733.021 442  
(4781.31), 3733.022 (4781.32), 3733.024 (4781.33), 3733.025 443  
(4781.34), 3733.03 (4781.27), 3733.04 (4781.28), 3733.05 444

(4781.29), 3733.06 (4781.30), 3733.07 (4781.301), 3733.08 445  
(4781.35), 3733.09 (4781.36), 3733.091 (4781.37), 3733.10 446  
(4781.38), 3733.101 (4781.39), 3733.11 (4781.40), 3733.12 447  
(4781.41), 3733.121 (4781.42), 3733.122 (4781.43), 3733.123 448  
(4781.44), 3733.13 (4781.45), 3733.14 (4781.46), 3733.15 449  
(4781.47), 3733.16 (4781.48), 3733.17 (4781.49), 3733.18 450  
(4781.50), 3733.19 (4781.51), 3733.20 (4781.52), 5123.169 451  
(5123.1610), 5503.21 (5502.05), 5503.22 (5502.06), and 5503.23 452  
(5502.07) be amended for the purpose of adopting new section 453  
numbers as indicated in parentheses; and new sections 123.21, 454  
3701.33, 3701.34, 3702.526, 4905.80, 4905.81, 4921.01, 4921.03, 455  
4921.05, 4921.07, 4921.09, 4921.11, 4921.13, 4921.15, 4921.16, 456  
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4923.02, 4923.04, 4923.06, 4923.07, 4923.09, 4923.11, 4923.99, 458  
5123.169, and 5123.192 and sections 101.312, 119.033, 121.35, 459  
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5111.246, 5111.946, 5111.96, 5112.331, 5139.511, 5705.252, 470  
5705.72, and 5713.012 of the Revised Code be enacted to read as 471  
follows: 472

**Sec. 7.10.** For the publication of advertisements, notices, 473  
and proclamations, except those relating to proposed amendments to 474  
the Ohio Constitution, required to be published by a public 475

officer of the state, a benevolent or other public institution, a trustee, assignee, executor, or administrator, or by or in any court of record, except when the rate is otherwise fixed by law, publishers of newspapers may charge and receive for such advertisements, notices, and proclamations rates charged on annual contracts by them for a like amount of space to other advertisers who advertise in its general display advertising columns.

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

Legal advertising, except that relating to proposed amendments to the Ohio Constitution, shall be set up in a compact form, without unnecessary spaces, blanks, or headlines, and printed in not smaller than six-point type. The type used must be of such proportions that the body of the capital letter M is no wider than it is high and all other letters and characters are in proportion.

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

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

(1) "State agency" means any organized body, office, agency,



institution, or other entity established by the laws of the state 507  
for the exercise of any function of state government, including 508  
state institutions of higher education, as defined in section 509  
3345.011 of the Revised Code. 510

(2) "Political subdivision" has the meaning defined in 511  
section 2744.01 of the Revised Code. 512

(B) If a section of the Revised Code or an administrative 513  
rule requires a state agency or a political subdivision ~~of the~~ 514  
~~state~~ to publish a notice or advertisement two or more times in a 515  
newspaper of general circulation and the section or administrative 516  
rule refers to this section, the first publication of the notice 517  
or advertisement shall be made in its entirety in a newspaper of 518  
general circulation and may be made in a preprinted insert in the 519  
newspaper, but the second publication otherwise required by that 520  
section or administrative rule may be made in abbreviated form in 521  
a newspaper of general circulation in the state or in the 522  
political subdivision, as designated in that section or 523  
administrative rule, and on the newspaper's internet web site, if 524  
the newspaper has one. The state agency or political subdivision 525  
may eliminate any further newspaper publications required by that 526  
section or administrative rule, provided that the second, 527  
abbreviated notice or advertisement meets all of the following 528  
requirements: 529

(1) It is published in the newspaper of general circulation 530  
in which the first publication of the notice or advertisement was 531  
made and is published on that newspaper's internet web site, if 532  
the newspaper has one. 533

(2) It is published on the state public notice web site 534  
established under section 125.182 of the Revised Code. 535

(3) It includes a title, followed by a summary paragraph or 536  
statement that clearly describes the specific purpose of the 537

notice or advertisement, and includes a statement that the notice 538  
or advertisement is posted in its entirety on the state public 539  
notice web site ~~established under section 125.182 of the Revised~~ 540  
~~Code~~. The notice or advertisement also may be posted on the state 541  
agency's or political subdivision's internet web site. 542

~~(3)~~(4) It includes the internet addresses of the state public 543  
notice web site, and of the newspaper's and state agency's or 544  
political subdivision's internet web site if the notice or 545  
advertisement is posted on those web sites, and the name, address, 546  
telephone number, and electronic mail address of the state agency, 547  
political subdivision, or other party responsible for publication 548  
of the notice or advertisement. 549

~~(B)~~(C) A notice or advertisement published under this section 550  
on an internet web site shall be published in its entirety in 551  
accordance with the section of the Revised Code or the 552  
administrative rule that requires the publication. 553

~~(C)~~(D) ~~If a state agency or political subdivision does not~~ 554  
~~operate and maintain, or ceases to operate and maintain, an~~ 555  
~~internet web site, and if~~ the state public notice web site 556  
established under section 125.182 of the Revised Code is not 557  
operational, the state agency or political subdivision shall not 558  
publish a notice or advertisement under this section, but instead 559  
shall comply with the publication requirements of the section of 560  
the Revised Code or the administrative rule that refers to this 561  
section. 562

**Sec. 9.34.** (A) The fiscal year of the state ~~and of~~, every 563  
school district, and, beginning July 1, 2013, the city of 564  
Cincinnati, shall begin on the first day of July of each calendar 565  
year and end at the close of the thirtieth day of June of the 566  
succeeding calendar year. The fiscal year of every school library 567  
district, and all political subdivisions or taxing ~~districts~~ units 568

except school districts and the city of Cincinnati, and of every 569  
officer, department, commission, board, or institution thereof, 570  
shall begin at the opening of the first day of January of each 571  
calendar year and end at the close of the succeeding thirty-first 572  
day of December. Except as otherwise provided for school districts 573  
and as otherwise provided in division (B) of this section, all 574  
laws relating to the levying of taxes, the collection, 575  
appropriation, or expenditure of revenues, or the making of 576  
financial reports or statements for a fiscal year or other year 577  
refer and apply to the fiscal year as defined in this division. 578  
Reports required by sections 3319.32 to 3319.37 of the Revised 579  
Code shall be for the school year as defined in section 3313.62 of 580  
the Revised Code. 581

(B) Nothing in this section prohibits a subdivision, other 582  
than a school district or county school financing district, from 583  
using a different fiscal year or other fiscal period for one or 584  
more of its funds, including when that fiscal year or period is 585  
the same as the fiscal year of an entity providing money for the 586  
fund or the fiscal period of a capital project. Use of a different 587  
fiscal year or period shall be consistent with generally accepted 588  
accounting principles, and shall be approved by the fiscal officer 589  
of the subdivision and by the auditor of state. If a subdivision 590  
uses a different fiscal year or period under this section, the 591  
auditor of state may require the subdivision to continue to 592  
maintain financial reports or statements on the basis of the 593  
fiscal year prescribed by division (A) of this section. 594

(C) Taxes or other revenues collected in or on hand in any 595  
fiscal year for the purposes of the next or any subsequent fiscal 596  
year shall not be appropriated or expended prior to such next or 597  
subsequent year. School district property taxes shall be subject 598  
to appropriation as provided in division (B) of section 5705.35 of 599  
the Revised Code. Budgets shall be designated and known by the 600

fiscal year for the purposes for which they are made. 601

(D) As used in this section, "fiscal officer," "school 602  
library district," "subdivision," and "taxing ~~district~~ unit" have 603  
the same meanings as in section 5705.01 of the Revised Code. 604

**Sec. 101.312.** (A) The person serving as the senate sergeant 605  
at arms or employed as an assistant senate sergeant at arms has 606  
all of the authority of a peace officer as specified in division 607  
(B) of this section, and one of the following shall apply to that 608  
person: 609

(1) The person is serving as the senate sergeant at arms or 610  
is employed as an assistant senate sergeant at arms on the 611  
effective date of this section and previously had been awarded a 612  
certificate by the executive director of the Ohio peace officer 613  
training commission attesting to the person's satisfactory 614  
completion of an approved state, county, municipal, or department 615  
of natural resources peace officer basic training program. 616

(2) The person previously has been awarded a certificate by 617  
the executive director of the Ohio peace officer training 618  
commission attesting to the person's satisfactory completion of an 619  
approved state, county, municipal, or department of natural 620  
resources peace officer basic training program, the person 621  
previously has been employed as a peace officer, the prior 622  
employment of the person as a peace officer contains no breaks in 623  
service that would require the person to receive updated training 624  
by the Ohio peace officer training academy, and the person has 625  
successfully completed a firearms requalification program under 626  
section 109.801 of the Revised Code. 627

(3) The person previously has been awarded a certificate by 628  
the executive director of the Ohio peace officer training 629  
commission attesting to the person's satisfactory completion of an 630  
approved state, county, municipal, or department of natural 631

resources peace officer basic training program, the person 632  
previously has been employed as a peace officer, the prior 633  
employment of the person as a peace officer contains a break in 634  
service of one year or more but not more than four years that 635  
would require the person to receive updated training under state 636  
law, the person has received all updated training required by law, 637  
and the person has successfully completed a firearms 638  
requalification program under section 109.801 of the Revised Code. 639

(4) The person previously has been employed as a trooper of 640  
the state highway patrol, within one year prior to employment as 641  
the senate sergeant at arms the person had arrest authority as a 642  
trooper of the state highway patrol, and the person has 643  
successfully completed a firearms requalification program under 644  
section 109.801 of the Revised Code. 645

(5) The person previously has been employed as a trooper of 646  
the state highway patrol, the prior employment as a trooper of the 647  
state highway patrol contains a break in service of one year or 648  
more but not more than four years that would require the person to 649  
receive updated training under state law, the person has received 650  
all updated training required by law, and the person has 651  
successfully completed a firearms requalification program under 652  
section 109.801 of the Revised Code. 653

(B) The senate sergeant at arms and an assistant senate 654  
sergeant at arms have the authority specified under section 655  
2935.03 of the Revised Code for peace officers to enforce all 656  
state laws, municipal ordinances, and township resolutions and to 657  
make arrests for any violation of those laws, ordinances, and 658  
resolutions in the statehouse or anywhere in the state where the 659  
senate sergeant at arms or the assistant sergeant at arms is 660  
engaged in the performance of the senate sergeant at arms's or 661  
assistant sergeant at arms's official duties. The jurisdiction of 662  
the senate sergeant at arms and of an assistant senate sergeant at 663

arms is concurrent with that of peace officers of the county, 664  
township, or municipal corporation in which the violation occurs 665  
and with the state highway patrol. 666

(C) Upon receiving a written recommendation from the clerk of 667  
the senate, the president of the senate may issue to the senate 668  
sergeant at arms a commission indicating the sergeant at arms's 669  
authority to make arrests as provided in this section. The 670  
president of the senate, upon the recommendation of the senate 671  
sergeant at arms, may issue to each assistant senate sergeant at 672  
arms a commission indicating the assistant sergeant at arms's 673  
authority to make arrests as provided in this section. The 674  
president of the senate shall furnish a suitable badge to the 675  
senate sergeant at arms and to each commissioned assistant senate 676  
sergeant at arms as evidence of the senate sergeant at arms's or 677  
assistant senate sergeant at arms's authority. 678

(D) In order to maintain employment as the senate sergeant at 679  
arms or to be an assistant sergeant at arms with all of the 680  
authority of a peace officer, the sergeant at arms or assistant 681  
shall comply with all continuing professional training 682  
requirements for peace officers established in rules that the 683  
attorney general adopts under section 109.74 of the Revised Code 684  
and shall comply with firearms requalification requirements 685  
established under section 109.801 of the Revised Code. The senate 686  
sergeant at arms or assistant sergeant at arms shall provide 687  
appropriate proof of the sergeant at arms's or assistant's 688  
compliance with the continuing professional training requirements 689  
and firearms requalification requirements to the clerk of the 690  
senate. The Ohio peace officer training academy, a state, county, 691  
municipal, or department of natural resources training program, or 692  
any other program offering continuing training of that nature 693  
shall admit the senate sergeant at arms or an assistant senate 694  
sergeant at arms to all necessary continuing training programs. 695

(E) This section does not affect or abridge the authority or 696  
responsibility of the state highway patrol. 697

**Sec. 102.02.** (A) Except as otherwise provided in division (H) 698  
of this section, all of the following shall file with the 699  
appropriate ethics commission the disclosure statement described 700  
in this division on a form prescribed by the appropriate 701  
commission: every person who is elected to or is a candidate for a 702  
state, county, or city office or an office of a township with a 703  
population of five thousand or more, as determined by the most 704  
recent federal decennial census, and every person who is appointed 705  
to fill a vacancy for an unexpired term in such an elective 706  
office; all members of the state board of education; the director, 707  
assistant directors, deputy directors, division chiefs, or persons 708  
of equivalent rank of any administrative department of the state; 709  
the president or other chief administrative officer of every state 710  
institution of higher education as defined in section 3345.011 of 711  
the Revised Code; the executive director and the members of the 712  
capitol square review and advisory board appointed or employed 713  
pursuant to section 105.41 of the Revised Code; all members of the 714  
Ohio casino control commission, the executive director of the 715  
commission, all professional employees of the commission, and all 716  
technical employees of the commission who perform an internal 717  
audit function; the individuals set forth in division (B)(2) of 718  
section 187.03 of the Revised Code; the chief executive officer 719  
and the members of the board of each state retirement system; each 720  
employee of a state retirement board who is a state retirement 721  
system investment officer licensed pursuant to section 1707.163 of 722  
the Revised Code; the members of the Ohio retirement study council 723  
appointed pursuant to division (C) of section 171.01 of the 724  
Revised Code; employees of the Ohio retirement study council, 725  
other than employees who perform purely administrative or clerical 726  
functions; the administrator of workers' compensation and each 727

member of the bureau of workers' compensation board of directors; 728  
the bureau of workers' compensation director of investments; the 729  
chief investment officer of the bureau of workers' compensation; 730  
all members of the board of commissioners on grievances and 731  
discipline of the supreme court and the ethics commission created 732  
under section 102.05 of the Revised Code; every business manager, 733  
treasurer, or superintendent of a city, local, exempted village, 734  
joint vocational, or cooperative education school district or an 735  
educational service center; every person who is elected to or is a 736  
candidate for the office of member of a board of education of a 737  
city, local, exempted village, joint vocational, or cooperative 738  
education school district or of a governing board of an 739  
educational service center that has a total student count of 740  
twelve thousand or more as most recently determined by the 741  
department of education pursuant to section 3317.03 of the Revised 742  
Code; every person who is appointed to the board of education of a 743  
municipal school district pursuant to division (B) or (F) of 744  
section 3311.71 of the Revised Code; all members of the board of 745  
directors of a sanitary district that is established under Chapter 746  
6115. of the Revised Code and organized wholly for the purpose of 747  
providing a water supply for domestic, municipal, and public use, 748  
and that includes two municipal corporations in two counties; 749  
every public official or employee who is paid a salary or wage in 750  
accordance with schedule C of section 124.15 or schedule E-2 of 751  
section 124.152 of the Revised Code; members of the board of 752  
trustees and the executive director of the southern Ohio 753  
agricultural and community development foundation; all members 754  
appointed to the Ohio livestock care standards board under section 755  
904.02 of the Revised Code; and every other public official or 756  
employee who is designated by the appropriate ethics commission 757  
pursuant to division (B) of this section. 758

The disclosure statement shall include all of the following: 759



(1) The name of the person filing the statement and each 760  
member of the person's immediate family and all names under which 761  
the person or members of the person's immediate family do 762  
business; 763

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 764  
and except as otherwise provided in section 102.022 of the Revised 765  
Code, identification of every source of income, other than income 766  
from a legislative agent identified in division (A)(2)(b) of this 767  
section, received during the preceding calendar year, in the 768  
person's own name or by any other person for the person's use or 769  
benefit, by the person filing the statement, and a brief 770  
description of the nature of the services for which the income was 771  
received. If the person filing the statement is a member of the 772  
general assembly, the statement shall identify the amount of every 773  
source of income received in accordance with the following ranges 774  
of amounts: zero or more, but less than one thousand dollars; one 775  
thousand dollars or more, but less than ten thousand dollars; ten 776  
thousand dollars or more, but less than twenty-five thousand 777  
dollars; twenty-five thousand dollars or more, but less than fifty 778  
thousand dollars; fifty thousand dollars or more, but less than 779  
one hundred thousand dollars; and one hundred thousand dollars or 780  
more. Division (A)(2)(a) of this section shall not be construed to 781  
require a person filing the statement who derives income from a 782  
business or profession to disclose the individual items of income 783  
that constitute the gross income of that business or profession, 784  
except for those individual items of income that are attributable 785  
to the person's or, if the income is shared with the person, the 786  
partner's, solicitation of services or goods or performance, 787  
arrangement, or facilitation of services or provision of goods on 788  
behalf of the business or profession of clients, including 789  
corporate clients, who are legislative agents. A person who files 790  
the statement under this section shall disclose the identity of 791  
and the amount of income received from a person who the public 792

official or employee knows or has reason to know is doing or 793  
seeking to do business of any kind with the public official's or 794  
employee's agency. 795

(b) If the person filing the statement is a member of the 796  
general assembly, the statement shall identify every source of 797  
income and the amount of that income that was received from a 798  
legislative agent during the preceding calendar year, in the 799  
person's own name or by any other person for the person's use or 800  
benefit, by the person filing the statement, and a brief 801  
description of the nature of the services for which the income was 802  
received. Division (A)(2)(b) of this section requires the 803  
disclosure of clients of attorneys or persons licensed under 804  
section 4732.12 of the Revised Code, or patients of persons 805  
certified under section 4731.14 of the Revised Code, if those 806  
clients or patients are legislative agents. Division (A)(2)(b) of 807  
this section requires a person filing the statement who derives 808  
income from a business or profession to disclose those individual 809  
items of income that constitute the gross income of that business 810  
or profession that are received from legislative agents. 811

(c) Except as otherwise provided in division (A)(2)(c) of 812  
this section, division (A)(2)(a) of this section applies to 813  
attorneys, physicians, and other persons who engage in the 814  
practice of a profession and who, pursuant to a section of the 815  
Revised Code, the common law of this state, a code of ethics 816  
applicable to the profession, or otherwise, generally are required 817  
not to reveal, disclose, or use confidences of clients, patients, 818  
or other recipients of professional services except under 819  
specified circumstances or generally are required to maintain 820  
those types of confidences as privileged communications except 821  
under specified circumstances. Division (A)(2)(a) of this section 822  
does not require an attorney, physician, or other professional 823  
subject to a confidentiality requirement as described in division 824

(A)(2)(c) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were sought, or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services. Division (A)(2)(a) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(c) of this section to disclose in the brief description of the nature of services required by division (A)(2)(a) of this section any information pertaining to specific professional services rendered for a client, patient, or other recipient of professional services that would reveal details of the subject matter for which legal, medical, or professional advice was sought or would reveal an otherwise privileged communication involving the client, patient, or other recipient of professional services.

(3) The name of every corporation on file with the secretary of state that is incorporated in this state or holds a certificate of compliance authorizing it to do business in this state, trust, business trust, partnership, or association that transacts business in this state in which the person filing the statement or any other person for the person's use and benefit had during the preceding calendar year an investment of over one thousand dollars at fair market value as of the thirty-first day of December of the preceding calendar year, or the date of disposition, whichever is earlier, or in which the person holds any office or has a fiduciary relationship, and a description of the nature of the investment, office, or relationship. Division (A)(3) of this section does not require disclosure of the name of any bank, savings and loan association, credit union, or building and loan

association with which the person filing the statement has a 858  
deposit or a withdrawable share account. 859

(4) All fee simple and leasehold interests to which the 860  
person filing the statement holds legal title to or a beneficial 861  
interest in real property located within the state, excluding the 862  
person's residence and property used primarily for personal 863  
recreation; 864

(5) The names of all persons residing or transacting business 865  
in the state to whom the person filing the statement owes, in the 866  
person's own name or in the name of any other person, more than 867  
one thousand dollars. Division (A)(5) of this section shall not be 868  
construed to require the disclosure of debts owed by the person 869  
resulting from the ordinary conduct of a business or profession or 870  
debts on the person's residence or real property used primarily 871  
for personal recreation, except that the superintendent of 872  
financial institutions shall disclose the names of all 873  
state-chartered savings and loan associations and of all service 874  
corporations subject to regulation under division (E)(2) of 875  
section 1151.34 of the Revised Code to whom the superintendent in 876  
the superintendent's own name or in the name of any other person 877  
owes any money, and that the superintendent and any deputy 878  
superintendent of banks shall disclose the names of all 879  
state-chartered banks and all bank subsidiary corporations subject 880  
to regulation under section 1109.44 of the Revised Code to whom 881  
the superintendent or deputy superintendent owes any money. 882

(6) The names of all persons residing or transacting business 883  
in the state, other than a depository excluded under division 884  
(A)(3) of this section, who owe more than one thousand dollars to 885  
the person filing the statement, either in the person's own name 886  
or to any person for the person's use or benefit. Division (A)(6) 887  
of this section shall not be construed to require the disclosure 888  
of clients of attorneys or persons licensed under section 4732.12 889

or 4732.15 of the Revised Code, or patients of persons certified 890  
under section 4731.14 of the Revised Code, nor the disclosure of 891  
debts owed to the person resulting from the ordinary conduct of a 892  
business or profession. 893

(7) Except as otherwise provided in section 102.022 of the 894  
Revised Code, the source of each gift of over seventy-five 895  
dollars, or of each gift of over twenty-five dollars received by a 896  
member of the general assembly from a legislative agent, received 897  
by the person in the person's own name or by any other person for 898  
the person's use or benefit during the preceding calendar year, 899  
except gifts received by will or by virtue of section 2105.06 of 900  
the Revised Code, or received from spouses, parents, grandparents, 901  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 902  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 903  
fathers-in-law, mothers-in-law, or any person to whom the person 904  
filing the statement stands in loco parentis, or received by way 905  
of distribution from any inter vivos or testamentary trust 906  
established by a spouse or by an ancestor; 907

(8) Except as otherwise provided in section 102.022 of the 908  
Revised Code, identification of the source and amount of every 909  
payment of expenses incurred for travel to destinations inside or 910  
outside this state that is received by the person in the person's 911  
own name or by any other person for the person's use or benefit 912  
and that is incurred in connection with the person's official 913  
duties, except for expenses for travel to meetings or conventions 914  
of a national or state organization to which any state agency, 915  
including, but not limited to, any legislative agency or state 916  
institution of higher education as defined in section 3345.011 of 917  
the Revised Code, pays membership dues, or any political 918  
subdivision or any office or agency of a political subdivision 919  
pays membership dues; 920

(9) Except as otherwise provided in section 102.022 of the 921

Revised Code, identification of the source of payment of expenses 922  
for meals and other food and beverages, other than for meals and 923  
other food and beverages provided at a meeting at which the person 924  
participated in a panel, seminar, or speaking engagement or at a 925  
meeting or convention of a national or state organization to which 926  
any state agency, including, but not limited to, any legislative 927  
agency or state institution of higher education as defined in 928  
section 3345.011 of the Revised Code, pays membership dues, or any 929  
political subdivision or any office or agency of a political 930  
subdivision pays membership dues, that are incurred in connection 931  
with the person's official duties and that exceed one hundred 932  
dollars aggregated per calendar year; 933

(10) If the disclosure statement is filed by a public 934  
official or employee described in division (B)(2) of section 935  
101.73 of the Revised Code or division (B)(2) of section 121.63 of 936  
the Revised Code who receives a statement from a legislative 937  
agent, executive agency lobbyist, or employer that contains the 938  
information described in division (F)(2) of section 101.73 of the 939  
Revised Code or division (G)(2) of section 121.63 of the Revised 940  
Code, all of the nondisputed information contained in the 941  
statement delivered to that public official or employee by the 942  
legislative agent, executive agency lobbyist, or employer under 943  
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 944  
the Revised Code. 945

A person may file a statement required by this section in 946  
person or by mail. A person who is a candidate for elective office 947  
shall file the statement no later than the thirtieth day before 948  
the primary, special, or general election at which the candidacy 949  
is to be voted on, whichever election occurs soonest, except that 950  
a person who is a write-in candidate shall file the statement no 951  
later than the twentieth day before the earliest election at which 952  
the person's candidacy is to be voted on. A person who holds 953

elective office shall file the statement on or before the 954  
fifteenth day of April of each year unless the person is a 955  
candidate for office. A person who is appointed to fill a vacancy 956  
for an unexpired term in an elective office shall file the 957  
statement within fifteen days after the person qualifies for 958  
office. Other persons shall file an annual statement on or before 959  
the fifteenth day of April or, if appointed or employed after that 960  
date, within ninety days after appointment or employment. No 961  
person shall be required to file with the appropriate ethics 962  
commission more than one statement or pay more than one filing fee 963  
for any one calendar year. 964

The appropriate ethics commission, for good cause, may extend 965  
for a reasonable time the deadline for filing a statement under 966  
this section. 967

A statement filed under this section is subject to public 968  
inspection at locations designated by the appropriate ethics 969  
commission except as otherwise provided in this section. 970

(B) The Ohio ethics commission, the joint legislative ethics 971  
committee, and the board of commissioners on grievances and 972  
discipline of the supreme court, using the rule-making procedures 973  
of Chapter 119. of the Revised Code, may require any class of 974  
public officials or employees under its jurisdiction and not 975  
specifically excluded by this section whose positions involve a 976  
substantial and material exercise of administrative discretion in 977  
the formulation of public policy, expenditure of public funds, 978  
enforcement of laws and rules of the state or a county or city, or 979  
the execution of other public trusts, to file an annual statement 980  
on or before the fifteenth day of April under division (A) of this 981  
section. The appropriate ethics commission shall send the public 982  
officials or employees written notice of the requirement by the 983  
fifteenth day of February of each year the filing is required 984  
unless the public official or employee is appointed after that 985

date, in which case the notice shall be sent within thirty days 986  
after appointment, and the filing shall be made not later than 987  
ninety days after appointment. 988

Except for disclosure statements filed by members of the 989  
board of trustees and the executive director of the southern Ohio 990  
agricultural and community development foundation, disclosure 991  
statements filed under this division with the Ohio ethics 992  
commission by members of boards, commissions, or bureaus of the 993  
state for which no compensation is received other than reasonable 994  
and necessary expenses shall be kept confidential. Disclosure 995  
statements filed with the Ohio ethics commission under division 996  
(A) of this section by business managers, treasurers, and 997  
superintendents of city, local, exempted village, joint 998  
vocational, or cooperative education school districts or 999  
educational service centers shall be kept confidential, except 1000  
that any person conducting an audit of any such school district or 1001  
educational service center pursuant to section 115.56 or Chapter 1002  
117. of the Revised Code may examine the disclosure statement of 1003  
any business manager, treasurer, or superintendent of that school 1004  
district or educational service center. Disclosure statements 1005  
filed with the Ohio ethics commission under division (A) of this 1006  
section by the individuals set forth in division (B)(2) of section 1007  
187.03 of the Revised Code shall be kept confidential. The Ohio 1008  
ethics commission shall examine each disclosure statement required 1009  
to be kept confidential to determine whether a potential conflict 1010  
of interest exists for the person who filed the disclosure 1011  
statement. A potential conflict of interest exists if the private 1012  
interests of the person, as indicated by the person's disclosure 1013  
statement, might interfere with the public interests the person is 1014  
required to serve in the exercise of the person's authority and 1015  
duties in the person's office or position of employment. If the 1016  
commission determines that a potential conflict of interest 1017  
exists, it shall notify the person who filed the disclosure 1018



statement and shall make the portions of the disclosure statement 1019  
that indicate a potential conflict of interest subject to public 1020  
inspection in the same manner as is provided for other disclosure 1021  
statements. Any portion of the disclosure statement that the 1022  
commission determines does not indicate a potential conflict of 1023  
interest shall be kept confidential by the commission and shall 1024  
not be made subject to public inspection, except as is necessary 1025  
for the enforcement of Chapters 102. and 2921. of the Revised Code 1026  
and except as otherwise provided in this division. 1027

(C) No person shall knowingly fail to file, on or before the 1028  
applicable filing deadline established under this section, a 1029  
statement that is required by this section. 1030

(D) No person shall knowingly file a false statement that is 1031  
required to be filed under this section. 1032

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1033  
section, the statement required by division (A) or (B) of this 1034  
section shall be accompanied by a filing fee of ~~forty~~ sixty 1035  
dollars. 1036

(2) The statement required by division (A) of this section 1037  
shall be accompanied by the following filing fee to be paid by the 1038  
person who is elected or appointed to, or is a candidate for, any 1039  
of the following offices: 1040

For state office, except member of the		1041
state board of education	\$95	1042
For office of member of general assembly	\$40	1043
For county office	\$60	1044
For city office	\$35	1045
<u>For township office</u>	<u>\$35</u>	1046
For office of member of the state board		1047
of education	<del>\$25</del> <u>\$35</u>	1048
<del>For office of member of the Ohio</del>		1049

<del>livestock care standards board</del>	<del>\$. . . . .</del>	1050
For office of member of a city, local,		1051
exempted village, or cooperative		1052
education board of		1053
education or educational service		1054
center governing board	\$30	1055
For position of business manager,		1056
treasurer, or superintendent of a		1057
city, local, exempted village, joint		1058
vocational, or cooperative education		1059
school district or		1060
educational service center	\$30	1061
(3) No judge of a court of record or candidate for judge of a		1062
court of record, and no referee or magistrate serving a court of		1063
record, shall be required to pay the fee required under division		1064
(E)(1) or (2) or (F) of this section.		1065
(4) For any public official who is appointed to a nonelective		1066
office of the state and for any employee who holds a nonelective		1067
position in a public agency of the state, the state agency that is		1068
the primary employer of the state official or employee shall pay		1069
the fee required under division (E)(1) or (F) of this section.		1070
(F) If a statement required to be filed under this section is		1071
not filed by the date on which it is required to be filed, the		1072
appropriate ethics commission shall assess the person required to		1073
file the statement a late filing fee of ten dollars for each day		1074
the statement is not filed, except that the total amount of the		1075
late filing fee shall not exceed two hundred fifty dollars.		1076
(G)(1) The appropriate ethics commission other than the Ohio		1077
ethics commission and the joint legislative ethics committee shall		1078
deposit all fees it receives under divisions (E) and (F) of this		1079
section into the general revenue fund of the state.		1080
(2) The Ohio ethics commission shall deposit all receipts,		1081

including, but not limited to, fees it receives under divisions 1082  
(E) and (F) of this section, investigative or other fees, costs, 1083  
or other funds it receives as a result of court orders, and all 1084  
moneys it receives from settlements under division (G) of section 1085  
102.06 of the Revised Code, into the Ohio ethics commission fund, 1086  
which is hereby created in the state treasury. All moneys credited 1087  
to the fund shall be used solely for expenses related to the 1088  
operation and statutory functions of the commission. 1089

(3) The joint legislative ethics committee shall deposit all 1090  
receipts it receives from the payment of financial disclosure 1091  
statement filing fees under divisions (E) and (F) of this section 1092  
into the joint legislative ethics committee investigative fund. 1093

(H) Division (A) of this section does not apply to a person 1094  
elected or appointed to the office of precinct, ward, or district 1095  
committee member under Chapter 3517. of the Revised Code; a 1096  
presidential elector; a delegate to a national convention; village 1097  
~~or township~~ officials and employees; township officials of a 1098  
township with a population of less than five thousand, as 1099  
determined by the most recent decennial census; all township 1100  
employees; any physician or psychiatrist who is paid a salary or 1101  
wage in accordance with schedule C of section 124.15 or schedule 1102  
E-2 of section 124.152 of the Revised Code and whose primary 1103  
duties do not require the exercise of administrative discretion; 1104  
or any member of a board, commission, or bureau of any county or 1105  
city who receives less than one thousand dollars per year for 1106  
serving in that position. 1107

**Sec. 103.05.** (A) The director of the legislative service 1108  
commission shall be the codifier of the rules of the 1109  
administrative agencies of the state. When a rule is filed under 1110  
section 111.15, 119.04, 4141.14, or 5703.14 of the Revised Code, 1111  
the director or the director's designee shall examine the rule. If 1112

the rule is not numbered or if the numbering of the rule is not in 1113  
conformity with the system established by the director, the 1114  
director shall give the rule its proper number by designating the 1115  
proper number on the left hand margin of the rule. The number 1116  
shall be the official administrative code number of the rule. Any 1117  
number so assigned shall be published in any publication of the 1118  
administrative code. Rules of the administrative code shall be 1119  
cited and referred to by such official numbers. 1120

The legislative service commission shall, pursuant to section 1121  
111.15 of the Revised Code, adopt, amend, and rescind any rules 1122  
that are necessary to provide a uniform administrative code; to 1123  
provide standards for use by the director in determining whether 1124  
to include in the administrative code the full text of, or a 1125  
reference to, any rule filed with the commission; to permit the 1126  
director to discharge the director's duties and exercise the 1127  
director's powers as described in this section; and to permit the 1128  
director to discharge the director's duties and exercise the 1129  
director's powers with respect to establishing and maintaining, 1130  
and enhancing and improving, the electronic rule-filing system 1131  
under section 103.0511 of the Revised Code. 1132

When the commission adopts rules to provide standards for use 1133  
by the director in determining whether to include the full text 1134  
of, or a reference to, a rule in the administrative code, it shall 1135  
consider all of the following: 1136

(1) Whether the rule applies uniformly to all citizens of the 1137  
state; 1138

(2) Whether the rule applies uniformly to all political 1139  
subdivisions of the state; 1140

(3) Whether the rule affects the health, welfare, and safety 1141  
of the citizens of the state; 1142

(4) Whether the rule applies only to the internal affairs of 1143

the agency adopting the rule;	1144
(5) The number of persons affected by the rule;	1145
(6) Whether the rule affects the statutory or constitutional rights of any person.	1146 1147
The director or the director's designee shall accept any rule that is filed under section 111.15, 119.04, 4141.14, or 5703.14 of the Revised Code. If the director or the director's designee accepts a rule that is not in compliance with the rules of the commission, the director shall give notice of the noncompliance in electronic form to the agency that filed the rule within thirty days after the date on which the rule is filed. The notice shall indicate why the rule does not comply with the rules of the commission and how the rule can be brought into compliance. The failure of the director to give an agency notice within the thirty-day period shall presumptively establish that the rule complies with the rules of the commission.	1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159
(B) <u>Any person may publish an acceptable code.</u> The director shall approve as acceptable any <u>person's</u> publication of the code conforming to the requirements of this division.	1160 1161 1162
An Ohio administrative code approved as acceptable by the director shall:	1163 1164
(1) Contain a compilation of the full text of, or a reference to, each rule filed under sections 111.15, 119.04, 4141.14, and 5703.14 of the Revised Code;	1165 1166 1167
(2) Presumptively establish the rules of all agencies adopting rules under section 111.15, 4141.14, 5703.14, or Chapter 119. of the Revised Code that are in effect on the day of its initial publication;	1168 1169 1170 1171
(3) Contain the full text of, or a reference to, each rule adopted after its initial publication and be updated at least	1172 1173

quarterly;	1174
(4) Contain an index of the rules and references to rules	1175
that are included in the code and each supplement using terms	1176
easily understood by the general public;	1177
(5) Be published in electronic or print format following, to	1178
the extent possible, the subject matter arrangement of the Revised	1179
Code;	1180
(6) Be numbered according to the numbering system devised by	1181
the director.	1182
<del>(C) If the director does not approve as acceptable any</del>	1183
<del>publication of the administrative code, the</del> The director, subject	1184
<del>to division (D) of this section,</del> may prepare and publish the code,	1185
or contract with any person under this division to prepare and	1186
publish the code. Any code published under this division shall	1187
include all of the requirements of division (B) of this section.	1188
In addition, the director shall furnish any code or supplement	1189
published under this division to any person who requests the code	1190
or supplement upon payment of a charge established by the	1191
director, not to exceed the cost of preparation and publication.	1192
Upon the request of the director of the legislative service	1193
commission under this division, the director of administrative	1194
services, in accordance with the competitive selection procedure	1195
of Chapter 125. of the Revised Code, shall let a contract for the	1196
compilation, preparation, and printing or publication of the	1197
administrative code and supplements.	1198
<del>(D) The director shall not prepare and publish the</del>	1199
<del>administrative code in a print mode or any other mode under</del>	1200
<del>division (B) or (C) of this section unless no other person is</del>	1201
<del>willing and qualified to publish a version of the code in that</del>	1202
<del>mode that the director has approved as acceptable.</del>	1203

Sec. 105.41. (A) There is hereby created in the legislative 1204  
branch of government the capitol square review and advisory board, 1205  
consisting of ~~thirteen~~ twelve members as follows: 1206

(1) Two members of the senate, appointed by the president of 1207  
the senate, both of whom shall not be members of the same 1208  
political party; 1209

(2) Two members of the house of representatives, appointed by 1210  
the speaker of the house of representatives, both of whom shall 1211  
not be members of the same political party; 1212

(3) ~~Five~~ Four members appointed by the governor, with the 1213  
advice and consent of the senate, not more than three of whom 1214  
shall be members of the same political party, one of whom shall be 1215  
the chief of staff of the governor's office, one of whom shall 1216  
represent the Ohio arts council, one of whom shall represent the 1217  
Ohio historical society, ~~one of whom shall represent the Ohio~~ 1218  
~~building authority,~~ and one of whom shall represent the public at 1219  
large; 1220

(4) One member, who shall be a former president of the 1221  
senate, appointed by the current president of the senate. If the 1222  
current president of the senate, in the current president's 1223  
discretion, decides for any reason not to make the appointment or 1224  
if no person is eligible or available to serve, the seat shall 1225  
remain vacant. 1226

(5) One member, who shall be a former speaker of the house of 1227  
representatives, appointed by the current speaker of the house of 1228  
representatives. If the current speaker of the house of 1229  
representatives, in the current speaker's discretion, decides for 1230  
any reason not to make the appointment or if no person is eligible 1231  
or available to serve, the seat shall remain vacant. 1232

(6) The clerk of the senate and the clerk of the house of 1233

representatives. 1234

(B) Terms of office of each appointed member of the board 1235  
shall be for three years, except that members of the general 1236  
assembly appointed to the board shall be members of the board only 1237  
so long as they are members of the general assembly and the chief 1238  
of staff of the governor's office shall be a member of the board 1239  
only so long as the appointing governor remains in office. Each 1240  
member shall hold office from the date of the member's appointment 1241  
until the end of the term for which the member was appointed. In 1242  
case of a vacancy occurring on the board, the president of the 1243  
senate, the speaker of the house of representatives, or the 1244  
governor, as the case may be, shall in the same manner prescribed 1245  
for the regular appointment to the commission, fill the vacancy by 1246  
appointing a member. Any member appointed to fill a vacancy 1247  
occurring prior to the expiration of the term for which the 1248  
member's predecessor was appointed shall hold office for the 1249  
remainder of the term. Any appointed member shall continue in 1250  
office subsequent to the expiration date of the member's term 1251  
until the member's successor takes office, or until a period of 1252  
sixty days has elapsed, whichever occurs first. 1253

(C) The board shall hold meetings in a manner and at times 1254  
prescribed by the rules adopted by the board. A majority of the 1255  
board constitutes a quorum, and no action shall be taken by the 1256  
board unless approved by at least six members or by at least seven 1257  
members if a person is appointed under division (A)(4) or (5) of 1258  
this section. At its first meeting, the board shall adopt rules 1259  
for the conduct of its business and the election of its officers, 1260  
and shall organize by selecting a chairperson and other officers 1261  
as it considers necessary. Board members shall serve without 1262  
compensation but shall be reimbursed for actual and necessary 1263  
expenses incurred in the performance of their duties. 1264

(D) The board may do any of the following: 1265



(1) Employ or hire on a consulting basis professional, 1266  
technical, and clerical employees as are necessary for the 1267  
performance of its duties. All employees of the board are in the 1268  
unclassified service and serve at the pleasure of the board. For 1269  
purposes of section 4117.01 of the Revised Code, employees of the 1270  
board shall be considered employees of the general assembly, 1271  
except that employees who are covered by a collective bargaining 1272  
agreement on ~~the effective date of this amendment~~ September 29, 1273  
2011, shall remain subject to the agreement until the agreement 1274  
expires on its terms, and the agreement shall not be extended or 1275  
renewed. Upon expiration of the agreement, the employees are 1276  
considered employees of the general assembly for purposes of 1277  
section 4117.01 of the Revised Code and are in the unclassified 1278  
service and serve at the pleasure of the board. 1279

(2) Hold public hearings at times and places as determined by 1280  
the board; 1281

(3) Adopt, amend, or rescind rules necessary to accomplish 1282  
the duties of the board as set forth in this section; 1283

(4) Sponsor, conduct, and support such social events as the 1284  
board may authorize and consider appropriate for the employees of 1285  
the board, employees and members of the general assembly, 1286  
employees of persons under contract with the board or otherwise 1287  
engaged to perform services on the premises of capitol square, or 1288  
other persons as the board may consider appropriate. Subject to 1289  
the requirements of Chapter 4303. of the Revised Code, the board 1290  
may provide beer, wine, and intoxicating liquor, with or without 1291  
charge, for those events and may use funds only from the sale of 1292  
goods and services fund to purchase the beer, wine, and 1293  
intoxicating liquor the board provides; 1294

(5) Purchase a warehouse in which to store items of the 1295  
capitol collection trust and, whenever necessary, equipment or 1296  
other property of the board. 1297

(E) The board shall do all of the following:	1298
(1) Have sole authority to coordinate and approve any improvements, additions, and renovations that are made to the capitol square. The improvements shall include, but not be limited to, the placement of monuments and sculpture on the capitol grounds.	1299 1300 1301 1302 1303
(2) Subject to section 3353.07 of the Revised Code, operate the capitol square, and have sole authority to regulate all uses of the capitol square. The uses shall include, but not be limited to, the casual and recreational use of the capitol square.	1304 1305 1306 1307
(3) Employ, fix the compensation of, and prescribe the duties of the executive director of the board and other employees the board considers necessary for the performance of its powers and duties;	1308 1309 1310 1311
(4) Establish and maintain the capitol collection trust. The capitol collection trust shall consist of furniture, antiques, and other items of personal property that the board shall store in suitable facilities until they are ready to be displayed in the capitol square.	1312 1313 1314 1315 1316
(5) Perform repair, construction, contracting, purchasing, maintenance, supervisory, and operating activities the board determines are necessary for the operation and maintenance of the capitol square;	1317 1318 1319 1320
(6) Maintain and preserve the capitol square, in accordance with guidelines issued by the United States secretary of the interior for application of the secretary's standards for rehabilitation adopted in 36 C.F.R. part 67;	1321 1322 1323 1324
(7) Plan and develop a center at the capitol building for the purpose of educating visitors about the history of Ohio, including its political, economic, and social development and the design and erection of the capitol building and its grounds.	1325 1326 1327 1328

(F)(1) The board shall lease capital facilities improved or 1329  
financed by the Ohio building authority pursuant to Chapter 152. 1330  
of the Revised Code for the use of the board, and may enter into 1331  
any other agreements with the authority ancillary to improvement, 1332  
financing, or leasing of those capital facilities, including, but 1333  
not limited to, any agreement required by the applicable bond 1334  
proceedings authorized by Chapter 152. of the Revised Code. Any 1335  
lease of capital facilities authorized by this section shall be 1336  
governed by division (D) of section 152.24 of the Revised Code. 1337

(2) Fees, receipts, and revenues received by the board from 1338  
the state underground parking garage constitute available receipts 1339  
as defined in section 152.09 of the Revised Code, and may be 1340  
pledged to the payment of bond service charges on obligations 1341  
issued by the Ohio building authority pursuant to Chapter 152. of 1342  
the Revised Code to improve, finance, or purchase capital 1343  
facilities useful to the board. The authority may, with the 1344  
consent of the board, provide in the bond proceedings for a pledge 1345  
of all or a portion of those fees, receipts, and revenues as the 1346  
authority determines. The authority may provide in the bond 1347  
proceedings or by separate agreement with the board for the 1348  
transfer of those fees, receipts, and revenues to the appropriate 1349  
bond service fund or bond service reserve fund as required to pay 1350  
the bond service charges when due, and any such provision for the 1351  
transfer of those fees, receipts, and revenues shall be 1352  
controlling notwithstanding any other provision of law pertaining 1353  
to those fees, receipts, and revenues. 1354

(3) All moneys received by the treasurer of state on account 1355  
of the board and required by the applicable bond proceedings or by 1356  
separate agreement with the board to be deposited, transferred, or 1357  
credited to the bond service fund or bond service reserve fund 1358  
established by the bond proceedings shall be transferred by the 1359  
treasurer of state to such fund, whether or not it is in the 1360

custody of the treasurer of state, without necessity for further 1361  
appropriation, upon receipt of notice from the Ohio building 1362  
authority as prescribed in the bond proceedings. 1363

(G) ~~All (1)~~ Except as otherwise provided in division (G)(2) 1364  
of this section, all fees, receipts, and revenues received by the 1365  
board from the state underground parking garage shall be deposited 1366  
into the state treasury to the credit of the underground parking 1367  
garage operating fund, which is hereby created, to be used for the 1368  
purposes specified in division (F) of this section and for the 1369  
operation and maintenance of the garage. All investment earnings 1370  
of the fund shall be credited to the fund. 1371

(2) There is hereby created the parking garage automated 1372  
equipment fund, which shall be in the custody of the treasurer of 1373  
state but shall not be part of the state treasury. Money in the 1374  
fund shall be used to purchase the automated teller machine 1375  
quality dollar bills needed for operation of the parking garage 1376  
automated equipment. The fund shall consist of fees, receipts, or 1377  
revenues received by the board from the state underground parking 1378  
garage; provided, however, that the total amount deposited into 1379  
the fund at any one time shall not exceed ten thousand dollars. 1380  
All investment earnings 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. 107.54.** (A)(1) When the common sense initiative office 1432  
receives a draft rule and business impact analysis from an agency, 1433  
the office shall evaluate the draft rule and analysis against the 1434  
business impact analysis instrument and any other relevant 1435  
criteria, and may prepare and transmit recommendations to the 1436  
agency on how the draft rule might be revised to eliminate or 1437  
reduce any adverse impact the draft rule might have on businesses. 1438

(2) When the office receives a rule and business impact 1439  
analysis from an agency under division (A)(2) of section 119.033 1440  
of the Revised Code, the office shall evaluate the rule and 1441  
analysis against the business impact analysis instrument and any 1442  
other relevant criteria, and may prepare and transmit 1443  
recommendations to the agency on how the rule might be amended or 1444  
rescinded to eliminate or reduce any adverse impact the rule has 1445  
on businesses. 1446

(B) The office shall transmit any such recommendations 1447  
electronically to the agency. If the office fails to make such a 1448  
transmission after receiving the draft rule and business impact 1449  
analysis, it is as if the office had elected not to make any 1450  
recommendations. 1451

**Sec. 109.33.** The attorney general may appoint, with salaries 1452  
fixed pursuant to section 124.15 or 124.152 of the Revised Code, 1453

such assistants and may employ such stenographers and clerks as 1454  
may be necessary to carry out sections 109.23 to 109.33 of the 1455  
Revised Code. The attorney general may also employ or contract 1456  
experts for assistance in any specific matter at a reasonable rate 1457  
of compensation. 1458

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 1459  
criminal identification and investigation shall procure from 1460  
wherever procurable and file for record photographs, pictures, 1461  
descriptions, fingerprints, measurements, and other information 1462  
that may be pertinent of all persons who have been convicted of 1463  
committing within this state a felony, any crime constituting a 1464  
misdemeanor on the first offense and a felony on subsequent 1465  
offenses, or any misdemeanor described in division (A)(1)(a), 1466  
(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised 1467  
Code, of all children under eighteen years of age who have been 1468  
adjudicated delinquent children for committing within this state 1469  
an act that would be a felony or an offense of violence if 1470  
committed by an adult or who have been convicted of or pleaded 1471  
guilty to committing within this state a felony or an offense of 1472  
violence, and of all well-known and habitual criminals. The person 1473  
in charge of any county, multicounty, municipal, municipal-county, 1474  
or multicounty-municipal jail or workhouse, community-based 1475  
correctional facility, halfway house, alternative residential 1476  
facility, or state correctional institution and the person in 1477  
charge of any state institution having custody of a person 1478  
suspected of having committed a felony, any crime constituting a 1479  
misdemeanor on the first offense and a felony on subsequent 1480  
offenses, or any misdemeanor described in division (A)(1)(a), 1481  
(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised 1482  
Code or having custody of a child under eighteen years of age with 1483  
respect to whom there is probable cause to believe that the child 1484  
may have committed an act that would be a felony or an offense of 1485

violence if committed by an adult shall furnish such material to 1486  
the superintendent of the bureau. Fingerprints, photographs, or 1487  
other descriptive information of a child who is under eighteen 1488  
years of age, has not been arrested or otherwise taken into 1489  
custody for committing an act that would be a felony or an offense 1490  
of violence who is not in any other category of child specified in 1491  
this division, if committed by an adult, has not been adjudicated 1492  
a delinquent child for committing an act that would be a felony or 1493  
an offense of violence if committed by an adult, has not been 1494  
convicted of or pleaded guilty to committing a felony or an 1495  
offense of violence, and is not a child with respect to whom there 1496  
is probable cause to believe that the child may have committed an 1497  
act that would be a felony or an offense of violence if committed 1498  
by an adult shall not be procured by the superintendent or 1499  
furnished by any person in charge of any county, multicounty, 1500  
municipal, municipal-county, or multicounty-municipal jail or 1501  
workhouse, community-based correctional facility, halfway house, 1502  
alternative residential facility, or state correctional 1503  
institution, except as authorized in section 2151.313 of the 1504  
Revised Code. 1505

(2) Every clerk of a court of record in this state, other 1506  
than the supreme court or a court of appeals, shall send to the 1507  
superintendent of the bureau a weekly report containing a summary 1508  
of each case involving a felony, involving any crime constituting 1509  
a misdemeanor on the first offense and a felony on subsequent 1510  
offenses, involving a misdemeanor described in division (A)(1)(a), 1511  
(A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of the Revised 1512  
Code, or involving an adjudication in a case in which a child 1513  
under eighteen years of age was alleged to be a delinquent child 1514  
for committing an act that would be a felony or an offense of 1515  
violence if committed by an adult. The clerk of the court of 1516  
common pleas shall include in the report and summary the clerk 1517  
sends under this division all information described in divisions 1518



(A)(2)(a) to (f) of this section regarding a case before the court 1519  
of appeals that is served by that clerk. The summary shall be 1520  
written on the standard forms furnished by the superintendent 1521  
pursuant to division (B) of this section and shall include the 1522  
following information: 1523

(a) The incident tracking number contained on the standard 1524  
forms furnished by the superintendent pursuant to division (B) of 1525  
this section; 1526

(b) The style and number of the case; 1527

(c) The date of arrest, offense, summons, or arraignment; 1528

(d) The date that the person was convicted of or pleaded 1529  
guilty to the offense, adjudicated a delinquent child for 1530  
committing the act that would be a felony or an offense of 1531  
violence if committed by an adult, found not guilty of the 1532  
offense, or found not to be a delinquent child for committing an 1533  
act that would be a felony or an offense of violence if committed 1534  
by an adult, the date of an entry dismissing the charge, an entry 1535  
declaring a mistrial of the offense in which the person is 1536  
discharged, an entry finding that the person or child is not 1537  
competent to stand trial, or an entry of a nolle prosequi, or the 1538  
date of any other determination that constitutes final resolution 1539  
of the case; 1540

(e) A statement of the original charge with the section of 1541  
the Revised Code that was alleged to be violated; 1542

(f) If the person or child was convicted, pleaded guilty, or 1543  
was adjudicated a delinquent child, the sentence or terms of 1544  
probation imposed or any other disposition of the offender or the 1545  
delinquent child. 1546

If the offense involved the disarming of a law enforcement 1547  
officer or an attempt to disarm a law enforcement officer, the 1548  
clerk shall clearly state that fact in the summary, and the 1549

superintendent shall ensure that a clear statement of that fact is 1550  
placed in the bureau's records. 1551

(3) The superintendent shall cooperate with and assist 1552  
sheriffs, chiefs of police, and other law enforcement officers in 1553  
the establishment of a complete system of criminal identification 1554  
and in obtaining fingerprints and other means of identification of 1555  
all persons arrested on a charge of a felony, any crime 1556  
constituting a misdemeanor on the first offense and a felony on 1557  
subsequent offenses, or a misdemeanor described in division 1558  
(A)(1)(a), (A)~~(8)~~(5)(a), or (A)~~(10)~~(7)(a) of section 109.572 of 1559  
the Revised Code and of all children under eighteen years of age 1560  
arrested or otherwise taken into custody for committing an act 1561  
that would be a felony or an offense of violence if committed by 1562  
an adult. The superintendent also shall file for record the 1563  
fingerprint impressions of all persons confined in a county, 1564  
multicounty, municipal, municipal-county, or multicounty-municipal 1565  
jail or workhouse, community-based correctional facility, halfway 1566  
house, alternative residential facility, or state correctional 1567  
institution for the violation of state laws and of all children 1568  
under eighteen years of age who are confined in a county, 1569  
multicounty, municipal, municipal-county, or multicounty-municipal 1570  
jail or workhouse, community-based correctional facility, halfway 1571  
house, alternative residential facility, or state correctional 1572  
institution or in any facility for delinquent children for 1573  
committing an act that would be a felony or an offense of violence 1574  
if committed by an adult, and any other information that the 1575  
superintendent may receive from law enforcement officials of the 1576  
state and its political subdivisions. 1577

(4) The superintendent shall carry out Chapter 2950. of the 1578  
Revised Code with respect to the registration of persons who are 1579  
convicted of or plead guilty to a sexually oriented offense or a 1580  
child-victim oriented offense and with respect to all other duties 1581

imposed on the bureau under that chapter. 1582

(5) The bureau shall perform centralized recordkeeping 1583  
functions for criminal history records and services in this state 1584  
for purposes of the national crime prevention and privacy compact 1585  
set forth in section 109.571 of the Revised Code and is the 1586  
criminal history record repository as defined in that section for 1587  
purposes of that compact. The superintendent or the 1588  
superintendent's designee is the compact officer for purposes of 1589  
that compact and shall carry out the responsibilities of the 1590  
compact officer specified in that compact. 1591

(B) The superintendent shall prepare and furnish to every 1592  
county, multicounty, municipal, municipal-county, or 1593  
multicounty-municipal jail or workhouse, community-based 1594  
correctional facility, halfway house, alternative residential 1595  
facility, or state correctional institution and to every clerk of 1596  
a court in this state specified in division (A)(2) of this section 1597  
standard forms for reporting the information required under 1598  
division (A) of this section. The standard forms that the 1599  
superintendent prepares pursuant to this division may be in a 1600  
tangible format, in an electronic format, or in both tangible 1601  
formats and electronic formats. 1602

(C)(1) The superintendent may operate a center for 1603  
electronic, automated, or other data processing for the storage 1604  
and retrieval of information, data, and statistics pertaining to 1605  
criminals and to children under eighteen years of age who are 1606  
adjudicated delinquent children for committing an act that would 1607  
be a felony or an offense of violence if committed by an adult, 1608  
criminal activity, crime prevention, law enforcement, and criminal 1609  
justice, and may establish and operate a statewide communications 1610  
network to be known as the Ohio law enforcement gateway to gather 1611  
and disseminate information, data, and statistics for the use of 1612  
law enforcement agencies and for other uses specified in this 1613

division. The superintendent may gather, store, retrieve, and 1614  
disseminate information, data, and statistics that pertain to 1615  
children who are under eighteen years of age and that are gathered 1616  
pursuant to sections 109.57 to 109.61 of the Revised Code together 1617  
with information, data, and statistics that pertain to adults and 1618  
that are gathered pursuant to those sections. 1619

(2) The superintendent or the superintendent's designee shall 1620  
gather information of the nature described in division (C)(1) of 1621  
this section that pertains to the offense and delinquency history 1622  
of a person who has been convicted of, pleaded guilty to, or been 1623  
adjudicated a delinquent child for committing a sexually oriented 1624  
offense or a child-victim oriented offense for inclusion in the 1625  
state registry of sex offenders and child-victim offenders 1626  
maintained pursuant to division (A)(1) of section 2950.13 of the 1627  
Revised Code and in the internet database operated pursuant to 1628  
division (A)(13) of that section and for possible inclusion in the 1629  
internet database operated pursuant to division (A)(11) of that 1630  
section. 1631

(3) In addition to any other authorized use of information, 1632  
data, and statistics of the nature described in division (C)(1) of 1633  
this section, the superintendent or the superintendent's designee 1634  
may provide and exchange the information, data, and statistics 1635  
pursuant to the national crime prevention and privacy compact as 1636  
described in division (A)(5) of this section. 1637

(4) The attorney general may adopt rules under Chapter 119. 1638  
of the Revised Code establishing guidelines for the operation of 1639  
and participation in the Ohio law enforcement gateway. The rules 1640  
may include criteria for granting and restricting access to 1641  
information gathered and disseminated through the Ohio law 1642  
enforcement gateway. The attorney general shall permit the state 1643  
medical board and board of nursing to access and view, but not 1644  
alter, information gathered and disseminated through the Ohio law 1645

enforcement gateway. 1646

The attorney general may appoint a steering committee to 1647  
advise the attorney general in the operation of the Ohio law 1648  
enforcement gateway that is comprised of persons who are 1649  
representatives of the criminal justice agencies in this state 1650  
that use the Ohio law enforcement gateway and is chaired by the 1651  
superintendent or the superintendent's designee. 1652

(D)(1) The following are not public records under section 1653  
149.43 of the Revised Code: 1654

(a) Information and materials furnished to the superintendent 1655  
pursuant to division (A) of this section; 1656

(b) Information, data, and statistics gathered or 1657  
disseminated through the Ohio law enforcement gateway pursuant to 1658  
division (C)(1) of this section; 1659

(c) Information and materials furnished to any board or 1660  
person under division (F) or (G) of this section. 1661

(2) The superintendent or the superintendent's designee shall 1662  
gather and retain information so furnished under division (A) of 1663  
this section that pertains to the offense and delinquency history 1664  
of a person who has been convicted of, pleaded guilty to, or been 1665  
adjudicated a delinquent child for committing a sexually oriented 1666  
offense or a child-victim oriented offense for the purposes 1667  
described in division (C)(2) of this section. 1668

(E) The attorney general shall adopt rules, in accordance 1669  
with Chapter 119. of the Revised Code, setting forth the procedure 1670  
by which a person may receive or release information gathered by 1671  
the superintendent pursuant to division (A) of this section. A 1672  
reasonable fee may be charged for this service. If a temporary 1673  
employment service submits a request for a determination of 1674  
whether a person the service plans to refer to an employment 1675  
position has been convicted of or pleaded guilty to an offense 1676

listed in division (A)(1), ~~(3), (4), (5), or (6)~~(2) of section 1677  
109.572 of the Revised Code or has been convicted of, pleaded 1678  
guilty to, or been found eligible for intervention in lieu of 1679  
conviction for a disqualifying offense as defined in section 1680  
173.394, 3701.881, or 5111.032 of the Revised Code, the request 1681  
shall be treated as a single request and only one fee shall be 1682  
charged. 1683

(F)(1) As used in division (F)(2) of this section, "head 1684  
start agency" means an entity in this state that has been approved 1685  
to be an agency for purposes of subchapter II of the "Community 1686  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 1687  
as amended. 1688

(2)(a) In addition to or in conjunction with any request that 1689  
is required to be made under section 109.572, 2151.86, 3301.32, 1690  
3301.541, division (C) of section 3310.58, or section 3319.39, 1691  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 1692  
~~5126.28, 5126.281,~~ or 5153.111 of the Revised Code or that is made 1693  
under section 3314.41, 3319.392, 3326.25, or 3328.20 of the 1694  
Revised Code, the board of education of any school district; the 1695  
director of developmental disabilities; any county board of 1696  
developmental disabilities; any ~~entity under contract with a~~ 1697  
~~county board of developmental disabilities provider or~~ 1698  
subcontractor as defined in section 5123.081 of the Revised Code; 1699  
the chief administrator of any chartered nonpublic school; the 1700  
chief administrator of a registered private provider that is not 1701  
also a chartered nonpublic school; the chief administrator of any 1702  
home health agency; the chief administrator of or person operating 1703  
any child day-care center, type A family day-care home, or type B 1704  
family day-care home licensed or certified under Chapter 5104. of 1705  
the Revised Code; the administrator of any type C family day-care 1706  
home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 1707  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 1708

general assembly; the chief administrator of any head start 1709  
agency; the executive director of a public children services 1710  
agency; a private company described in section 3314.41, 3319.392, 1711  
3326.25, or 3328.20 of the Revised Code; or an employer described 1712  
in division (J)(2) of section 3327.10 of the Revised Code may 1713  
request that the superintendent of the bureau investigate and 1714  
determine, with respect to any individual who has applied for 1715  
employment in any position after October 2, 1989, or any 1716  
individual wishing to apply for employment with a board of 1717  
education may request, with regard to the individual, whether the 1718  
bureau has any information gathered under division (A) of this 1719  
section that pertains to that individual. On receipt of the 1720  
request, the superintendent shall determine whether that 1721  
information exists and, upon request of the person, board, or 1722  
entity requesting information, also shall request from the federal 1723  
bureau of investigation any criminal records it has pertaining to 1724  
that individual. The superintendent or the superintendent's 1725  
designee also may request criminal history records from other 1726  
states or the federal government pursuant to the national crime 1727  
prevention and privacy compact set forth in section 109.571 of the 1728  
Revised Code. Within thirty days of the date that the 1729  
superintendent receives a request, the superintendent shall send 1730  
to the board, entity, or person a report of any information that 1731  
the superintendent determines exists, including information 1732  
contained in records that have been sealed under section 2953.32 1733  
of the Revised Code, and, within thirty days of its receipt, shall 1734  
send the board, entity, or person a report of any information 1735  
received from the federal bureau of investigation, other than 1736  
information the dissemination of which is prohibited by federal 1737  
law. 1738

(b) When a board of education or a registered private 1739  
provider is required to receive information under this section as 1740  
a prerequisite to employment of an individual pursuant to division 1741

(C) of section 3310.58 or section 3319.39 of the Revised Code, it 1742  
may accept a certified copy of records that were issued by the 1743  
bureau of criminal identification and investigation and that are 1744  
presented by an individual applying for employment with the 1745  
district in lieu of requesting that information itself. In such a 1746  
case, the board shall accept the certified copy issued by the 1747  
bureau in order to make a photocopy of it for that individual's 1748  
employment application documents and shall return the certified 1749  
copy to the individual. In a case of that nature, a district or 1750  
provider only shall accept a certified copy of records of that 1751  
nature within one year after the date of their issuance by the 1752  
bureau. 1753

(c) Notwithstanding division (F)(2)(a) of this section, in 1754  
the case of a request under section 3319.39, 3319.391, or 3327.10 1755  
of the Revised Code only for criminal records maintained by the 1756  
federal bureau of investigation, the superintendent shall not 1757  
determine whether any information gathered under division (A) of 1758  
this section exists on the person for whom the request is made. 1759

(3) The state board of education may request, with respect to 1760  
any individual who has applied for employment after October 2, 1761  
1989, in any position with the state board or the department of 1762  
education, any information that a school district board of 1763  
education is authorized to request under division (F)(2) of this 1764  
section, and the superintendent of the bureau shall proceed as if 1765  
the request has been received from a school district board of 1766  
education under division (F)(2) of this section. 1767

(4) When the superintendent of the bureau receives a request 1768  
for information under section 3319.291 of the Revised Code, the 1769  
superintendent shall proceed as if the request has been received 1770  
from a school district board of education and shall comply with 1771  
divisions (F)(2)(a) and (c) of this section. 1772

(5) When a recipient of a classroom reading improvement grant 1773



paid under section 3301.86 of the Revised Code requests, with 1774  
respect to any individual who applies to participate in providing 1775  
any program or service funded in whole or in part by the grant, 1776  
the information that a school district board of education is 1777  
authorized to request under division (F)(2)(a) of this section, 1778  
the superintendent of the bureau shall proceed as if the request 1779  
has been received from a school district board of education under 1780  
division (F)(2)(a) of this section. 1781

(G) In addition to or in conjunction with any request that is 1782  
required to be made under section 3701.881, 3712.09, or 3721.121- 1783  
~~5119.693, or 5119.85~~ of the Revised Code with respect to an 1784  
individual who has applied for employment in a position that 1785  
involves providing direct care to an older adult or adult 1786  
resident, the chief administrator of a home health agency, hospice 1787  
care program, home licensed under Chapter 3721. of the Revised 1788  
Code, or adult day-care program operated pursuant to rules adopted 1789  
under section 3721.04 of the Revised Code, ~~adult foster home, or~~ 1790  
~~adult care facility~~ may request that the superintendent of the 1791  
bureau investigate and determine, with respect to any individual 1792  
who has applied after January 27, 1997, for employment in a 1793  
position that does not involve providing direct care to an older 1794  
adult or adult resident, whether the bureau has any information 1795  
gathered under division (A) of this section that pertains to that 1796  
individual. 1797

In addition to or in conjunction with any request that is 1798  
required to be made under section 173.27 of the Revised Code with 1799  
respect to an individual who has applied for employment in a 1800  
position that involves providing ombudsperson services to 1801  
residents of long-term care facilities or recipients of 1802  
community-based long-term care services, the state long-term care 1803  
ombudsperson, ombudsperson's designee, or director of health may 1804  
request that the superintendent investigate and determine, with 1805

respect to any individual who has applied for employment in a 1806  
position that does not involve providing such ombudsperson 1807  
services, whether the bureau has any information gathered under 1808  
division (A) of this section that pertains to that applicant. 1809

In addition to or in conjunction with any request that is 1810  
required to be made under section 173.394 of the Revised Code with 1811  
respect to an individual who has applied for employment in a 1812  
position that involves providing direct care to an individual, the 1813  
chief administrator of a community-based long-term care agency may 1814  
request that the superintendent investigate and determine, with 1815  
respect to any individual who has applied for employment in a 1816  
position that does not involve providing direct care, whether the 1817  
bureau has any information gathered under division (A) of this 1818  
section that pertains to that applicant. 1819

On receipt of a request under this division, the 1820  
superintendent shall determine whether that information exists 1821  
and, on request of the individual requesting information, shall 1822  
also request from the federal bureau of investigation any criminal 1823  
records it has pertaining to the applicant. The superintendent or 1824  
the superintendent's designee also may request criminal history 1825  
records from other states or the federal government pursuant to 1826  
the national crime prevention and privacy compact set forth in 1827  
section 109.571 of the Revised Code. Within thirty days of the 1828  
date a request is received, the superintendent shall send to the 1829  
requester a report of any information determined to exist, 1830  
including information contained in records that have been sealed 1831  
under section 2953.32 of the Revised Code, and, within thirty days 1832  
of its receipt, shall send the requester a report of any 1833  
information received from the federal bureau of investigation, 1834  
other than information the dissemination of which is prohibited by 1835  
federal law. 1836

(H) Information obtained by a government entity or person 1837

under this section is confidential and shall not be released or 1838  
disseminated. 1839

(I) The superintendent may charge a reasonable fee for 1840  
providing information or criminal records under division (F)(2) or 1841  
(G) of this section. 1842

(J) As used in this section: 1843

(1) "Sexually oriented offense" and "child-victim oriented 1844  
offense" have the same meanings as in section 2950.01 of the 1845  
Revised Code. 1846

(2) "Registered private provider" means a nonpublic school or 1847  
entity registered with the superintendent of public instruction 1848  
under section 3310.41 of the Revised Code to participate in the 1849  
autism scholarship program or section 3310.58 of the Revised Code 1850  
to participate in the Jon Peterson special needs scholarship 1851  
program. 1852

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 1853  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 1854  
a completed form prescribed pursuant to division (C)(1) of this 1855  
section, and a set of fingerprint impressions obtained in the 1856  
manner described in division (C)(2) of this section, the 1857  
superintendent of the bureau of criminal identification and 1858  
investigation shall conduct a criminal records check in the manner 1859  
described in division (B) of this section to determine whether any 1860  
information exists that indicates that the person who is the 1861  
subject of the request previously has been convicted of or pleaded 1862  
guilty to any of the following: 1863

(a) A violation of section 2903.01, 2903.02, 2903.03, 1864  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1865  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1866  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1867

2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1868  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1869  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 1870  
2925.06, or 3716.11 of the Revised Code, felonious sexual 1871  
penetration in violation of former section 2907.12 of the Revised 1872  
Code, a violation of section 2905.04 of the Revised Code as it 1873  
existed prior to July 1, 1996, a violation of section 2919.23 of 1874  
the Revised Code that would have been a violation of section 1875  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1876  
had the violation been committed prior to that date, or a 1877  
violation of section 2925.11 of the Revised Code that is not a 1878  
minor drug possession offense; 1879

(b) A violation of an existing or former law of this state, 1880  
any other state, or the United States that is substantially 1881  
equivalent to any of the offenses listed in division (A)(1)(a) of 1882  
this section. 1883

~~(2) On receipt of a request pursuant to section 5123.081 of 1884  
the Revised Code with respect to an applicant for employment in 1885  
any position with the department of developmental disabilities, 1886  
pursuant to section 5126.28 of the Revised Code with respect to an 1887  
applicant for employment in any position with a county board of 1888  
developmental disabilities, or pursuant to section 5126.281 of the 1889  
Revised Code with respect to an applicant for employment in a 1890  
direct services position with an entity contracting with a county 1891  
board for employment, a completed form prescribed pursuant to 1892  
division (C)(1) of this section, and a set of fingerprint 1893  
impressions obtained in the manner described in division (C)(2) of 1894  
this section, the superintendent of the bureau of criminal 1895  
identification and investigation shall conduct a criminal records 1896  
check. The superintendent shall conduct the criminal records check 1897  
in the manner described in division (B) of this section to 1898  
determine whether any information exists that indicates that the 1899~~

~~person who is the subject of the request has been convicted of or  
pleaded guilty to any of the following:~~ 1900  
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~~(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,  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03,  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12,  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321,  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12,  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02,  
2925.03, or 3716.11 of the Revised Code;~~ 1902  
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~~(b) 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 (A)(2)(a) of  
this section.~~ 1910  
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~~(3) On receipt of a request pursuant to section 173.27,  
173.394, 3712.09, or 3721.121, 5119.693, or 5119.85 of the Revised  
Code, a completed form prescribed pursuant to division (C)(1) of  
this section, and a set of fingerprint impressions obtained in the  
manner described in division (C)(2) of this section, the  
superintendent of the bureau of criminal identification and  
investigation shall conduct a criminal records check with respect  
to any person who has applied for employment in a position for  
which a criminal records check is required by those sections. The  
superintendent shall conduct the criminal records check in the  
manner described in division (B) of this section to determine  
whether any information exists that indicates that the person who  
is the subject of the request previously has been convicted of or  
pleaded guilty to any of the following:~~ 1914  
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~~(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,~~ 1928  
1929  
1930  
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2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 1932  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 1933  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 1934  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 1935  
2925.22, 2925.23, or 3716.11 of the Revised Code; 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)~~(3)~~(2)(a) of this section. 1939

~~(4) On receipt of a request pursuant to section 3701.881 of 1940  
the Revised Code with respect to an applicant for employment with 1941  
a home health agency as a person responsible for the care, 1942  
custody, or control of a child, a completed form prescribed 1943  
pursuant to division (C)(1) of this section, and a set of 1944  
fingerprint impressions obtained in the manner described in 1945  
division (C)(2) of this section, the superintendent of the bureau 1946  
of criminal identification and investigation shall conduct a 1947  
criminal records check. The superintendent shall conduct the 1948  
criminal records check in the manner described in division (B) of 1949  
this section to determine whether any information exists that 1950  
indicates that the person who is the subject of the request 1951  
previously has been convicted of or pleaded guilty to any of the 1952  
following: 1953~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 1954  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1955  
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 1956  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 1957  
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 1958  
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 1959  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 1960  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 1961  
violation of section 2925.11 of the Revised Code that is not a 1962  
minor drug possession offense; 1963~~

~~(b) An existing or former law of this state, any other state, 1964  
or the United States that is substantially equivalent to any of 1965  
the offenses listed in division (A)(4)(a) of this section. 1966~~

~~(5)(3) On receipt of a request pursuant to section 173.27, 1967  
173.394, 3701.881, 5111.032, 5111.033, or 5111.034, 5123.081, or 1968  
5123.169 of the Revised Code, a completed form prescribed pursuant 1969  
to division (C)(1) of this section, and a set of fingerprint 1970  
impressions obtained in the manner described in division (C)(2) of 1971  
this section, the superintendent of the bureau of criminal 1972  
identification and investigation shall conduct a criminal records 1973  
check of the person for whom the request is made. The 1974  
superintendent shall conduct the criminal records check in the 1975  
manner described in division (B) of this section to determine 1976  
whether any information exists that indicates that the person who 1977  
is the subject of the request previously has been convicted of, 1978  
has pleaded guilty to, or has been found eligible for intervention 1979  
in lieu of conviction for ~~any of the following, regardless of the~~ 1980  
~~date of the conviction, the date of entry of the guilty plea, or~~ 1981  
~~the date the person was found eligible for intervention in lieu of~~ 1982  
~~conviction.~~ 1983~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 1984  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1985  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1986  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 1987  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 1988  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1989  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 1990  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 1991  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 1992  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1993  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 1994  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 1995~~

~~2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 1996  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 1997  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 1998  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 1999  
penetration in violation of former section 2907.12 of the Revised 2000  
Code, a violation of section 2905.04 of the Revised Code as it 2001  
existed prior to July 1, 1996, a violation of section 2919.23 of 2002  
the Revised Code that would have been a violation of section 2003  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2004  
had the violation been committed prior to that date; 2005~~

~~(b) A violation of an existing or former municipal ordinance 2006  
or law of this state, any other state, or the United States that 2007  
is substantially equivalent to any of the offenses listed in 2008  
division (A)(5)(a) of this section a disqualifying offense as 2009  
defined in the section of the Revised Code under which the request 2010  
is made. 2011~~

~~(6) On receipt of a request pursuant to section 3701.881 of 2012  
the Revised Code with respect to an applicant for employment with 2013  
a home health agency in a position that involves providing direct 2014  
care to an older adult, a completed form prescribed pursuant to 2015  
division (C)(1) of this section, and a set of fingerprint 2016  
impressions obtained in the manner described in division (C)(2) of 2017  
this section, the superintendent of the bureau of criminal 2018  
identification and investigation shall conduct a criminal records 2019  
check. The superintendent shall conduct the criminal records check 2020  
in the manner described in division (B) of this section to 2021  
determine whether any information exists that indicates that the 2022  
person who is the subject of the request previously has been 2023  
convicted of or pleaded guilty to any of the following: 2024~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 2025  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2026  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2027~~



~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2028  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2029  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2030  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2031  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2032  
2925.22, 2925.23, or 3716.11 of the Revised Code;~~ 2033

~~(b) An existing or former law of this state, any other state, 2034  
or the United States that is substantially equivalent to any of 2035  
the offenses listed in division (A)(6)(a) of this section. 2036~~

~~(7)(4) When conducting a criminal records check upon a 2037  
request pursuant to section 3319.39 of the Revised Code for an 2038  
applicant who is a teacher, in addition to the determination made 2039  
under division (A)(1) of this section, the superintendent shall 2040  
determine whether any information exists that indicates that the 2041  
person who is the subject of the request previously has been 2042  
convicted of or pleaded guilty to any offense specified in section 2043  
3319.31 of the Revised Code. 2044~~

~~(8)(5) On receipt of a request pursuant to section 2151.86 of 2045  
the Revised Code, a completed form prescribed pursuant to division 2046  
(C)(1) of this section, and a set of fingerprint impressions 2047  
obtained in the manner described in division (C)(2) of this 2048  
section, the superintendent of the bureau of criminal 2049  
identification and investigation shall conduct a criminal records 2050  
check in the manner described in division (B) of this section to 2051  
determine whether any information exists that indicates that the 2052  
person who is the subject of the request previously has been 2053  
convicted of or pleaded guilty to any of the following: 2054~~

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2055  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2056  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2057  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2058  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2059~~

2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2060  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2061  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2062  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2063  
of the Revised Code, a violation of section 2905.04 of the Revised 2064  
Code as it existed prior to July 1, 1996, a violation of section 2065  
2919.23 of the Revised Code that would have been a violation of 2066  
section 2905.04 of the Revised Code as it existed prior to July 1, 2067  
1996, had the violation been committed prior to that date, a 2068  
violation of section 2925.11 of the Revised Code that is not a 2069  
minor drug possession offense, two or more OVI or OVUAC violations 2070  
committed within the three years immediately preceding the 2071  
submission of the application or petition that is the basis of the 2072  
request, or felonious sexual penetration in violation of former 2073  
section 2907.12 of the Revised Code; 2074

(b) A violation of an existing or former law of this state, 2075  
any other state, or the United States that is substantially 2076  
equivalent to any of the offenses listed in division (A)~~(8)~~(5)(a) 2077  
of this section. 2078

~~(9)~~(6) Upon receipt of a request pursuant to section 5104.012 2079  
or 5104.013 of the Revised Code, a completed form prescribed 2080  
pursuant to division (C)(1) of this section, and a set of 2081  
fingerprint impressions obtained in the manner described in 2082  
division (C)(2) of this section, the superintendent of the bureau 2083  
of criminal identification and investigation shall conduct a 2084  
criminal records check in the manner described in division (B) of 2085  
this section to determine whether any information exists that 2086  
indicates that the person who is the subject of the request has 2087  
been convicted of or pleaded guilty to any of the following: 2088

(a) A violation of section 2903.01, 2903.02, 2903.03, 2089  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 2090  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2091

2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2092  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2093  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 2094  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 2095  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2096  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 2097  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 2098  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 2099  
3716.11 of the Revised Code, felonious sexual penetration in 2100  
violation of former section 2907.12 of the Revised Code, a 2101  
violation of section 2905.04 of the Revised Code as it existed 2102  
prior to July 1, 1996, a violation of section 2919.23 of the 2103  
Revised Code that would have been a violation of section 2905.04 2104  
of the Revised Code as it existed prior to July 1, 1996, had the 2105  
violation been committed prior to that date, a violation of 2106  
section 2925.11 of the Revised Code that is not a minor drug 2107  
possession offense, a violation of section 2923.02 or 2923.03 of 2108  
the Revised Code that relates to a crime specified in this 2109  
division, or a second violation of section 4511.19 of the Revised 2110  
Code within five years of the date of application for licensure or 2111  
certification. 2112

(b) A violation of an existing or former law of this state, 2113  
any other state, or the United States that is substantially 2114  
equivalent to any of the offenses or violations described in 2115  
division (A)~~(9)~~(6)(a) of this section. 2116

~~(10)~~(7) Upon receipt of a request pursuant to section 2117  
5153.111 of the Revised Code, a completed form prescribed pursuant 2118  
to division (C)(1) of this section, and a set of fingerprint 2119  
impressions obtained in the manner described in division (C)(2) of 2120  
this section, the superintendent of the bureau of criminal 2121  
identification and investigation shall conduct a criminal records 2122  
check in the manner described in division (B) of this section to 2123

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

(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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 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, or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

(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 (A)~~(10)~~(7)(a) of this section.

~~(11)~~(8) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists indicating

that the person who is the subject of the request has been 2156  
convicted of or pleaded guilty to a felony in this state or in any 2157  
other state. If the individual indicates that a firearm will be 2158  
carried in the course of business, the superintendent shall 2159  
require information from the federal bureau of investigation as 2160  
described in division (B)(2) of this section. The superintendent 2161  
shall report the findings of the criminal records check and any 2162  
information the federal bureau of investigation provides to the 2163  
director of public safety. 2164

~~(12)~~(9) On receipt of a request pursuant to section 1321.37, 2165  
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2166  
Code, a completed form prescribed pursuant to division (C)(1) of 2167  
this section, and a set of fingerprint impressions obtained in the 2168  
manner described in division (C)(2) of this section, the 2169  
superintendent of the bureau of criminal identification and 2170  
investigation shall conduct a criminal records check with respect 2171  
to any person who has applied for a license, permit, or 2172  
certification from the department of commerce or a division in the 2173  
department. The superintendent shall conduct the criminal records 2174  
check in the manner described in division (B) of this section to 2175  
determine whether any information exists that indicates that the 2176  
person who is the subject of the request previously has been 2177  
convicted of or pleaded guilty to any of the following: a 2178  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2179  
2925.03 of the Revised Code; any other criminal offense involving 2180  
theft, receiving stolen property, embezzlement, forgery, fraud, 2181  
passing bad checks, money laundering, or drug trafficking, or any 2182  
criminal offense involving money or securities, as set forth in 2183  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2184  
the Revised Code; or any existing or former law of this state, any 2185  
other state, or the United States that is substantially equivalent 2186  
to those offenses. 2187

~~(13)~~(10) On receipt of a request for a criminal records check 2188  
from the treasurer of state under section 113.041 of the Revised 2189  
Code or from an individual under section 4701.08, 4715.101, 2190  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 2191  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 2192  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 2193  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 2194  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 2195  
a completed form prescribed under division (C)(1) of this section 2196  
and a set of fingerprint impressions obtained in the manner 2197  
described in division (C)(2) of this section, the superintendent 2198  
of the bureau of criminal identification and investigation shall 2199  
conduct a criminal records check in the manner described in 2200  
division (B) of this section to determine whether any information 2201  
exists that indicates that the person who is the subject of the 2202  
request has been convicted of or pleaded guilty to any criminal 2203  
offense in this state or any other state. The superintendent shall 2204  
send the results of a check requested under section 113.041 of the 2205  
Revised Code to the treasurer of state and shall send the results 2206  
of a check requested under any of the other listed sections to the 2207  
licensing board specified by the individual in the request. 2208

~~(14)~~(11) On receipt of a request pursuant to section 1121.23, 2209  
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2210  
Code, a completed form prescribed pursuant to division (C)(1) of 2211  
this section, and a set of fingerprint impressions obtained in the 2212  
manner described in division (C)(2) of this section, the 2213  
superintendent of the bureau of criminal identification and 2214  
investigation shall conduct a criminal records check in the manner 2215  
described in division (B) of this section to determine whether any 2216  
information exists that indicates that the person who is the 2217  
subject of the request previously has been convicted of or pleaded 2218  
guilty to any criminal offense under any existing or former law of 2219  
this state, any other state, or the United States. 2220

~~(15)~~(12) On receipt of a request for a criminal records check 2221  
from an appointing or licensing authority under section 3772.07 of 2222  
the Revised Code, a completed form prescribed under division 2223  
(C)(1) of this section, and a set of fingerprint impressions 2224  
obtained in the manner prescribed in division (C)(2) of this 2225  
section, the superintendent of the bureau of criminal 2226  
identification and investigation shall conduct a criminal records 2227  
check in the manner described in division (B) of this section to 2228  
determine whether any information exists that indicates that the 2229  
person who is the subject of the request previously has been 2230  
convicted of or pleaded guilty or no contest to any offense under 2231  
any existing or former law of this state, any other state, or the 2232  
United States that is a disqualifying offense as defined in 2233  
section 3772.07 of the Revised Code or substantially equivalent to 2234  
such an offense. 2235

~~(16)~~(13) Not later than thirty days after the date the 2236  
superintendent receives a request of a type described in division 2237  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), ~~(10)~~, (11), (12), 2238  
~~(14)~~, or ~~(15)~~(13) of this section, the completed form, and the 2239  
fingerprint impressions, the superintendent shall send the results 2240  
of the criminal records check to the person, board, or entity that 2241  
made the request any information, other than. The superintendent 2242  
shall exclude from the results any information the dissemination 2243  
of which is prohibited by federal law, ~~the superintendent~~ 2244  
~~determines exists with respect to the person who is the subject of~~ 2245  
~~the request that indicates that the person previously has been~~ 2246  
~~convicted of or pleaded guilty to any offense listed or described~~ 2247  
~~in division (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10),~~ 2248  
~~(11), (12), (14), or (15) of this section, as appropriate. The~~ 2249  
superintendent shall send the person, board, or entity that made 2250  
the request a copy of the list of offenses ~~specified in division~~ 2251  
~~(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12),~~ 2252  
~~(14), or (15) of this section, as appropriate for which the~~ 2253

~~criminal records check was conducted. If the request was made~~ 2254  
~~under section 3701.881 of the Revised Code with regard to an~~ 2255  
~~applicant who may be both responsible for the care, custody, or~~ 2256  
~~control of a child and involved in providing direct care to an~~ 2257  
~~elder adult, the superintendent shall provide a list of the~~ 2258  
~~offenses specified in divisions (A)(4) and (6) of this section.~~ 2259

Not later than thirty days after the superintendent receives 2260  
a request for a criminal records check pursuant to section 113.041 2261  
of the Revised Code, the completed form, and the fingerprint 2262  
impressions, the superintendent shall send the treasurer of state 2263  
any information, other than information the dissemination of which 2264  
is prohibited by federal law, the superintendent determines exist 2265  
with respect to the person who is the subject of the request that 2266  
indicates that the person previously has been convicted of or 2267  
pleaded guilty to any criminal offense in this state or any other 2268  
state. 2269

(B) The superintendent shall conduct any criminal records 2270  
check ~~requested under section 113.041, 121.08, 173.27, 173.394,~~ 2271  
~~1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03,~~ 2272  
~~1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39,~~ 2273  
~~3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061,~~ 2274  
~~4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28,~~ 2275  
~~4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296,~~ 2276  
~~4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06,~~ 2277  
~~4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051,~~ 2278  
~~4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013,~~ 2279  
~~5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081,~~ 2280  
~~5126.28, 5126.281, or 5153.111 of the Revised Code to be conducted~~ 2281  
~~under this section~~ as follows: 2282

(1) The superintendent shall review or cause to be reviewed 2283  
any relevant information gathered and compiled by the bureau under 2284  
division (A) of section 109.57 of the Revised Code that relates to 2285



the person who is the subject of the ~~request~~ criminal records 2286  
check, including, if the criminal records check was requested 2287  
under section 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 2288  
1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 2289  
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 2290  
3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 2291  
5104.013, 5111.032, 5111.033, 5111.034, ~~5119.693, 5119.85,~~ 2292  
5123.081, ~~5126.28, 5126.281,~~ 5123.169, or 5153.111 of the Revised 2293  
Code, any relevant information contained in records that have been 2294  
sealed under section 2953.32 of the Revised Code; 2295

(2) If the request received by the superintendent asks for 2296  
information from the federal bureau of investigation, the 2297  
superintendent shall request from the federal bureau of 2298  
investigation any information it has with respect to the person 2299  
who is the subject of the ~~request~~ criminal records check, 2300  
including fingerprint-based checks of national crime information 2301  
databases as described in 42 U.S.C. 671 if the request is made 2302  
pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised 2303  
Code or if any other Revised Code section requires 2304  
fingerprint-based checks of that nature, and shall review or cause 2305  
to be reviewed any information the superintendent receives from 2306  
that bureau. If a request under section 3319.39 of the Revised 2307  
Code asks only for information from the federal bureau of 2308  
investigation, the superintendent shall not conduct the review 2309  
prescribed by division (B)(1) of this section. 2310

(3) The superintendent or the superintendent's designee may 2311  
request criminal history records from other states or the federal 2312  
government pursuant to the national crime prevention and privacy 2313  
compact set forth in section 109.571 of the Revised Code. 2314

(C)(1) The superintendent shall prescribe a form to obtain 2315  
the information necessary to conduct a criminal records check from 2316  
any person for whom a criminal records check is ~~requested under~~ 2317

~~section 113.041 of the Revised Code or required by section 121.08,~~ 2318  
~~173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53,~~ 2319  
~~1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32,~~ 2320  
~~3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08,~~ 2321  
~~4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101,~~ 2322  
~~4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 2323  
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 2324  
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 2325  
~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 2326  
~~5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85,~~ 2327  
~~5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be~~ 2328  
conducted under this section. The form that the superintendent 2329  
prescribes pursuant to this division may be in a tangible format, 2330  
in an electronic format, or in both tangible and electronic 2331  
formats. 2332

(2) The superintendent shall prescribe standard impression 2333  
sheets to obtain the fingerprint impressions of any person for 2334  
whom a criminal records check is ~~requested under section 113.041~~ 2335  
~~of the Revised Code or required by section 121.08, 173.27,~~ 2336  
~~173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531,~~ 2337  
~~1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541,~~ 2338  
~~3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101,~~ 2339  
~~4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14,~~ 2340  
~~4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281,~~ 2341  
~~4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10,~~ 2342  
~~4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06,~~ 2343  
~~4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012,~~ 2344  
~~5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85,~~ 2345  
~~5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code to be~~ 2346  
conducted under this section. Any person for whom a records check 2347  
is ~~requested under or required by any of those sections to be~~ 2348  
conducted under this section shall obtain the fingerprint 2349  
impressions at a county sheriff's office, municipal police 2350

department, or any other entity with the ability to make 2351  
fingerprint impressions on the standard impression sheets 2352  
prescribed by the superintendent. The office, department, or 2353  
entity may charge the person a reasonable fee for making the 2354  
impressions. The standard impression sheets the superintendent 2355  
prescribes pursuant to this division may be in a tangible format, 2356  
in an electronic format, or in both tangible and electronic 2357  
formats. 2358

(3) Subject to division (D) of this section, the 2359  
superintendent shall prescribe and charge a reasonable fee for 2360  
providing a criminal records check ~~requested under section~~ 2361  
~~113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05,~~ 2362  
~~1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26,~~ 2363  
~~2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,~~ 2364  
~~3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501,~~ 2365  
~~4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171,~~ 2366  
~~4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202,~~ 2367  
~~4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061,~~ 2368  
~~4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091,~~ 2369  
~~5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693,~~ 2370  
~~5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised~~ 2371  
~~Code under this section.~~ The person ~~making a~~ requesting the 2372  
criminal records ~~request under any of those sections~~ check shall 2373  
pay the fee prescribed pursuant to this division. ~~A person making~~ 2374  
~~a request under section 3701.881 of the Revised Code for a~~ 2375  
~~criminal records check for an applicant who may be both~~ 2376  
~~responsible for the care, custody, or control of a child and~~ 2377  
~~involved in providing direct care to an older adult shall pay one~~ 2378  
~~fee for the request.~~ In the case of a request under section 2379  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 2380  
of the Revised Code, the fee shall be paid in the manner specified 2381  
in that section. 2382

(4) The superintendent of the bureau of criminal 2383  
identification and investigation may prescribe methods of 2384  
forwarding fingerprint impressions and information necessary to 2385  
conduct a criminal records check, which methods shall include, but 2386  
not be limited to, an electronic method. 2387

(D) ~~A determination whether any information exists that 2388  
indicates that a person previously has been convicted of or 2389  
pleaded guilty to any offense listed or described in division 2390  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 2391  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 2392  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 2393  
of this section, or that indicates that a person previously has 2394  
been convicted of or pleaded guilty to any criminal offense in 2395  
this state or any other state regarding a criminal records check 2396  
of a type described in division (A)(13) of this section, and that 2397  
is made by the superintendent with respect to information 2398  
considered in The results of a criminal records check ~~in 2399  
accordance with~~ conducted under this section ~~is, other than a 2400  
criminal records check specified in division (A)(8) of this 2401  
section, are valid for the person who is the subject of the 2402  
criminal records check for a period of one year from the date upon 2403  
which the superintendent ~~makes the determination~~ completes the 2404  
criminal records check. During the If during that period in which 2405  
the determination in regard to a person is valid, if the 2406  
superintendent receives another request ~~under this section is made 2407  
for a criminal records check~~ to be conducted under this section 2408  
for that person, the superintendent shall provide the information 2409  
that is the basis for the superintendent's initial determination 2410  
results from the previous criminal records check of the person at 2411  
a lower fee than the fee prescribed for the initial criminal 2412  
records check. 2413~~~~

(E) When the superintendent receives a request for 2414

information from a registered private provider, the superintendent 2415  
shall proceed as if the request was received from a school 2416  
district board of education under section 3319.39 of the Revised 2417  
Code. The superintendent shall apply division (A)~~(7)~~(4) of this 2418  
section to any such request for an applicant who is a teacher. 2419

(F) As used in this section: 2420

(1) "Criminal records check" means any criminal records check 2421  
conducted by the superintendent of the bureau of criminal 2422  
identification and investigation in accordance with division (B) 2423  
of this section. 2424

(2) "Minor drug possession offense" has the same meaning as 2425  
in section 2925.01 of the Revised Code. 2426

~~(3) "Older adult" means a person age sixty or older.~~ 2427

~~(4)~~ "OVI or OVUAC violation" means a violation of section 2428  
4511.19 of the Revised Code or a violation of an existing or 2429  
former law of this state, any other state, or the United States 2430  
that is substantially equivalent to section 4511.19 of the Revised 2431  
Code. 2432

~~(5)~~(4) "Registered private provider" means a nonpublic school 2433  
or entity registered with the superintendent of public instruction 2434  
under section 3310.41 of the Revised Code to participate in the 2435  
autism scholarship program or section 3310.58 of the Revised Code 2436  
to participate in the Jon Peterson special needs scholarship 2437  
program. 2438

**Sec. 109.801.** (A)(1) Each year, any of the following persons 2439  
who are authorized to carry firearms in the course of their 2440  
official duties shall complete successfully a firearms 2441  
requalification program approved by the executive director of the 2442  
Ohio peace officer training commission in accordance with rules 2443  
adopted by the attorney general pursuant to section 109.743 of the 2444

Revised Code: any peace officer, sheriff, chief of police of an organized police department of a municipal corporation or township, chief of police of a township police district or joint police district police force, superintendent of the state highway patrol, state highway patrol trooper, or chief of police of a university or college police department; any parole or probation officer who carries a firearm in the course of official duties; the house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code; any assistant house of representatives sergeant at arms; the senate sergeant at arms; any assistant senate sergeant at arms; or any employee of the department of youth services who is designated pursuant to division (A)(2) of section 5139.53 of the Revised Code as being authorized to carry a firearm while on duty as described in that division.

(2) No person listed in division (A)(1) of this section shall carry a firearm during the course of official duties if the person does not comply with division (A)(1) of this section.

(B) The hours that a sheriff spends attending a firearms requalification program required by division (A) of this section are in addition to the sixteen hours of continuing education that are required by division (E) of section 311.01 of the Revised Code.

(C) As used in this section, "firearm" has the same meaning as in section 2923.11 of the Revised Code.

**Sec. 119.032.** (A) As used in this section and in section 119.033 of the Revised Code:

(1) "Agency" includes both an agency as defined in division (A)(2) of section 111.15 and an agency as defined in division (A) of section 119.01 of the Revised Code.

(2) "Review date" means the review date assigned to a rule by an agency ~~under division (B) or (E)(2) of this section or under section 111.15, 119.04, or 4141.14 of the Revised Code or a review date or an extended review date~~ assigned to a rule by the joint committee on agency rule review ~~under division (B) of this section.~~

(3)(a) "Rule" means only a rule whose adoption, amendment, or rescission is subject to review under division (D) of section 111.15 or division (H) of section 119.03 of the Revised Code.

(b) "Rule" does not include ~~a rule adopted, amended, or rescinded by the department of taxation under section 5703.14 of the Revised Code,~~ a rule of a state college or university, community college district, technical college district, or state community college, or a rule that is consistent with and equivalent to the form required by a federal law and that does not exceed the minimum scope and intent of that federal law.

~~(B) Not later than March 25, 1997, each agency shall assign a review date to each of its rules that is currently in effect and shall notify the joint committee on agency rule review of the review date for each such rule. The agency shall assign review dates to its rules so that approximately one fifth of the rules are scheduled for review during each calendar year of the five year period that begins March 25, 1997, except that an agency, with the joint committee's approval, may set a review schedule for the agency's rules in which there is no requirement that approximately one fifth of the agency's rules be assigned a review date during each calendar year of the five year period but in which all of the agency's rules are assigned a review date during that five year period. An agency may change the review dates it has assigned to specific rules so long as the agency complies with the five-year time deadline specified in this division.~~

Upon the request of the agency that adopted the rule, the joint committee on agency rule review may extend a review date of a rule to a date that is not later than one hundred eighty days after the ~~original~~ review date assigned to the rule by the agency ~~under this division, division (E)(2) of this section, or section 111.15, 119.04, or 4141.14 of the Revised Code.~~ The joint committee may further extend a review date that has been extended under this paragraph if appropriate under the circumstances.

(C) Prior to the review date of a rule, the agency that adopted the rule shall review the rule to determine all of the following:

(1) Whether the rule should be continued without amendment, be amended, or be rescinded, taking into consideration the purpose, scope, and intent of the statute under which the rule was adopted;

(2) Whether the rule needs amendment or rescission to give more flexibility at the local level;

(3) Whether the rule needs amendment or rescission to eliminate unnecessary paperwork, or whether the rule incorporates a text or other material by reference and, if so, whether the text or other material incorporated by reference is deposited or displayed as required by section 121.74 of the Revised Code and whether the incorporation by reference meets the standards stated in sections 121.72, 121.75, and 121.76 of the Revised Code;

(4) Whether the rule duplicates, overlaps with, or conflicts with other rules;

(5) Whether the rule has an adverse impact on businesses, reviewing the rule as if it were a draft rule being reviewed under sections 107.52 and 107.53 of the Revised Code, and whether any such adverse impact has been eliminated or reduced.

~~(D) In making the its review required under division (C) of~~



~~this section, the agency shall consider the continued need for the rule, the nature of any complaints or comments received concerning the rule, and any relevant factors that have changed in the subject matter area affected by the rule.~~

~~(E)(1) On or before the designated review date of a rule, the agency that adopted the rule shall proceed under division (E)(2) or (5) of this section to indicate that the agency has reviewed the rule.~~

~~(2) If the agency has determined that the rule does not need to be amended or rescinded, the agency shall file all the following, in electronic form, with the joint committee on agency rule review, the secretary of state, and the director of the legislative service commission: a copy of the rule, a statement of the agency's determination, and an accurate rule summary and fiscal analysis for the rule as described in section 127.18 of the Revised Code. The agency shall assign a new review date to the rule, which shall not be later than five years after the rule's immediately preceding review date. After the joint committee has reviewed such a rule for the first time, including any rule that was in effect on September 26, 1996, the agency in its subsequent reviews of the rule may provide the same fiscal analysis it provided to the joint committee during its immediately preceding review of the rule unless any of the conditions described in division (B)(4), (5), (6), (8), (9), or (10) of section 127.18 of the Revised Code, as they relate to the rule, have appreciably changed since the joint committee's immediately preceding review of the rule. If any of these conditions, as they relate to the rule, have appreciably changed, the agency shall provide the joint committee with an updated fiscal analysis for the rule. If no review date is assigned to a rule, or if a review date assigned to a rule exceeds the five-year maximum, the review date for the rule is five years after its immediately preceding review date. The~~

~~joint committee shall give public notice in the register of Ohio 2571  
of the agency's determination after receiving a notice from the 2572  
agency under division (E)(2) of this section. The joint committee 2573  
shall transmit a copy of the notice in electronic form to the 2574  
director of the legislative service commission. The director shall 2575  
publish the notice in the register of Ohio for four consecutive 2576  
weeks after its receipt. 2577~~

~~(3) During the ninety day period following the date the joint 2578  
committee receives a notice under division (E)(2) of this section 2579  
but after the four week period described in division (E)(2) of 2580  
this section has ended, the joint committee, by a two thirds vote 2581  
of the members present, may recommend the adoption of a concurrent 2582  
resolution invalidating the rule if the joint committee determines 2583  
that any of the following apply: 2584~~

~~(a) The agency improperly applied the criteria described in 2585  
divisions (C) and (D) of this section in reviewing the rule and in 2586  
recommending its continuance without amendment or rescission. 2587~~

~~(b) The agency failed to file proper notice with the joint 2588  
committee regarding the rule, or if the rule incorporates a text 2589  
or other material by reference, the agency failed to file, or to 2590  
deposit or display, the text or other material incorporated by 2591  
reference as required by section 121.73 or 121.74 of the Revised 2592  
Code or the incorporation by reference fails to meet the standards 2593  
stated in section 121.72, 121.75, or 121.76 of the Revised Code. 2594~~

~~(c) The rule has an adverse impact on businesses, as 2595  
determined under section 107.52 of the Revised Code, and the 2596  
agency has not eliminated or reduced that impact as required under 2597  
section 121.82 of the Revised Code. 2598~~

~~(4) If the joint committee does not take the action described 2599  
in division (E)(3) of this section regarding a rule during the 2600  
ninety day period after the date the joint committee receives a 2601~~

~~notice under division (E)(2) of this section regarding that rule, 2602  
the rule shall continue in effect without amendment and shall be 2603  
next reviewed by the joint committee by the date designated by the 2604  
agency in the notice provided to the joint committee under 2605  
division (E)(2) of this section. 2606~~

~~(5) If the agency has determined that a rule reviewed under 2607  
division (C) of this section needs to be amended or rescinded, the 2608  
agency, on or before the rule's review date, shall file the rule 2609  
as amended or rescinded in accordance with section 111.15, 119.03, 2610  
or 4141.14 of the Revised Code, as applicable. 2611~~

~~(6)(D) Prior to the review date of a rule, the agency that 2612  
adopted the rule shall determine, on the basis of its review of 2613  
the rule, whether the rule needs to be amended or rescinded. 2614~~

~~(1) If the rule needs to be amended or rescinded, the agency, 2615  
on or before the review date of the rule, shall commence the 2616  
process of amending or rescinding the rule in accordance with its 2617  
review of the rule. 2618~~

~~(2) If the rule does not need to be amended or rescinded, 2619  
proceedings shall be had under section 119.033 of the Revised 2620  
Code. 2621~~

~~(E) Each agency shall provide the joint committee with a copy 2622  
of the rules that it has determined are rules described in 2623  
division (A)(3)(b) of this section. At a time the joint committee 2624  
designates, each agency shall appear before the joint committee 2625  
and explain why it has determined that such rules are rules 2626  
described in division (A)(3)(b) of this section. The joint 2627  
committee, by a two-thirds vote of the members present, may 2628  
determine that any of such rules are rules described in division 2629  
(A)(3)(a) of this section. After the joint committee has made such 2630  
a determination relating to a rule, the agency shall thereafter 2631  
treat the rule as a rule described in division (A)(3)(a) of this 2632~~

section. 2633

(F) If an agency fails to ~~provide the notice to the joint~~ 2634  
~~committee required under division (E)(2) of this section regarding~~ 2635  
~~a rule or otherwise fails by the rule's review date to take any~~ 2636  
~~action regarding the rule required by~~ comply with this section or 2637  
section 119.033 of the Revised Code, the joint committee, by a 2638  
majority vote of the members present, may recommend the adoption 2639  
of a concurrent resolution invalidating the rule. The joint 2640  
committee shall not recommend the adoption of such a resolution 2641  
until it has afforded the agency the opportunity to appear before 2642  
the joint committee to show cause why the joint committee should 2643  
not recommend the adoption of such a resolution regarding that 2644  
rule. 2645

(G) If the joint committee recommends adoption of a 2646  
concurrent resolution invalidating a rule under ~~division (E)(3) or~~ 2647  
~~(F) of this section or section 119.033 of the Revised Code~~, the 2648  
adoption of the concurrent resolution shall be in the manner 2649  
described in division (I) of section 119.03 of the Revised Code. 2650

**Sec. 119.033.** If an agency, on the basis of its review of a 2651  
rule under section 119.032 of the Revised Code, determines that 2652  
the rule does not need to be amended or rescinded, proceedings 2653  
shall be had as follows: 2654

(A)(1) If, considering only the standard of review specified 2655  
in division (C)(5) of section 119.032 of the Revised Code, the 2656  
rule has an adverse impact on businesses that has not been 2657  
eliminated or reduced, the agency shall prepare a business impact 2658  
analysis that describes its review of the rule under that division 2659  
and that explains why the rule is not being amended or rescinded 2660  
to reduce or eliminate its adverse impact on businesses. If the 2661  
rule does not have an adverse impact on businesses, the agency may 2662  
proceed under division (B) of this section. 2663

(2) The agency shall transmit a copy of the full text of the rule and the business impact analysis electronically to the common sense initiative office. The office shall make the rule and analysis available to the public on its web site under section 107.62 of the Revised Code. 2664  
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(3) The agency shall consider any recommendations made by the office. 2669  
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(4) Not earlier than the sixteenth business day after transmitting the rule and analysis to the office, the agency shall either (a) proceed under division (B) of this section or (b) commence, under division (D)(1) of section 119.032 of the Revised Code, the process of rescinding the rule or of amending the rule to incorporate into the rule features the recommendations suggest will eliminate or reduce the adverse impact the rule has on businesses. If the agency determines to amend or rescind the rule, the agency is not subject to the time limit specified in division (D)(1) of section 119.032 of the Revised Code. 2671  
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(5) If the agency receives recommendations from the office, and determines not to amend or rescind the rule, the agency shall prepare a memorandum of response that explains why the rule is not being rescinded or why the recommendations are not being incorporated into the rule. 2681  
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(B) The agency shall assign a new review date to the rule. The review date assigned shall be not later than five years after the immediately preceding review date pertaining to the rule. If the agency assigns a review date that exceeds the five-year maximum, the review date is five years after the immediately preceding review date. 2686  
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(C)(1) The agency shall file all the following, in electronic form, with the joint committee on agency rule review, the secretary of state, and the director of the legislative service 2692  
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commission: a copy of the rule specifying its new review date, a 2695  
complete and accurate rule summary and fiscal analysis, and, if 2696  
relevant, a business impact analysis of the rule, any comments 2697  
received from the common sense initiative office, and any 2698  
memorandum of response. An agency may comply with the requirement 2699  
to file a complete and accurate rule summary and fiscal analysis 2700  
by filing a previously prepared rule summary and fiscal analysis, 2701  
so long as the previous rule summary and fiscal analysis was 2702  
complete and accurate at the time it was prepared, continues to be 2703  
such a complete and accurate explanation of the rule, and the 2704  
conditions described in division (B)(4), (5), (6), (8), (9), or 2705  
(10) of section 127.18 of the Revised Code, as they relate to the 2706  
rule, have not appreciably changed since the previous rule summary 2707  
and fiscal analysis was prepared. 2708

(2) The joint committee does not have jurisdiction to review, 2709  
and shall reject, the filing of a rule under division (C)(1) of 2710  
this section if, at any time while the rule is in its possession, 2711  
it discovers that the rule has an adverse impact on businesses and 2712  
the agency has not complied with division (A) of this section. The 2713  
joint committee shall electronically return a rule that is 2714  
rejected to the agency, together with any documents that were part 2715  
of the filing. Such a rejection does not preclude the agency from 2716  
refiling the rule under division (C)(1) of this section after 2717  
complying with division (A) of this section. When the filing of a 2718  
rule is rejected under this division, it is as if the filing had 2719  
not been made. 2720

(D) The joint committee shall publish notice of the agency's 2721  
determination not to amend or rescind the rule in the register of 2722  
Ohio for four consecutive weeks after the rule is filed under 2723  
division (C)(1) of this section. 2724

(E) During the ninety-day period after a rule is filed under 2725  
division (C)(1) of this section, but after the four-week notice 2726

period required by division (D) of this section has ended, the 2727  
joint committee, by a two-thirds vote of members present, may 2728  
recommend adoption of a concurrent resolution invalidating the 2729  
rule if the joint committee finds any of the following: 2730

(1) The agency improperly applied the standards in division 2731  
(C) of section 119.032 of the Revised Code in reviewing the rule 2732  
and in determining that the rule did not need amendment or 2733  
rescission. 2734

(2) The rule has an adverse impact on businesses, and the 2735  
agency has failed to demonstrate through a business impact 2736  
analysis, recommendations from the common sense initiative office, 2737  
and a memorandum of response that the regulatory intent of the 2738  
rule justifies its adverse impact on businesses. 2739

(3) If the rule incorporates a text or other material by 2740  
reference, the agency failed to file, or to deposit or display, 2741  
the text or other material incorporated by reference as required 2742  
by section 121.73 or 121.74 of the Revised Code or the 2743  
incorporation by reference fails to meet the standards stated in 2744  
section 121.72, 121.75, or 121.76 of the Revised Code. 2745

(4) The agency failed to make a proper filing under division 2746  
(C)(1) of this section. 2747

If the joint committee does not take any of these actions 2748  
during the prescribed time, the rule continues in effect without 2749  
amendment and shall be next reviewed by the joint committee with 2750  
reference to the new review date assigned by the agency. 2751

**Sec. 121.04.** Offices are created within the several 2752  
departments as follows: 2753

In the department of commerce: 2754

Commissioner of securities; 2755

Superintendent of real estate and professional 2756

licensing;	
Superintendent of financial institutions;	2757
State fire marshal;	2758
Superintendent of <del>labor</del> <u>industrial compliance</u> ;	2759
Superintendent of liquor control;	2760
Superintendent of unclaimed funds.	2761
In the department of administrative services:	2762
<del>State architect and engineer;</del>	2763
Equal employment opportunity coordinator.	2764
In the department of agriculture:	2765
Chiefs of divisions as follows:	2766
Administration;	2767
Animal health;	2768
Livestock environmental permitting;	2769
Dairy;	2770
Food safety;	2771
Plant health;	2772
Markets;	2773
Meat inspection;	2774
Consumer protection laboratory;	2775
Amusement ride safety;	2776
Enforcement;	2777
Weights and measures.	2778
In the department of natural resources:	2779
Chiefs of divisions as follows:	2780
Mineral resources management;	2781
Oil and gas resources management;	2782
Forestry;	2783
Natural areas and preserves;	2784
Wildlife;	2785
Geological survey;	2786



Parks and recreation;	2787
Watercraft;	2788
<del>Recycling and litter prevention;</del>	2789
Soil and water resources;	2790
Engineering.	2791

In the department of insurance:	2792
Deputy superintendent of insurance;	2793
Assistant superintendent of insurance, technical;	2794
Assistant superintendent of insurance, administrative;	2795
Assistant superintendent of insurance, research.	2796

**Sec. 121.08.** (A) There is hereby created in the department of 2797  
commerce the position of deputy director of administration. This 2798  
officer shall be appointed by the director of commerce, serve 2799  
under the director's direction, supervision, and control, perform 2800  
the duties the director prescribes, and hold office during the 2801  
director's pleasure. The director of commerce may designate an 2802  
assistant director of commerce to serve as the deputy director of 2803  
administration. The deputy director of administration shall 2804  
perform the duties prescribed by the director of commerce in 2805  
supervising the activities of the division of administration of 2806  
the department of commerce. 2807

(B) Except as provided in section 121.07 of the Revised Code, 2808  
the department of commerce shall have all powers and perform all 2809  
duties vested in the deputy director of administration, the state 2810  
fire marshal, the superintendent of financial institutions, the 2811  
superintendent of real estate and professional licensing, the 2812  
superintendent of liquor control, the superintendent of ~~labor~~ 2813  
industrial compliance, the superintendent of unclaimed funds, and 2814  
the commissioner of securities, and shall have all powers and 2815  
perform all duties vested by law in all officers, deputies, and 2816  
employees of those offices. Except as provided in section 121.07 2817  
of the Revised Code, wherever powers are conferred or duties 2818

imposed upon any of those officers, the powers and duties shall be 2819  
construed as vested in the department of commerce. 2820

(C)(1) There is hereby created in the department of commerce 2821  
a division of financial institutions, which shall have all powers 2822  
and perform all duties vested by law in the superintendent of 2823  
financial institutions. Wherever powers are conferred or duties 2824  
imposed upon the superintendent of financial institutions, those 2825  
powers and duties shall be construed as vested in the division of 2826  
financial institutions. The division of financial institutions 2827  
shall be administered by the superintendent of financial 2828  
institutions. 2829

(2) All provisions of law governing the superintendent of 2830  
financial institutions shall apply to and govern the 2831  
superintendent of financial institutions provided for in this 2832  
section; all authority vested by law in the superintendent of 2833  
financial institutions with respect to the management of the 2834  
division of financial institutions shall be construed as vested in 2835  
the superintendent of financial institutions created by this 2836  
section with respect to the division of financial institutions 2837  
provided for in this section; and all rights, privileges, and 2838  
emoluments conferred by law upon the superintendent of financial 2839  
institutions shall be construed as conferred upon the 2840  
superintendent of financial institutions as head of the division 2841  
of financial institutions. The director of commerce shall not 2842  
transfer from the division of financial institutions any of the 2843  
functions specified in division (C)(2) of this section. 2844

(D) There is hereby created in the department of commerce a 2845  
division of liquor control, which shall have all powers and 2846  
perform all duties vested by law in the superintendent of liquor 2847  
control. Wherever powers are conferred or duties are imposed upon 2848  
the superintendent of liquor control, those powers and duties 2849  
shall be construed as vested in the division of liquor control. 2850

The division of liquor control shall be administered by the 2851  
superintendent of liquor control. 2852

(E) The director of commerce shall not be interested, 2853  
directly or indirectly, in any firm or corporation which is a 2854  
dealer in securities as defined in sections 1707.01 and 1707.14 of 2855  
the Revised Code, or in any firm or corporation licensed under 2856  
sections 1321.01 to 1321.19 of the Revised Code. 2857

(F) The director of commerce shall not have any official 2858  
connection with a savings and loan association, a savings bank, a 2859  
bank, a bank holding company, a savings and loan association 2860  
holding company, a consumer finance company, or a credit union 2861  
that is under the supervision of the division of financial 2862  
institutions, or a subsidiary of any of the preceding entities, or 2863  
be interested in the business thereof. 2864

(G) There is hereby created in the state treasury the 2865  
division of administration fund. The fund shall receive 2866  
assessments on the operating funds of the department of commerce 2867  
in accordance with procedures prescribed by the director of 2868  
commerce and approved by the director of budget and management. 2869  
All operating expenses of the division of administration shall be 2870  
paid from the division of administration fund. 2871

(H) There is hereby created in the department of commerce a 2872  
division of real estate and professional licensing, which shall be 2873  
under the control and supervision of the director of commerce. The 2874  
division of real estate and professional licensing shall be 2875  
administered by the superintendent of real estate and professional 2876  
licensing. The superintendent of real estate and professional 2877  
licensing shall exercise the powers and perform the functions and 2878  
duties delegated to the superintendent under Chapters 4735., 2879  
4763., and 4767. of the Revised Code. 2880

(I) There is hereby created in the department of commerce a 2881

division of ~~labor~~ industrial compliance, which shall have all 2882  
powers and perform all duties vested by law in the superintendent 2883  
of ~~labor~~ industrial compliance. Wherever powers are conferred or 2884  
duties imposed upon the superintendent of ~~labor~~ industrial 2885  
compliance, those powers and duties shall be construed as vested 2886  
in the division of ~~labor~~ industrial compliance. The division of 2887  
~~labor~~ industrial compliance shall be under the control and 2888  
supervision of the director of commerce and be administered by the 2889  
superintendent of ~~labor~~ industrial compliance. 2890

(J) There is hereby created in the department of commerce a 2891  
division of unclaimed funds, which shall have all powers and 2892  
perform all duties delegated to or vested by law in the 2893  
superintendent of unclaimed funds. Wherever powers are conferred 2894  
or duties imposed upon the superintendent of unclaimed funds, 2895  
those powers and duties shall be construed as vested in the 2896  
division of unclaimed funds. The division of unclaimed funds shall 2897  
be under the control and supervision of the director of commerce 2898  
and shall be administered by the superintendent of unclaimed 2899  
funds. The superintendent of unclaimed funds shall exercise the 2900  
powers and perform the functions and duties delegated to the 2901  
superintendent by the director of commerce under section 121.07 2902  
and Chapter 169. of the Revised Code, and as may otherwise be 2903  
provided by law. 2904

(K) The department of commerce or a division of the 2905  
department created by the Revised Code that is acting with 2906  
authorization on the department's behalf may request from the 2907  
bureau of criminal identification and investigation pursuant to 2908  
section 109.572 of the Revised Code, or coordinate with 2909  
appropriate federal, state, and local government agencies to 2910  
accomplish, criminal records checks for the persons whose 2911  
identities are required to be disclosed by an applicant for the 2912  
issuance or transfer of a permit, license, certificate of 2913

registration, or certification issued or transferred by the 2914  
department or division. At or before the time of making a request 2915  
for a criminal records check, the department or division may 2916  
require any person whose identity is required to be disclosed by 2917  
an applicant for the issuance or transfer of such a license, 2918  
permit, certificate of registration, or certification to submit to 2919  
the department or division valid fingerprint impressions in a 2920  
format and by any media or means acceptable to the bureau of 2921  
criminal identification and investigation and, when applicable, 2922  
the federal bureau of investigation. The department or division 2923  
may cause the bureau of criminal identification and investigation 2924  
to conduct a criminal records check through the federal bureau of 2925  
investigation only if the person for whom the criminal records 2926  
check would be conducted resides or works outside of this state or 2927  
has resided or worked outside of this state during the preceding 2928  
five years, or if a criminal records check conducted by the bureau 2929  
of criminal identification and investigation within this state 2930  
indicates that the person may have a criminal record outside of 2931  
this state. 2932

In the case of a criminal records check under section 109.572 2933  
of the Revised Code, the department or division shall forward to 2934  
the bureau of criminal identification and investigation the 2935  
requisite form, fingerprint impressions, and fee described in 2936  
division (C) of that section. When requested by the department or 2937  
division in accordance with this section, the bureau of criminal 2938  
identification and investigation shall request from the federal 2939  
bureau of investigation any information it has with respect to the 2940  
person who is the subject of the requested criminal records check 2941  
and shall forward the requisite fingerprint impressions and 2942  
information to the federal bureau of investigation for that 2943  
criminal records check. After conducting a criminal records check 2944  
or receiving the results of a criminal records check from the 2945  
federal bureau of investigation, the bureau of criminal 2946

identification and investigation shall provide the results to the 2947  
department or division. 2948

The department or division may require any person about whom 2949  
a criminal records check is requested to pay to the department or 2950  
division the amount necessary to cover the fee charged to the 2951  
department or division by the bureau of criminal identification 2952  
and investigation under division (C)(3) of section 109.572 of the 2953  
Revised Code, including, when applicable, any fee for a criminal 2954  
records check conducted by the federal bureau of investigation. 2955

**Sec. 121.083.** The superintendent of ~~labor~~ industrial 2956  
compliance in the department of commerce shall do all of the 2957  
following: 2958

(A) Administer and enforce the general laws of this state 2959  
pertaining to buildings, pressure piping, boilers, bedding, 2960  
upholstered furniture, and stuffed toys, steam engineering, 2961  
elevators, plumbing, licensed occupations regulated by the 2962  
department, and travel agents, as they apply to plans review, 2963  
inspection, code enforcement, testing, licensing, registration, 2964  
and certification. 2965

(B) Exercise the powers and perform the duties delegated to 2966  
the superintendent by the director of commerce under Chapters 2967  
4109., 4111., and 4115. of the Revised Code. 2968

(C) Collect and collate statistics as are necessary. 2969

(D) Examine and license persons who desire to act as steam 2970  
engineers, to operate steam boilers, and to act as inspectors of 2971  
steam boilers, provide for the scope, conduct, and time of such 2972  
examinations, provide for, regulate, and enforce the renewal and 2973  
revocation of such licenses, inspect and examine steam boilers and 2974  
make, publish, and enforce rules and orders for the construction, 2975  
installation, inspection, and operation of steam boilers, and do, 2976

require, and enforce all things necessary to make such 2977  
examination, inspection, and requirement efficient. 2978

(E) Rent and furnish offices as needed in cities in this 2979  
state for the conduct of its affairs. 2980

(F) Oversee a chief of construction and compliance, a chief 2981  
of operations and maintenance, a chief of licensing and 2982  
certification, a chief of worker protection, and other designees 2983  
appointed by the director to perform the duties described in this 2984  
section. 2985

(G) Enforce the rules the board of building standards adopts 2986  
pursuant to division (A)(2) of section 4104.43 of the Revised Code 2987  
under the circumstances described in division (D) of that section. 2988

(H) Accept submissions, establish a fee for submissions, and 2989  
review submissions of certified welding and brazing procedure 2990  
specifications, procedure qualification records, and performance 2991  
qualification records for building services piping as required by 2992  
section 4104.44 of the Revised Code. 2993

**Sec. 121.084.** (A) All moneys collected under sections 2994  
3783.05, 3791.07, 4104.07, 4104.18, 4104.44, 4105.17, 4105.20, 2995  
4169.03, 4171.04, and 5104.051 of the Revised Code, and any other 2996  
moneys collected by the division of ~~labor~~ industrial compliance 2997  
shall be paid into the state treasury to the credit of the ~~labor~~ 2998  
industrial compliance operating fund, which is hereby created. The 2999  
department of commerce shall use the moneys in the fund for paying 3000  
the operating expenses of the division and the administrative 3001  
assessment described in division (B) of this section. 3002

(B) The director of commerce, with the approval of the 3003  
director of budget and management, shall prescribe procedures for 3004  
assessing the ~~labor~~ industrial compliance operating fund a 3005  
proportionate share of the administrative costs of the department 3006

of commerce. The assessment shall be made in accordance with those 3007  
procedures and be paid from the ~~labor~~ industrial compliance 3008  
operating fund to the division of administration fund created in 3009  
section 121.08 of the Revised Code. 3010

Sec. 121.35. (A) Subject to division (B) of this section, the 3011  
following state agencies shall collaborate to revise and make more 3012  
uniform the eligibility standards and eligibility determination 3013  
procedures of programs the state agencies administer: 3014

(1) The department of aging; 3016

(2) The department of alcohol and drug addiction services; 3017

(3) The department of development; 3018

(4) The department of developmental disabilities; 3019

(5) The department of education; 3020

(6) The department of health; 3021

(7) The department of job and family services; 3022

(8) The department of mental health; 3023

(9) The rehabilitation services commission. 3024

(B) In revising eligibility standards and eligibility 3025  
determination procedures, a state agency shall not make any 3026  
program's eligibility standards or eligibility determination 3027  
procedures inconsistent with state or federal law. To the extent 3028  
authorized by state and federal law, the revisions may provide for 3029  
the state agencies to share administrative operations. 3030

Sec. 123.01. (A) The department of administrative services, 3031  
in addition to those powers enumerated in Chapters 124. and 125. 3032  
of the Revised Code and provided elsewhere by law, shall exercise 3033  
the following powers: 3034



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

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

~~(3) To make contracts for and supervise the construction of any projects and improvements or the construction and repair of buildings under the control of a state agency, except contracts for the repair of buildings under the management and control of the departments of public safety, job and family services, mental health, developmental disabilities, rehabilitation and correction, and youth services, the bureau of workers' compensation, the rehabilitation services commission, and boards of trustees of educational and benevolent institutions and except contracts for the construction of projects that do not require the issuance of a building permit or the issuance of a certificate of occupancy and that are necessary to remediate conditions at a hazardous waste facility, solid waste facility, or other location at which the director of environmental protection has reason to believe there is a substantial threat to public health or safety or the~~

~~environment. These contracts shall be made and entered into by the 3067  
directors of public safety, job and family services, mental 3068  
health, developmental disabilities, rehabilitation and correction, 3069  
and youth services, the administrator of workers' compensation, 3070  
the rehabilitation services commission, the boards of trustees of 3071  
such institutions, and the director of environmental protection, 3072  
respectively. All such contracts may be in whole or in part on 3073  
unit price basis of maximum estimated cost, with payment computed 3074  
and made upon actual quantities or units. 3075~~

~~(4) To prepare and suggest comprehensive plans for the 3076  
development of grounds and buildings under the control of a state 3077  
agency; 3078~~

~~(5)(2) To acquire, by purchase, gift, devise, lease, or 3079  
grant, all real estate required by a state agency, in the exercise 3080  
of which power the department may exercise the power of eminent 3081  
domain, in the manner provided by sections 163.01 to 163.22 of the 3082  
Revised Code; 3083~~

~~(6) To make and provide all plans, specifications, and models 3084  
for the construction and perfection of all systems of sewerage, 3085  
drainage, and plumbing for the state in connection with buildings 3086  
and grounds under the control of a state agency; 3087~~

~~(7)(3) To erect, supervise, and maintain all public monuments 3088  
and memorials erected by the state, except where the supervision 3089  
and maintenance is otherwise provided by law; 3090~~

~~(8)(4) To procure, by lease, storage accommodations for a 3091  
state agency; 3092~~

~~(9)(5) To lease or grant easements or licenses for 3093  
unproductive and unused lands or other property under the control 3094  
of a state agency. Such leases, easements, or licenses ~~shall~~ may 3095  
be granted to any person or entity, shall be for a period not to 3096  
exceed fifteen years, and shall be executed for the state by the 3097~~

director of administrative services ~~and the governor and shall be~~ 3098  
~~approved as to form by the attorney general, provided that leases,~~ 3099  
~~easements, or licenses may be granted to any county, township,~~ 3100  
~~municipal corporation, port authority, water or sewer district,~~ 3101  
~~school district, library district, health district, park district,~~ 3102  
~~soil and water conservation district, conservancy district, or~~ 3103  
~~other political subdivision or taxing district, or any agency of~~ 3104  
~~the United States government, for the exclusive use of that~~ 3105  
~~agency, political subdivision, or taxing district, without any~~ 3106  
~~right of sublease or assignment, for a period not to exceed~~ 3107  
~~fifteen years, and,~~ provided that the director shall grant leases, 3108  
easements, or licenses of university land for periods not to 3109  
exceed twenty-five years for purposes approved by the respective 3110  
university's board of trustees wherein the uses are compatible 3111  
with the uses and needs of the university and may grant leases of 3112  
university land for periods not to exceed forty years for purposes 3113  
approved by the respective university's board of trustees pursuant 3114  
to section ~~123.77~~ 123.17 of the Revised Code. 3115

~~(10)~~(6) To lease space for the use of a state agency; 3116

~~(11)~~(7) To have general supervision and care of the 3117  
storerooms, offices, and buildings leased for the use of a state 3118  
agency; 3119

~~(12)~~(8) To exercise general custodial care of all real 3120  
property of the state; 3121

~~(13)~~(9) To assign and group together state offices in any 3122  
city in the state and to establish, in cooperation with the state 3123  
agencies involved, rules governing space requirements for office 3124  
or storage use; 3125

~~(14)~~(10) To lease for a period not to exceed forty years, 3126  
pursuant to a contract providing for the construction thereof 3127  
under a lease-purchase plan, buildings, structures, and other 3128

improvements for any public purpose, and, in conjunction 3129  
therewith, to grant leases, easements, or licenses for lands under 3130  
the control of a state agency for a period not to exceed forty 3131  
years. The lease-purchase plan shall provide that at the end of 3132  
the lease period, the buildings, structures, and related 3133  
improvements, together with the land on which they are situated, 3134  
shall become the property of the state without cost. 3135

(a) Whenever any building, structure, or other improvement is 3136  
to be so leased by a state agency, the department shall retain 3137  
either basic plans, specifications, bills of materials, and 3138  
estimates of cost with sufficient detail to afford bidders all 3139  
needed information or, alternatively, all of the following plans, 3140  
details, bills of materials, and specifications: 3141

(i) Full and accurate plans suitable for the use of mechanics 3142  
and other builders in the improvement; 3143

(ii) Details to scale and full sized, so drawn and 3144  
represented as to be easily understood; 3145

(iii) Accurate bills showing the exact quantity of different 3146  
kinds of material necessary to the construction; 3147

(iv) Definite and complete specifications of the work to be 3148  
performed, together with such directions as will enable a 3149  
competent mechanic or other builder to carry them out and afford 3150  
bidders all needed information; 3151

(v) A full and accurate estimate of each item of expense and 3152  
of the aggregate cost thereof. 3153

(b) The department shall give public notice, in such 3154  
newspaper, in such form, and with such phraseology as the director 3155  
of administrative services prescribes, published once each week 3156  
for four consecutive weeks, of the time when and place where bids 3157  
will be received for entering into an agreement to lease to a 3158  
state agency a building, structure, or other improvement. The last 3159

publication shall be at least eight days preceding the day for 3160  
opening the bids. The bids shall contain the terms upon which the 3161  
builder would propose to lease the building, structure, or other 3162  
improvement to the state agency. The form of the bid approved by 3163  
the department shall be used, and a bid is invalid and shall not 3164  
be considered unless that form is used without change, alteration, 3165  
or addition. Before submitting bids pursuant to this section, any 3166  
builder shall comply with Chapter 153. of the Revised Code. 3167

(c) On the day and at the place named for receiving bids for 3168  
entering into lease agreements with a state agency, the director 3169  
of administrative services shall open the bids and shall publicly 3170  
proceed immediately to tabulate the bids upon duplicate sheets. No 3171  
lease agreement shall be entered into until the bureau of workers' 3172  
compensation has certified that the person to be awarded the lease 3173  
agreement has complied with Chapter 4123. of the Revised Code, 3174  
until, if the builder submitting the lowest and best bid is a 3175  
foreign corporation, the secretary of state has certified that the 3176  
corporation is authorized to do business in this state, until, if 3177  
the builder submitting the lowest and best bid is a person 3178  
nonresident of this state, the person has filed with the secretary 3179  
of state a power of attorney designating the secretary of state as 3180  
its agent for the purpose of accepting service of summons in any 3181  
action brought under Chapter 4123. of the Revised Code, and until 3182  
the agreement is submitted to the attorney general and the 3183  
attorney general's approval is certified thereon. Within thirty 3184  
days after the day on which the bids are received, the department 3185  
shall investigate the bids received and shall determine that the 3186  
bureau and the secretary of state have made the certifications 3187  
required by this section of the builder who has submitted the 3188  
lowest and best bid. Within ten days of the completion of the 3189  
investigation of the bids, the department shall award the lease 3190  
agreement to the builder who has submitted the lowest and best bid 3191  
and who has been certified by the bureau and secretary of state as 3192

required by this section. If bidding for the lease agreement has 3193  
been conducted upon the basis of basic plans, specifications, 3194  
bills of materials, and estimates of costs, upon the award to the 3195  
builder the department, or the builder with the approval of the 3196  
department, shall appoint an architect or engineer licensed in 3197  
this state to prepare such further detailed plans, specifications, 3198  
and bills of materials as are required to construct the building, 3199  
structure, or improvement. The department shall adopt such rules 3200  
as are necessary to give effect to this section. The department 3201  
may reject any bid. Where there is reason to believe there is 3202  
collusion or combination among bidders, the bids of those 3203  
concerned therein shall be rejected. 3204

~~(15)~~(11) To acquire by purchase, gift, devise, or grant and 3205  
to transfer, lease, or otherwise dispose of all real property 3206  
required to assist in the development of a conversion facility as 3207  
defined in section 5709.30 of the Revised Code as that section 3208  
existed before its repeal by Amended Substitute House Bill 95 of 3209  
the 125th general assembly; 3210

~~(16)~~(12) To lease for a period not to exceed forty years, 3211  
notwithstanding any other division of this section, the 3212  
state-owned property located at 408-450 East Town Street, 3213  
Columbus, Ohio, formerly the state school for the deaf, to a 3214  
developer in accordance with this section. "Developer," as used in 3215  
this section, has the same meaning as in section 123.77 of the 3216  
Revised Code. 3217

Such a lease shall be for the purpose of development of the 3218  
land for use by senior citizens by constructing, altering, 3219  
renovating, repairing, expanding, and improving the site as it 3220  
existed on June 25, 1982. A developer desiring to lease the land 3221  
shall prepare for submission to the department a plan for 3222  
development. Plans shall include provisions for roads, sewers, 3223  
water lines, waste disposal, water supply, and similar matters to 3224

meet the requirements of state and local laws. The plans shall 3225  
also include provision for protection of the property by insurance 3226  
or otherwise, and plans for financing the development, and shall 3227  
set forth details of the developer's financial responsibility. 3228

The department may employ, as employees or consultants, 3229  
persons needed to assist in reviewing the development plans. Those 3230  
persons may include attorneys, financial experts, engineers, and 3231  
other necessary experts. The department shall review the 3232  
development plans and may enter into a lease if it finds all of 3233  
the following: 3234

(a) The best interests of the state will be promoted by 3235  
entering into a lease with the developer; 3236

(b) The development plans are satisfactory; 3237

(c) The developer has established the developer's financial 3238  
responsibility and satisfactory plans for financing the 3239  
development. 3240

The lease shall contain a provision that construction or 3241  
renovation of the buildings, roads, structures, and other 3242  
necessary facilities shall begin within one year after the date of 3243  
the lease and shall proceed according to a schedule agreed to 3244  
between the department and the developer or the lease will be 3245  
terminated. The lease shall contain such conditions and 3246  
stipulations as the director considers necessary to preserve the 3247  
best interest of the state. Moneys received by the state pursuant 3248  
to this lease shall be paid into the general revenue fund. The 3249  
lease shall provide that at the end of the lease period the 3250  
buildings, structures, and related improvements shall become the 3251  
property of the state without cost. 3252

~~(17)~~(13) To manage the use of space owned and controlled by 3253  
the department, including space in property under the jurisdiction 3254  
of the Ohio building authority, by doing all of the following: 3255

(a) Biennially implementing, by state agency location, a census of agency employees assigned space;	3256 3257
(b) Periodically in the discretion of the director of administrative services:	3258 3259
(i) Requiring each state agency to categorize the use of space allotted to the agency between office space, common areas, storage space, and other uses, and to report its findings to the department;	3260 3261 3262 3263
(ii) Creating and updating a master space utilization plan for all space allotted to state agencies. The plan shall incorporate space utilization metrics.	3264 3265 3266
(iii) Conducting a cost-benefit analysis to determine the effectiveness of state-owned buildings;	3267 3268
(iv) Assessing the alternatives associated with consolidating the commercial leases for buildings located in Columbus.	3269 3270
(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	3271 3272 3273 3274
<u>(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.</u>	3275 3276 3277 3278 3279 3280 3281 3282 3283 3284 3285



<u>(15) To ensure energy efficient and energy conserving</u>	3286
<u>purchasing practices by doing all of the following:</u>	3287
<u>(a) Identifying available energy efficiency and conservation</u>	3288
<u>opportunities;</u>	3289
<u>(b) Providing for interchange of information among purchasing</u>	3290
<u>agencies;</u>	3291
<u>(c) Identifying laws, policies, rules, and procedures that</u>	3292
<u>should be modified;</u>	3293
<u>(d) Monitoring experience with and the cost-effectiveness of</u>	3294
<u>this state's purchase and use of motor vehicles and of major</u>	3295
<u>energy-consuming systems, components, equipment, and products</u>	3296
<u>having a significant impact on energy consumption by the</u>	3297
<u>government;</u>	3298
<u>(e) Providing technical assistance and training to state</u>	3299
<u>employees involved in the purchasing process;</u>	3300
<u>(f) Working with the department of development to make</u>	3301
<u>recommendations regarding planning and implementation of</u>	3302
<u>purchasing policies and procedures that are supportive of energy</u>	3303
<u>efficiency and conservation.</u>	3304
<u>(16) To require all state agencies, departments, divisions,</u>	3305
<u>bureaus, offices, units, commissions, boards, authorities,</u>	3306
<u>quasi-governmental entities, institutions, and state institutions</u>	3307
<u>of higher education to implement procedures to ensure that all of</u>	3308
<u>the passenger automobiles they acquire in each fiscal year, except</u>	3309
<u>for those passenger automobiles acquired for use in law</u>	3310
<u>enforcement or emergency rescue work, achieve a fleet average fuel</u>	3311
<u>economy of not less than the fleet average fuel economy for that</u>	3312
<u>fiscal year as the department shall prescribe by rule. The</u>	3313
<u>department shall adopt the rule prior to the beginning of the</u>	3314
<u>fiscal year, in accordance with the average fuel economy standards</u>	3315
<u>established by federal law for passenger automobiles manufactured</u>	3316

during the model year that begins during the fiscal year. 3317

Each state agency, department, division, bureau, office, 3318  
unit, commission, board, authority, quasi-governmental entity, 3319  
institution, and state institution of higher education shall 3320  
determine its fleet average fuel economy by dividing the total 3321  
number of passenger vehicles acquired during the fiscal year, 3322  
except for those passenger vehicles acquired for use in law 3323  
enforcement or emergency rescue work, by a sum of terms, each of 3324  
which is a fraction created by dividing the number of passenger 3325  
vehicles of a given make, model, and year, except for passenger 3326  
vehicles acquired for use in law enforcement or emergency rescue 3327  
work, acquired during the fiscal year by the fuel economy measured 3328  
by the administrator of the United States environmental protection 3329  
agency, for the given make, model, and year of vehicle, that 3330  
constitutes an average fuel economy for combined city and highway 3331  
driving. 3332

As used in division (A)(16) of this section, "acquired" means 3333  
leased for a period of sixty continuous days or more, or 3334  
purchased. 3335

(B) This section and section 125.02 of the Revised Code shall 3336  
not interfere with any of the following: 3337

(1) The power of the adjutant general to purchase military 3338  
supplies, or with the custody of the adjutant general of property 3339  
leased, purchased, or constructed by the state and used for 3340  
military purposes, or with the functions of the adjutant general 3341  
as director of state armories; 3342

(2) The power of the director of transportation in acquiring 3343  
rights-of-way for the state highway system, or the leasing of 3344  
lands for division or resident district offices, or the leasing of 3345  
lands or buildings required in the maintenance operations of the 3346  
department of transportation, or the purchase of real property for 3347

garage sites or division or resident district offices, or in 3348  
preparing plans and specifications for and constructing such 3349  
buildings as the director may require in the administration of the 3350  
department; 3351

(3) The power of the director of public safety and the 3352  
registrar of motor vehicles to purchase or lease real property and 3353  
buildings to be used solely as locations to which a deputy 3354  
registrar is assigned pursuant to division (B) of section 4507.011 3355  
of the Revised Code and from which the deputy registrar is to 3356  
conduct the deputy registrar's business, the power of the director 3357  
of public safety to purchase or lease real property and buildings 3358  
to be used as locations for division or district offices as 3359  
required in the maintenance of operations of the department of 3360  
public safety, and the power of the superintendent of the state 3361  
highway patrol in the purchase or leasing of real property and 3362  
buildings needed by the patrol, to negotiate the sale of real 3363  
property owned by the patrol, to rent or lease real property owned 3364  
or leased by the patrol, and to make or cause to be made repairs 3365  
to all property owned or under the control of the patrol; 3366

(4) The power of the division of liquor control in the 3367  
leasing or purchasing of retail outlets and warehouse facilities 3368  
for the use of the division; 3369

(5) The power of the director of development to enter into 3370  
leases of real property, buildings, and office space to be used 3371  
solely as locations for the state's foreign offices to carry out 3372  
the purposes of section 122.05 of the Revised Code; 3373

(6) The power of the director of environmental protection to 3374  
enter into environmental covenants, to grant and accept easements, 3375  
or to sell property pursuant to division (G) of section 3745.01 of 3376  
the Revised Code. 3377

(C) Purchases for, and the custody and repair of, buildings 3378

under the management and control of the capitol square review and 3379  
advisory board, the rehabilitation services commission, the bureau 3380  
of workers' compensation, or the departments of public safety, job 3381  
and family services, mental health, developmental disabilities, 3382  
and rehabilitation and correction; buildings of educational and 3383  
benevolent institutions under the management and control of boards 3384  
of trustees; and purchases or leases for, and the custody and 3385  
repair of, office space used for the purposes of the joint 3386  
legislative ethics committee are not subject to the control and 3387  
jurisdiction of the department of administrative services. 3388

If the joint legislative ethics committee so requests, the 3389  
committee and the director of administrative services may enter 3390  
into a contract under which the department of administrative 3391  
services agrees to perform any services requested by the committee 3392  
that the department is authorized under this section to perform. 3393

(D) Any instrument by which real property is acquired 3394  
pursuant to this section shall identify the agency of the state 3395  
that has the use and benefit of the real property as specified in 3396  
section 5301.012 of the Revised Code. 3397

**Sec. ~~123.04~~ 123.02.** The director of administrative services 3398  
shall be appointed superintendent of public works and shall have 3399  
the care and control of the public works of the state and shall 3400  
protect, maintain, and keep them in repair. 3401

Subject to the approval of the governor, the director may 3402  
purchase on behalf of the state such real or personal property, 3403  
rights, or privileges as are necessary, in the director's 3404  
judgment, to acquire in the maintenance of the public works or 3405  
their improvement. 3406

Any instrument by which the state or an agency of the state 3407  
acquires real property pursuant to this section shall identify the 3408  
agency of the state that has the use and benefit of the real 3409

property as specified in section 5301.012 of the Revised Code. 3410

**Sec. ~~123.07~~ 123.03.** The director of administrative services 3411  
may maintain an action in the name of the state for violations of 3412  
any law relating to the public works for an injury to property 3413  
pertaining to the public works, or for any other cause which is 3414  
necessary in the performance of ~~his~~ the director's duties. 3415

**Sec. ~~123.09~~ 123.04.** The director of administrative services 3416  
shall have supervision of the public works of the state and shall 3417  
make such rules and regulations for the ~~improvement,~~ maintenance, 3418  
and operation of the public works as are necessary. 3419

**Sec. ~~123.10~~ 123.05.** ~~(A)~~ The director of administrative 3420  
services shall regulate the rate of tolls to be collected on the 3421  
public works of the state, and shall fix all rentals and collect 3422  
all tolls, rents, fines, commissions, fees, and other revenues 3423  
arising from any source in the public works, including the sale, 3424  
~~construction,~~ purchase, or rental of property, except that the 3425  
director shall not collect a commission or fee from a real estate 3426  
broker or the private owner when real property is leased or rented 3427  
to the state. 3428

~~(B) There is hereby created in the state treasury the state 3429  
architect's fund which shall consist of money received by the 3430  
department of administrative services under division (A) of this 3431  
section, fees paid under section 123.17 of the Revised Code, 3432  
transfers of money to the fund authorized by the general assembly, 3433  
and such amount of the investment earnings of the administrative 3434  
building fund created in division (F) of section 154.24 of the 3435  
Revised Code as the director of budget and management determines 3436  
to be appropriate and in excess of the amounts required to meet 3437  
estimated federal arbitrage rebate requirements. Money in the fund 3438  
shall be used by the department of administrative services for the 3439~~

<del>following purposes:</del>	3440
<del>(1) To pay personnel and other administrative expenses of the department;</del>	3441
<del>(2) To pay the cost of conducting evaluations of public works;</del>	3442
<del>(3) To pay the cost of building design specifications;</del>	3443
<del>(4) To pay the cost of providing project management services;</del>	3444
<del>(5) To pay the cost of operating the local administration competency certification program prescribed by section 123.17 of the Revised Code;</del>	3445
<del>(6) Any other purposes that the director of administrative services determines to be necessary for the department to execute its duties under this chapter.</del>	3446
<b>Sec. <del>123.024</del> <u>123.06</u>.</b> (A) The department of administrative services shall assign and make available, at state expense, suitable office space in state-owned facilities to accommodate the office operations of the state headquarters of both of the following:	3447
(1) All veterans organizations in this state that either are incorporated and issued a charter by the congress of the United States or are recognized by the United States department of veterans affairs;	3448
(2) The auxiliary organizations of veterans organizations described in division (A)(1) of this section.	3449
(B) The department may situate office space for each auxiliary organization of a veterans organization with or near the office space of that veterans organization.	3450
<b>Sec. <del>123.11</del> <u>123.07</u>.</b> Each state agency and any county,	3451

township, or municipal corporation owning, leasing, or controlling 3468  
the operation of parking spaces for use by its employees may 3469  
provide preferential parking for those vehicles used in carpools, 3470  
vanpools, and buspools. The department of administrative services 3471  
shall coordinate the efforts of the state agencies in providing 3472  
preferential parking for such vehicles. 3473

**Sec. ~~123.13~~ 123.08.** The director of administrative services 3474  
shall appoint such ~~foreman~~ forepersons, ~~patrolmen~~ patrol officers, 3475  
lock tenders, inspectors, engineers, and all other employees as 3476  
are necessary for the ~~improvement~~, maintenance, and operation of 3477  
the public works. They shall be assigned to duty under the 3478  
supervision of the director, under rules and regulations 3479  
prescribed by ~~him~~ the director. Any such employee, when deemed 3480  
necessary by the director, shall give proper bond to the state, 3481  
conditioned for the faithful performance of ~~his~~ the employee's 3482  
duties. Such bonds may, in the discretion of the director, be 3483  
individual, schedule, or blanket bonds. 3484

**Sec. ~~123.14~~ 123.09.** All claims against the state for the 3485  
~~improvement~~, repair, maintenance, and operation of the public 3486  
works of Ohio, including salary and expenses of all employees 3487  
engaged in such work, shall be paid upon the order of the director 3488  
of administrative services. 3489

**Sec. ~~123.15~~ 123.10.** (A) As used in this section and section 3490  
~~123.21~~ 123.11 of the Revised Code, "public exigency" means an 3491  
injury or obstruction that occurs in any public works of the state 3492  
maintained by the director of administrative services and that 3493  
materially impairs its immediate use or places in jeopardy 3494  
property adjacent to it; an immediate danger of such an injury or 3495  
obstruction; or an injury or obstruction, or an immediate danger 3496  
of an injury or obstruction, that occurs ~~during the process of~~ 3497

~~construction of~~ in any public works of the state maintained by the 3498  
director of administrative services and that materially impairs 3499  
its immediate use or places in jeopardy property adjacent to it. 3500

(B) ~~The~~ When a declaration of public exigency is issued 3501  
pursuant to division (C) of this section, the director of 3502  
administrative services may request the Ohio facilities 3503  
construction commission to enter into contracts with proper 3504  
persons for the performance of labor, the furnishing of materials, 3505  
or the construction of any structures and buildings necessary to 3506  
the maintenance, control, and management of the public works of 3507  
the state or any part of those public works. ~~Except as provided in~~ 3508  
~~division (C) of this section for public exigencies, the director~~ 3509  
~~shall advertise, award, and administer those~~ Any contracts in 3510  
~~accordance with the requirements~~ awarded for the work performed 3511  
pursuant to the declaration of a public exigency may be awarded 3512  
without competitive bidding or selection as set forth in Chapter 3513  
153. of the Revised Code. 3514

(C) The director of administrative services may issue a 3515  
declaration of a public exigency on the director's own initiative 3516  
or upon the request of the director of any state agency. The 3517  
director's declaration shall identify the specific injury, 3518  
obstruction, or danger that is the subject of the declaration and 3519  
shall set forth a dollar limitation for the repair, removal, or 3520  
prevention of that exigency under the declaration. 3521

Before any project to repair, remove, or prevent a public 3522  
exigency under the director's declaration may begin, the director 3523  
shall send notice of the project, in writing, to the director of 3524  
budget and management and to the members of the controlling board. 3525  
That notice shall detail the project to be undertaken to address 3526  
the public exigency and shall include a copy of the director's 3527  
declaration that establishes the monetary limitations on that 3528  
project. 3529



**Sec. ~~123.21~~ 123.11.** When a public exigency, as defined in 3530  
division (A) of section ~~123.15~~ 123.10 of the Revised Code, exists, 3531  
the director of administrative services may take possession of 3532  
lands and use them, or materials and other property necessary for 3533  
the maintenance, protection, or repair of the public works, in 3534  
accordance with sections 163.01 to 163.22 of the Revised Code. 3535

**Sec. ~~123.46~~ 123.12.** No land lease or sale of state lands 3536  
shall be made by the director of administrative services except 3537  
upon the written approval of the governor and the attorney 3538  
general. 3539

**Sec. ~~123.47~~ 123.13.** Except as otherwise provided by law, the 3540  
director of administrative services shall have the custody and 3541  
control of the books, records, papers, surveys, maps, plats, and 3542  
documents that pertain to any of the public works of this state. 3543

**Sec. ~~123.48~~ 123.14.** The director of administrative services 3544  
shall make an annual report to the governor containing a statement 3545  
of the expenses of the public works under ~~his~~ the director's 3546  
supervision during the preceding year, setting forth an account of 3547  
moneys expended on each of the public works during the year, and 3548  
such other information and records as ~~he~~ the director deems 3549  
proper. Such report shall contain a statement of the moneys 3550  
received from all sources and an estimate of the appropriations 3551  
necessary to maintain the public works and keep them in repair. 3552  
The report shall also contain a list of all persons regularly 3553  
employed, together with the salary, compensation, or allowance 3554  
paid each. 3555

~~He~~ The director shall further from time to time when ~~he~~ the 3556  
director deems it necessary, or when called upon by the governor, 3557  
to do so, make such other reports as are proper, touching on the 3558

general condition and welfare of the public works and the 3559  
drainage, leaseholds, and water powers incident thereto. 3560

**Sec. ~~123.49~~ 123.15.** The department of administrative services 3561  
may adopt, amend, and rescind rules pertaining to lands under the 3562  
supervision of the department in accordance with Chapter 119. of 3563  
the Revised Code. 3564

**Sec. 123.152.** (A) As used in this section, "EDGE business 3565  
enterprise" means a sole proprietorship, association, partnership, 3566  
corporation, limited liability corporation, or joint venture 3567  
certified as a participant in the encouraging diversity, growth, 3568  
and equity program by the director of administrative services 3569  
under this section of the Revised Code. 3570

(B) The director of administrative services shall establish a 3571  
business assistance program known as the encouraging diversity, 3572  
growth, and equity program and shall adopt rules in accordance 3573  
with Chapter 119. of the Revised Code to administer the program 3574  
that do all of the following: 3575

(1) Establish procedures by which a sole proprietorship, 3576  
association, partnership, corporation, limited liability 3577  
corporation, or joint venture may apply for certification as an 3578  
EDGE business enterprise; 3579

(2) Except as provided in division (B)(14) of this section, 3580  
establish agency procurement goals for contracting with EDGE 3581  
business enterprises in the award of contracts under Chapters 3582  
123., 125., and 153. of the Revised Code based on the availability 3583  
of eligible program participants by region or geographic area, as 3584  
determined by the director, and by standard industrial code or 3585  
equivalent code classification. 3586

(a) Goals established under division (B)(2) of this section 3587  
shall be based on a percentage level of participation and a 3588

percentage of contractor availability.	3589
(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.	3590 3591 3592 3593 3594 3595
(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:	3596 3597 3598 3599
(a) Relative wealth of the business seeking certification as well as the personal wealth of the owner or owners of the business;	3600 3601 3602
(b) Social disadvantage based on any of the following:	3603
(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;	3604 3605 3606 3607 3608 3609
(ii) Some other demonstration of personal disadvantage not common to other small businesses;	3610 3611
(iii) By business location in a qualified census tract.	3612
(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 qualified census tracts.	3613 3614 3615 3616
(4) Establish standards to determine when an EDGE business enterprise no longer qualifies for EDGE business enterprise	3617 3618

certification;	3619
(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;	3620 3621 3622 3623
(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;	3624 3625 3626 3627
(7) Establish a system to track data and analyze each certification category established under division (B)(2)(b) of this section;	3628 3629 3630
(8) Establish a process to mediate complaints and to review EDGE business enterprise certification appeals;	3631 3632
(9) Implement an outreach program to educate potential participants about the encouraging diversity, growth, and equity program;	3633 3634 3635
(10) Establish a system to assist state agencies in identifying and utilizing EDGE business enterprises in their contracting processes;	3636 3637 3638
(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;	3639 3640 3641
(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;	3642 3643 3644 3645
(13) Establish a process for monitoring overall program compliance in which equal employment opportunity officers primarily are responsible for monitoring their respective	3646 3647 3648

agencies; 3649

(14) Establish guidelines for state universities as defined 3650  
in section 3345.011 of the Revised Code and the Ohio ~~school~~ 3651  
facilities construction commission created in section ~~3318.30~~ 3652  
123.20 of the Revised Code for awarding contracts pursuant to 3653  
Chapters 153., 3318., and 3345. of the Revised Code to allow the 3654  
universities and commission to establish agency procurement goals 3655  
for contracting with EDGE business enterprises. 3656

(C) Business and personal financial information and trade 3657  
secrets submitted by encouraging diversity, growth, and equity 3658  
program applicants to the director pursuant to this section are 3659  
not public records for purposes of section 149.43 of the Revised 3660  
Code, unless the director presents the financial information or 3661  
trade secrets at a public hearing or public proceeding regarding 3662  
the applicant's eligibility to participate in the program. 3663

**Sec. ~~123.77~~ 123.17.** The department of administrative services 3664  
may lease land belonging to or under the control or jurisdiction 3665  
of a state university, not required nor to be required for use of 3666  
the university, to a developer in accordance with this section. 3667  
"Developer," as used in this section, means a person, partnership, 3668  
association, corporation, or community improvement corporation 3669  
established pursuant to Chapter 1724. of the Revised Code who or 3670  
which submits a development plan to the department as provided in 3671  
this section and requests the department to enter into a lease. 3672  
3673

Such a lease of university land shall be for the purpose of 3674  
development of the land by establishing, constructing, altering, 3675  
repairing, expanding, and improving industrial, distribution, 3676  
commercial, or research facilities. A developer desiring to lease 3677  
land of the university for such development shall prepare and 3678  
submit to the department of administrative services and to the 3679

board of trustees of the university a plan for such development. 3680  
Plans shall include provisions for roads, streets, sewers, water 3681  
lines, waste disposal, water supply, and similar matters to meet 3682  
the requirements of state and local laws. The plans shall also 3683  
include provision for protection of the property by insurance or 3684  
otherwise and plans for financing the development, and shall set 3685  
forth details of the developer's financial responsibility. 3686

The department of administrative services may employ as 3687  
employees or consultants, persons needed to assist it in reviewing 3688  
the development plans. Such persons may include attorneys, 3689  
financial experts, engineers, and other necessary experts. The 3690  
department of administrative services shall review the development 3691  
plans and may enter into a lease if it finds that: 3692

(A) The best interests of the university will be promoted by 3693  
entering into a lease with the developer. 3694

(B) The development plans are satisfactory. 3695

(C) The developer has established ~~his~~ the developer's 3696  
financial responsibility and satisfactory plans for financing the 3697  
development. 3698

(D) The university board of trustees approves the lease. 3699

A lease may be entered into pursuant to this section for an 3700  
annual rent agreed to between the department and the developer for 3701  
a maximum term of forty years and may be renewed for a like or 3702  
lesser term. The lease shall contain a provision that construction 3703  
of buildings, structures, roads, and other necessary facilities 3704  
shall begin within one year after the date of the lease and shall 3705  
proceed according to a schedule agreed to between the department 3706  
and the developer or the lease will be terminated. Moneys received 3707  
by the state pursuant to such leases shall be paid into the state 3708  
treasury as an addition to the appropriation made to the 3709  
university which has control or jurisdiction of the land or to 3710

which the land belongs. 3711

**Sec. ~~123.08~~ 123.18.** The director of administrative services 3712  
may administer oaths to persons required by law to file affidavits 3713  
or statements in the department of administrative services and to 3714  
witnesses who are examined in matters pertaining to the 3715  
administration of the public works. 3716

**Sec. 123.20.** (A) There is hereby created the Ohio facilities 3717  
construction commission. The commission shall administer the 3718  
design and construction of improvements to public facilities of 3719  
the state in accordance with this chapter and other provisions of 3720  
the Revised Code. 3721

The commission is a body corporate and politic, an agency of 3722  
state government and an instrumentality of the state, performing 3723  
essential governmental functions of this state. The carrying out 3724  
of the purposes and the exercise by the commission of its powers 3725  
are essential public functions and public purposes of the state. 3726  
The commission may, in its own name, sue and be sued, enter into 3727  
contracts, and perform all the powers and duties given to it by 3728  
the Revised Code, but it does not have and shall not exercise the 3729  
power of eminent domain. In its discretion and as it determines 3730  
appropriate, the commission may delegate to any of its members, 3731  
executive director, or other employees any of the commission's 3732  
powers and duties to carry out its functions. 3733

(B) The commission shall consist of three members: the 3734  
director of the office of budget and management and the director 3735  
of administrative services, or their designees, and a member whom 3736  
the governor shall appoint. 3737

Members of the commission shall serve without compensation. 3738

Within sixty days after the effective date of this section, 3739  
the commission shall meet and organize by electing voting members 3740

as the chairperson and vice-chairperson of the commission, who 3741  
shall hold their offices until the next organizational meeting of 3742  
the commission. Organizational meetings of the commission shall be 3743  
held at the first meeting of each calendar year. At each 3744  
organizational meeting, the commission shall elect from among its 3745  
voting members a chairperson and vice-chairperson, who shall serve 3746  
until the next annual organizational meeting. The commission shall 3747  
adopt rules pursuant to Chapter 119. of the Revised Code for the 3748  
conduct of its internal business and shall keep a journal of its 3749  
proceedings. Including the organizational meeting, the commission 3750  
shall meet at least once each calendar year. 3751

Two members of the commission constitute a quorum, and the 3752  
affirmative vote of two members is necessary for approval of any 3753  
action taken by the commission. A vacancy in the membership of the 3754  
commission does not impair a quorum from exercising all the rights 3755  
and performing all the duties of the commission. Meetings of the 3756  
commission may be held anywhere in the state and shall be held in 3757  
compliance with section 121.22 of the Revised Code. 3758

(C) Within sixty days after the effective date of this 3759  
section, the governor shall appoint a member to the commission. 3760  
The initial appointment shall be for a term ending three years 3761  
after the effective date of this section, with subsequent terms 3762  
ending three years after they begin, on the same day of the same 3763  
month as the initial term. 3764

A vacancy for the member appointed by the governor shall be 3765  
filled in the same manner as provided for the original 3766  
appointment. The appointed member shall hold office for the 3767  
remainder of the term for which the vacancy existed. After the 3768  
expiration of the term, the appointed member shall continue in 3769  
office for a period of sixty days or until the appointed member's 3770  
successor takes office, whichever period is shorter. 3771

(D) The commission shall file an annual report of its 3772



activities and finances with the governor, speaker of the house of 3773  
representatives, president of the senate, and chairpersons of the 3774  
house and senate finance committees. 3775

(E) The commission shall be exempt from the requirements of 3776  
sections 101.82 to 101.87 of the Revised Code. 3777

**Sec. 123.201.** There is hereby created in the state treasury 3778  
the Ohio facilities construction commission fund, consisting of 3779  
transfers of moneys authorized by the general assembly and 3780  
revenues received by the Ohio facilities construction commission 3781  
under section 123.21 of the Revised Code. Investment earnings on 3782  
moneys in the fund shall be credited to the fund. Moneys in the 3783  
fund may be used by the commission, in performing its duties under 3784  
this chapter, to pay personnel and other administrative expenses, 3785  
to pay the cost of preparing building design specifications, to 3786  
pay the cost of providing project management services, and for 3787  
other purposes determined by the commission to be necessary to 3788  
fulfill its duties under this chapter. 3789

**Sec. 123.21.** (A) The Ohio facilities construction commission 3790  
may perform any act and ensure the performance of any function 3791  
necessary or appropriate to carry out the purposes of, and 3792  
exercise the powers granted under this chapter or any other 3793  
provision of the Revised Code, including any of the following: 3794

(1) Prepare, or contract to be prepared, by licensed 3795  
engineers or architects, surveys, general and detailed plans, 3796  
specifications, bills of materials, and estimates of cost for any 3797  
projects, improvements, or public buildings to be constructed by 3798  
state agencies that may be authorized by legislative 3799  
appropriations or any other funds made available therefor, 3800  
provided that the construction of the projects, improvements, or 3801  
public buildings is a statutory duty of the commission. This 3802

section does not require the independent employment of an 3803  
architect or engineer as provided by section 153.01 of the Revised 3804  
Code in the cases to which section 153.01 of the Revised Code 3805  
applies. This section does not affect or alter the existing powers 3806  
of the director of transportation, the director of public safety, 3807  
or the superintendent of the state highway patrol. 3808

(2) Have general supervision over the construction of any 3809  
projects, improvements, or public buildings constructed for a 3810  
state agency and over the inspection of materials prior to their 3811  
incorporation into those projects, improvements, or buildings. 3812

(3) Make contracts for and supervise the design and 3813  
construction of any projects and improvements or the construction 3814  
and repair of buildings under the control of a state agency. All 3815  
such contracts may be based in whole or in part on the unit price 3816  
or maximum estimated cost, with payment computed and made upon 3817  
actual quantities or units. 3818

(4) Adopt, amend, and rescind rules pertaining to the 3819  
administration of the construction of the public works of the 3820  
state as required by law, in accordance with Chapter 119. of the 3821  
Revised Code. 3822

(5) Contract with, retain the services of, or designate, and 3823  
fix the compensation of, such agents, accountants, consultants, 3824  
advisers, and other independent contractors as may be necessary or 3825  
desirable to carry out the programs authorized under this chapter, 3826  
or authorize the executive director to perform such powers and 3827  
duties. 3828

(6) Receive and accept any gifts, grants, donations, and 3829  
pledges, and receipts therefrom, to be used for the programs 3830  
authorized under this chapter. 3831

(7) Make and enter into all contracts, commitments, and 3832  
agreements, and execute all instruments, necessary or incidental 3833

to the performance of its duties and the execution of its rights 3834  
and powers under this chapter, or authorize the executive director 3835  
to perform such powers and duties. 3836

(8) Debar a contractor as provided in section 153.02 of the 3837  
Revised Code. 3838

(B) The commission shall appoint and fix the compensation of 3839  
an executive director who shall serve at the pleasure of the 3840  
commission. The executive director shall exercise all powers that 3841  
the commission possesses, supervise the operations of the 3842  
commission, and perform such other duties as delegated by the 3843  
commission. The executive director also shall employ and fix the 3844  
compensation of such employees as will facilitate the activities 3845  
and purposes of the commission, who shall serve at the pleasure of 3846  
the executive director. The employees of the commission are exempt 3847  
from Chapter 4117. of the Revised Code and are not considered 3848  
public employees as defined in section 4117.01 of the Revised 3849  
Code. Any agreement entered into prior to July 1, 2012, between 3850  
the office of collective bargaining and the exclusive 3851  
representative for employees of the commission is binding and 3852  
shall continue to have effect. 3853

(C) The attorney general shall serve as the legal 3854  
representative for the commission and may appoint other counsel as 3855  
necessary for that purpose in accordance with section 109.07 of 3856  
the Revised Code. 3857

**Sec. ~~123.011~~ 123.22.** (A) As used in this section: 3858

(1) "Construct" includes reconstruct, improve, renovate, 3859  
enlarge, or otherwise alter. 3860

(2) "Energy consumption analysis" means the evaluation of all 3861  
energy consuming systems, components, and equipment by demand and 3862  
type of energy, including the internal energy load imposed on a 3863

facility by its occupants and the external energy load imposed by 3864  
climatic conditions. 3865

(3) "Energy performance index" means a number describing the 3866  
energy requirements of a facility per square foot of floor space 3867  
or per cubic foot of occupied volume as appropriate under defined 3868  
internal and external ambient conditions over an entire seasonal 3869  
cycle. 3870

(4) "Facility" means a building or other structure, or part 3871  
of a building or other structure, that includes provision for a 3872  
heating, refrigeration, ventilation, cooling, lighting, hot water, 3873  
or other major energy consuming system, component, or equipment. 3874

(5) "Life-cycle cost analysis" means a general approach to 3875  
economic evaluation that takes into account all dollar costs 3876  
related to owning, operating, maintaining, and ultimately 3877  
disposing of a project over the appropriate study period. 3878

(6) "Political subdivision" means a county, township, 3879  
municipal corporation, board of education of any school district, 3880  
or any other body corporate and politic that is responsible for 3881  
government activities in a geographic area smaller than that of 3882  
the state. 3883

(7) "State funded" means funded in whole or in part through 3884  
appropriation by the general assembly or through the use of any 3885  
guarantee provided by this state. 3886

(8) "State institution of higher education" has the same 3887  
meaning as in section 3345.011 of the Revised Code. 3888

(B) ~~There is hereby created within the department of 3889  
administrative services the office of energy services. The office 3890  
shall be under the supervision of a manager, who shall be 3891  
appointed by the director of administrative services. The director 3892  
shall assign to the office such number of employees and furnish 3893  
such equipment and supplies as are necessary for the performance 3894~~

~~of the office's duties.~~ 3895

The ~~office~~ Ohio facilities construction commission shall 3896  
develop energy efficiency and conservation programs ~~in each of the~~ 3897  
~~following areas:~~ 3898

~~(1) New~~ for new construction design and review~~;~~ 3899

~~(2) Existing~~ and for existing building audit and retrofit~~;~~ 3900

~~(3) Energy efficient procurement;~~ 3901

~~(4) Alternative fuel vehicles.~~ 3902

The ~~office~~ commission may accept and administer grants from 3903  
public and private sources for carrying out any of its duties 3904  
under this section. 3905

(C) No state agency, department, division, bureau, office, 3906  
unit, board, commission, authority, quasi-governmental entity, or 3907  
institution, ~~including those agencies otherwise excluded from the~~ 3908  
~~jurisdiction of the department under division (A)(3) of section~~ 3909  
~~123.01 of the Revised Code,~~ shall lease, construct, or cause to be 3910  
leased or constructed, within the limits prescribed in this 3911  
section, a state-funded facility, without a proper life-cycle cost 3912  
analysis or, in the case of a lease, an energy consumption 3913  
analysis, as computed or prepared by a qualified architect or 3914  
engineer in accordance with the rules required by division (D) of 3915  
this section. 3916

Construction shall proceed only upon the disclosure to the 3917  
office, for the facility chosen, of the life-cycle costs as 3918  
determined in this section and the capitalization of the initial 3919  
construction costs of the building. The results of life-cycle cost 3920  
analysis shall be a primary consideration in the selection of a 3921  
building design. That analysis shall be required only for 3922  
construction of buildings with an area of five thousand square 3923  
feet or greater. An energy consumption analysis for the term of a 3924

proposed lease shall be required only for the leasing of an area 3925  
of twenty thousand square feet or greater within a given building 3926  
boundary. That analysis shall be a primary consideration in the 3927  
selection of a facility to be leased. 3928

Nothing in this section shall deprive or limit any state 3929  
agency that has review authority over design, construction, or 3930  
leasing plans from requiring a life-cycle cost analysis or energy 3931  
consumption analysis. 3932

(D) For the purposes of assisting the ~~department~~ commission 3933  
in its responsibility for state-funded facilities pursuant to 3934  
section ~~123.01~~ 123.21 of the Revised Code and of cost-effectively 3935  
reducing the energy consumption of those and any other 3936  
state-funded facilities, thereby promoting fiscal, economic, and 3937  
environmental benefits to this state, the ~~office~~ commission shall 3938  
promulgate rules specifying cost-effective, energy efficiency and 3939  
conservation standards that may govern the lease, design, 3940  
construction, operation, and maintenance of all state-funded 3941  
facilities, except facilities of state institutions of higher 3942  
education or facilities operated by a political subdivision. The 3943  
office of energy efficiency in the department of development shall 3944  
cooperate in providing information and technical expertise to the 3945  
office of energy services to ensure promulgation of rules of 3946  
maximum effectiveness. The standards prescribed by rules 3947  
promulgated under this division may draw from or incorporate, by 3948  
reference or otherwise and in whole or in part, standards already 3949  
developed or implemented by any competent, public or private 3950  
standards organization or program. The rules also may include any 3951  
of the following: 3952

(1) Specifications for a life-cycle cost analysis that shall 3953  
determine, for the economic life of such state-funded facility, 3954  
the reasonably expected costs of facility ownership, operation, 3955  
and maintenance including labor and materials. Life-cycle cost may 3956

be expressed as an annual cost for each year of the facility's use. 3957  
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A life-cycle cost analysis additionally may include an energy consumption analysis that conforms to division (D)(2) of this section. 3959  
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(2) Specifications for an energy consumption analysis of the facility's heating, refrigeration, ventilation, cooling, lighting, hot water, and other major energy consuming systems, components, and equipment. 3962  
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A life-cycle cost analysis and energy consumption analysis shall be based on the best currently available methods of analysis, such as those of the national institute of standards and technology, the United States department of energy or other federal agencies, professional societies, and directions developed by the department. 3966  
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(3) Specifications for energy performance indices, to be used to audit and evaluate competing design proposals submitted to the state. 3972  
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(4) A requirement that, not later than two years after April 6, 2007, each state-funded facility, except a facility of a state institution of higher education or a facility operated by a political subdivision, is managed by at least one building operator certified under the building operator certification program or any equivalent program or standards as shall be prescribed in the rules and considered reasonably equivalent. 3975  
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(5) An application process by which a manager of a specified state-funded facility, except a facility of a state institution of higher education or a facility operated by a political subdivision, may apply for a waiver of compliance with any provision of the rules required by divisions (D)(1) to (4) of this section. 3982  
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~~(E) The office of energy services shall promulgate rules to ensure that energy efficiency and conservation will be considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi governmental entity, or institution. Minimum energy efficiency standards for purchased products and equipment may be required, based on federal testing and labeling where available or on standards developed by the office. The rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code where possible.~~

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

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

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

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

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

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

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



~~(F)(1) The office of energy services shall require all state agencies, departments, divisions, bureaus, offices, units, commissions, boards, authorities, quasi-governmental entities, institutions, and state institutions of higher education to implement procedures ensuring that all their passenger automobiles acquired in each fiscal year, except for those passenger automobiles acquired for use in law enforcement or emergency rescue work, achieve a fleet average fuel economy of not less than the fleet average fuel economy for that fiscal year as shall be prescribed by the office by rule. The office shall promulgate the rule prior to the beginning of the fiscal year in accordance with the average fuel economy standards established pursuant to federal law for passenger automobiles manufactured during the model year that begins during the fiscal year.~~

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

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

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

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

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

~~As used in division (F)(2) of this section, "acquired" means~~ 4050  
~~leased for a period of sixty continuous days or more, or~~ 4051  
~~purchased.~~ 4052

~~(G)(E)~~ Each state agency, department, division, bureau, 4053  
office, unit, board, commission, authority, quasi-governmental 4054  
entity, institution, and state institution of higher education 4055  
shall comply with any applicable provision of this section or of a 4056  
rule promulgated pursuant to division (D) ~~or (F)~~ of this section. 4057

Sec. 123.23. (A) As used in this section, "public exigency" 4058  
means an injury or obstruction that occurs in any public works of 4059  
the state that materially impairs its immediate use or places in 4060  
jeopardy property adjacent to it; an immediate danger of such an 4061  
injury or obstruction; or an injury or obstruction, or an 4062  
immediate danger of an injury or obstruction, that occurs during 4063  
the process of construction of any public works and that 4064  
materially impairs its immediate use or places in jeopardy 4065  
property adjacent to it. 4066

(B) When a declaration of a public exigency is issued 4067  
pursuant to division (C) of this section, the executive director 4068  
of the Ohio facilities construction commission may enter into 4069  
contracts with proper persons for the performance of labor, the 4070  
furnishing of materials, or the construction of any structures and 4071  
buildings necessary to the maintenance, control, and management of 4072  
the public works of the state or any part of those public works. 4073  
Any contracts awarded for the work performed pursuant to the 4074  
declaration of a public exigency may be awarded without 4075  
competitive bidding or selection as otherwise required by Chapter 4076  
153. of the Revised Code. 4077

(C) The executive director of the commission may issue a 4078  
declaration of a public exigency on the executive director's own 4079  
initiative, or upon the request of the director of any state 4080

agency, university, or instrumentality. The executive director's 4081  
declaration shall identify the specific injury, obstruction, or 4082  
danger that is the subject of the declaration and shall set forth 4083  
a dollar limitation for the repair, removal, or prevention of that 4084  
exigency under the declaration. 4085

Before any project to repair, remove, or prevent a public 4086  
exigency under the executive director's declaration may begin, the 4087  
executive director shall send notice of the project, in writing, 4088  
to the director of budget and management and to the members of the 4089  
controlling board. The notice shall detail the project to be 4090  
undertaken to address the public exigency and shall include a copy 4091  
of the director's declaration that establishes the monetary 4092  
limitations on that project. 4093

**Sec. ~~123.17~~ 123.24.** (A) As used in this section, "institution 4094  
of higher education" means a state university or college, as 4095  
defined in section 3345.12 of the Revised Code, or a state 4096  
community college. 4097

(B) ~~Not later than December 30, 2005, the state architect~~ The 4098  
Ohio facilities construction commission shall establish a local 4099  
administration competency certification program to certify 4100  
institutions of higher education to administer capital facilities 4101  
projects pursuant to section 3345.51 of the Revised Code without 4102  
the supervision, control, or approval of the ~~department of~~ 4103  
~~administrative services~~ commission. The program shall offer 4104  
instruction in the administration of capital facilities projects 4105  
for employees of institutions of higher education who are 4106  
responsible for such administration and who are selected by their 4107  
employing institutions to participate in the program. 4108

(C) The program shall provide instruction about the 4109  
provisions of Chapters 9., 123., and 153. of the Revised Code and 4110  
any rules or policies adopted by the ~~department~~ commission 4111

regarding the planning, design, and construction of capital	4112
facilities, including all of the following:	4113
(1) The planning, design, and construction process;	4114
(2) Contract requirements;	4115
(3) Construction management;	4116
(4) Project management.	4117
(D) The <del>state architect</del> <u>commission</u> shall award local	4118
administration competency certification to any institution of	4119
higher education if all of the following apply:	4120
(1) The institution applied for certification on a form and	4121
in a manner prescribed by the <del>state architect</del> <u>commission</u> .	4122
(2) The <del>state architect</del> <u>commission</u> determines that a	4123
sufficient number of the institution's employees, representing a	4124
sufficient number of employee classifications, responsible for the	4125
administration of capital facilities projects have successfully	4126
completed the certification program to ensure that any capital	4127
facilities project undertaken by the institution will be	4128
administered successfully and in accordance with all provisions of	4129
the Revised Code, and the board of trustees of the institution	4130
provides written assurance to the <del>state architect</del> <u>commission</u> that	4131
the institution will select new employees to participate in the	4132
certification program as necessary to compensate for employee	4133
turnover.	4134
(3) The <del>state architect</del> <u>commission</u> determines that the	4135
employees of the institution enrolled in the program demonstrate	4136
successful completion of the competency certification training and	4137
a satisfactory level of knowledge of and competency in the	4138
requirements for administering capital facilities projects.	4139
(4) The institution pays the fee prescribed by division (F)	4140
of this section.	4141

(5) The board of trustees of the institution provides written assurance to the ~~state-architect~~ commission that the institution will conduct biennial audits of the institution's administration of capital facilities projects in accordance with division (C) of section 3345.51 of the Revised Code.

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

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

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

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

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

(F) The ~~state-architect~~ commission shall establish, subject to the approval of the director of budget and management, the amount of the fee required to be paid by any institution of higher education that seeks certification under this section. The amount

of the fees shall be set to cover the costs to implement this 4173  
section, including the costs for materials and the competency 4174  
certification training sessions. Any fees received under this 4175  
section shall be paid into the state treasury to the credit of the 4176  
~~state architect's~~ commission's fund established under section 4177  
~~123.10~~ 123.201 of the Revised Code. 4178

(G) Nothing in this section shall prohibit an institution 4179  
that administers a capital facilities project under section 4180  
3345.51 of the Revised Code from requesting guidance or other 4181  
services from the ~~department of administrative services~~ 4182  
commission. 4183

Sec. 123.26. (A) The executive director of the Ohio 4184  
facilities construction commission shall regulate the rate of 4185  
tolls to be collected on the construction or improvement of the 4186  
public works of the state, and shall fix all rentals and collect 4187  
all tolls, rents, fines, commissions, fees, and other revenues 4188  
arising from any source in the construction or improvement of the 4189  
public works of the state. 4190

(B) Deposits made to the commission's fund in the state 4191  
treasury under section 123.201 of the Revised Code shall consist 4192  
of money received by the commission under division (A) of this 4193  
section, fees paid under section 123.24 of the Revised Code, 4194  
transfers of money to the fund authorized by the general assembly, 4195  
and such amount of the investment earnings of the administrative 4196  
building fund created in division (F) of section 154.24 of the 4197  
Revised Code as the director of budget and management determines 4198  
to be appropriate and in excess of the amounts required to meet 4199  
estimated federal arbitrage rebate requirements. Money in the fund 4200  
shall be used by the commission for the following purposes: 4201

(1) To pay personnel and other administrative expenses of the 4202  
commission; 4203

<u>(2) To pay the cost of conducting evaluations of public</u>	4204
<u>works;</u>	4205
<u>(3) To pay the cost of building design specifications;</u>	4206
<u>(4) To pay the cost of providing project management services;</u>	4207
<u>(5) To pay the cost of operating the local administration</u>	4208
<u>competency certification program prescribed by section 123.24 of</u>	4209
<u>the Revised Code; and</u>	4210
<u>(6) Any other purposes that the executive director of the</u>	4211
<u>commission determines to be necessary for the commission to</u>	4212
<u>execute its duties under this chapter.</u>	4213
<b>Sec. <del>123.101</del> 123.27.</b> (A) As used in this section:	4214
"Capital facilities project" means the construction,	4215
reconstruction, improvement, enlargement, alteration, or repair of	4216
a building by a public entity.	4217
"Public entity" includes a state agency and a state	4218
institution of higher education.	4219
"State institution of higher education" has the same meaning	4220
as in section 3345.011 of the Revised Code.	4221
(B) Commencing not later than July 1, 2012, and upon	4222
completion of a capital facilities project that is funded wholly	4223
or in part using state funds, each public entity shall submit a	4224
report about the project to the <u>executive</u> director of	4225
<del>administrative services</del> <u>the Ohio facilities construction</u>	4226
<u>commission</u> . The report shall be submitted in Ohio administrative	4227
knowledge system capital improvement format or in a manner	4228
determined by the <u>executive</u> director and not later than thirty	4229
days after the project is complete. The report shall provide the	4230
total original contract bid, total cost of change orders, total	4231
actual cost of the project, total costs incurred for mediation and	4232
litigation services, and any other data requested by the <u>executive</u>	4233

director. The first report submitted pursuant to this division 4234  
shall include information about any capital facilities project 4235  
completed on or after July 1, 2011. Any capital facilities project 4236  
that is funded wholly or in part through appropriations made to 4237  
the Ohio school facilities commission, the Ohio public works 4238  
commission, or the Ohio cultural facilities commission, or for 4239  
which a joint use agreement has been entered into with any public 4240  
entity, is exempt from the reporting requirement prescribed under 4241  
this division. 4242

(C) Commencing not later than July 1, 2012, and annually 4243  
thereafter, the attorney general shall report to the executive 4244  
director of the Ohio facilities construction commission on any 4245  
mediation and litigation costs associated with capital facilities 4246  
projects for which a judgment has been rendered. The report shall 4247  
be submitted in a manner prescribed by the executive director and 4248  
shall contain any information requested by the executive director 4249  
related to capital facilities project mediation and litigation 4250  
costs. 4251

(D) As soon as practicable after such information is made 4252  
available, the executive director of ~~administrative services~~ the 4253  
Ohio facilities construction commission shall incorporate the 4254  
information reported pursuant to divisions (B) and (C) of this 4255  
section into the Ohio administrative knowledge system. 4256

**Sec. 124.04.** In addition to those powers enumerated in 4257  
Chapters 123. and 125. of the Revised Code and as provided 4258  
elsewhere by law, the powers, duties, and functions of the 4259  
department of administrative services not specifically vested in 4260  
and assigned to, or to be performed by, the state personnel board 4261  
of review are hereby vested in and assigned to, and shall be 4262  
performed by, the director of administrative services. These 4263  
powers, duties, and functions shall include, but shall not be 4264



limited to, the following powers, duties, and functions:	4265
(A) To prepare, conduct, and grade all competitive examinations for positions in the classified <del>state</del> service <u>of the state</u> ;	4266 4267 4268
(B) To prepare, conduct, and grade all noncompetitive examinations for positions in the classified <del>state</del> service <u>of the state</u> ;	4269 4270 4271
(C) To prepare eligible lists containing the names of persons qualified for appointment to positions in the classified <del>state</del> service <u>of the state</u> ;	4272 4273 4274
(D) To prepare or amend, in accordance with section 124.14 of the Revised Code, specifications descriptive of duties, responsibilities, requirements, and desirable qualifications of the various classifications of positions in the <del>state</del> service <u>of the state</u> ;	4275 4276 4277 4278 4279
(E) To allocate and reallocate, upon the motion of the director or upon request of an appointing authority and in accordance with section 124.14 of the Revised Code, any position, office, or employment in the <del>state</del> service <u>of the state</u> to the appropriate classification on the basis of the duties, responsibilities, requirements, and qualifications of that position, office, or employment;	4280 4281 4282 4283 4284 4285 4286
(F) To develop and conduct personnel recruitment services <u>and assist appointing authorities in recruiting qualified applicants</u> for positions in the <del>state</del> service <u>of the state</u> ;	4287 4288 4289
(G) To conduct research on specifications, classifications, and salaries of positions in the <del>state</del> service <u>of the state</u> ;	4290 4291
(H) To develop and conduct personnel training programs, including supervisory training programs and best practices plans, and to develop merit hiring processes, in cooperation with	4292 4293 4294

appointing authorities <u>for positions in the service of the state;</u>	4295
(I) To include periodically in communications sent to state employees both of the following:	4296
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	4297
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	4298
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	4299
(1) Information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts under Chapter 2108. of the Revised Code;	4300
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	4301
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	4302
(2) Information about the liver or kidney donor and bone marrow donor leave granted under section 124.139 of the Revised Code.	4303
(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>	4304
(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>	4305
(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>	4306
(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>	4307
(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;	4308
(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;	4309
(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;	4310
(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;	4311
(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;	4312
(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;	4313
(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;	4314
(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;	4315
(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;	4316
(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;	4317
(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;	4318
(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;	4319
(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;	4320
(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;	4321
(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;	4322
(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;	4323
(N) To delegate any of the powers, functions, or duties	4324

granted or assigned to the director under this chapter to any 4325  
political subdivision with the concurrence of the legislative 4326  
authority of the political subdivision. 4327

(O) To administer a state equal employment opportunity 4328  
program. 4329

**Sec. 124.06.** No person shall be appointed, removed, 4330  
transferred, laid off, suspended, reinstated, promoted, or reduced 4331  
as an officer or employee in the civil service, in any manner or 4332  
by any means other than those prescribed in this chapter, and the 4333  
rules of the director of administrative services for positions in 4334  
the service of the state or the municipal or civil service 4335  
township civil service commission within their respective 4336  
jurisdictions. 4337

**Sec. 124.11.** The civil service of the state and the several 4338  
counties, cities, civil service townships, city health districts, 4339  
general health districts, and city school districts of the state 4340  
shall be divided into the unclassified service and the classified 4341  
service. 4342

(A) The unclassified service shall comprise the following 4343  
positions, which shall not be included in the classified service, 4344  
and which shall be exempt from all examinations required by this 4345  
chapter: 4346

(1) All officers elected by popular vote or persons appointed 4347  
to fill vacancies in those offices; 4348

(2) All election officers as defined in section 3501.01 of 4349  
the Revised Code; 4350

(3)(a) The members of all boards and commissions, and heads 4351  
of principal departments, boards, and commissions appointed by the 4352  
governor or by and with the governor's consent; 4353

(b) The heads of all departments appointed by a board of county commissioners;	4354 4355
(c) The members of all boards and commissions and all heads of departments appointed by the mayor, or, if there is no mayor, such other similar chief appointing authority of any city or city school district;	4356 4357 4358 4359
Except as otherwise provided in division (A)(17) or (C) of this section, this chapter does not exempt the chiefs of police departments and chiefs of fire departments of cities or civil service townships from the competitive classified service.	4360 4361 4362 4363
(4) The members of county or district licensing boards or commissions and boards of revision, and not more than five deputy county auditors;	4364 4365 4366
(5) All officers and employees elected or appointed by either or both branches of the general assembly, and employees of the city legislative authority engaged in legislative duties;	4367 4368 4369
(6) All commissioned, warrant, and noncommissioned officers and enlisted persons in the Ohio organized militia, including military appointees in the adjutant general's department;	4370 4371 4372
(7)(a) All presidents, business managers, administrative officers, superintendents, assistant superintendents, principals, deans, assistant deans, instructors, teachers, and such employees as are engaged in educational or research duties connected with the public school system, colleges, and universities, as determined by the governing body of the public school system, colleges, and universities;	4373 4374 4375 4376 4377 4378 4379
(b) The library staff of any library in the state supported wholly or in part at public expense.	4380 4381
(8) Four clerical and administrative support employees for each of the elective state officers, four clerical and	4382 4383

administrative support employees for each board of county 4384  
commissioners and one such employee for each county commissioner, 4385  
and four clerical and administrative support employees for other 4386  
elective officers and each of the principal appointive executive 4387  
officers, boards, or commissions, except for civil service 4388  
commissions, that are authorized to appoint such clerical and 4389  
administrative support employees; 4390

(9) The deputies and assistants of state agencies authorized 4391  
to act for and on behalf of the agency, or holding a fiduciary or 4392  
administrative relation to that agency and those persons employed 4393  
by and directly responsible to elected county officials or a 4394  
county administrator and holding a fiduciary or administrative 4395  
relationship to such elected county officials or county 4396  
administrator, and the employees of such county officials whose 4397  
fitness would be impracticable to determine by competitive 4398  
examination, provided that division (A)(9) of this section shall 4399  
not affect those persons in county employment in the classified 4400  
service as of September 19, 1961. Nothing in division (A)(9) of 4401  
this section applies to any position in a county department of job 4402  
and family services created pursuant to Chapter 329. of the 4403  
Revised Code. 4404

(10) Bailiffs, constables, official stenographers, and 4405  
commissioners of courts of record, deputies of clerks of the 4406  
courts of common pleas who supervise or who handle public moneys 4407  
or secured documents, and such officers and employees of courts of 4408  
record and such deputies of clerks of the courts of common pleas 4409  
as the ~~director of administrative services~~ appointing authority 4410  
finds it impracticable to determine their fitness by competitive 4411  
examination; 4412

(11) Assistants to the attorney general, special counsel 4413  
appointed or employed by the attorney general, assistants to 4414  
county prosecuting attorneys, and assistants to city directors of 4415

law; 4416

(12) Such teachers and employees in the agricultural 4417  
experiment stations; such students in normal schools, colleges, 4418  
and universities of the state who are employed by the state or a 4419  
political subdivision of the state in student or intern 4420  
classifications; and such unskilled labor positions as the 4421  
director of administrative services, with respect to positions in 4422  
the service of the state, or any municipal civil service 4423  
commission may find it impracticable to include in the competitive 4424  
classified service; provided such exemptions shall be by order of 4425  
the commission or the director, duly entered on the record of the 4426  
commission or the director with the reasons for each such 4427  
exemption; 4428

(13) Any physician or dentist who is a full-time employee of 4429  
the department of mental health, the department of developmental 4430  
disabilities, or an institution under the jurisdiction of either 4431  
department; and physicians who are in residency programs at the 4432  
institutions; 4433

(14) Up to twenty positions at each institution under the 4434  
jurisdiction of the department of mental health or the department 4435  
of developmental disabilities that the department director 4436  
determines to be primarily administrative or managerial; and up to 4437  
fifteen positions in any division of either department, excluding 4438  
administrative assistants to the director and division chiefs, 4439  
which are within the immediate staff of a division chief and which 4440  
the director determines to be primarily and distinctively 4441  
administrative and managerial; 4442

(15) Noncitizens of the United States employed by the state, 4443  
or its counties or cities, as physicians or nurses who are duly 4444  
licensed to practice their respective professions under the laws 4445  
of this state, or medical assistants, in mental or chronic disease 4446  
hospitals, or institutions; 4447

(16) Employees of the governor's office;	4448
(17) Fire chiefs and chiefs of police in civil service	4449
townships appointed by boards of township trustees under section	4450
505.38 or 505.49 of the Revised Code;	4451
(18) Executive directors, deputy directors, and program	4452
directors employed by boards of alcohol, drug addiction, and	4453
mental health services under Chapter 340. of the Revised Code, and	4454
secretaries of the executive directors, deputy directors, and	4455
program directors;	4456
(19) Superintendents, and management employees as defined in	4457
section 5126.20 of the Revised Code, of county boards of	4458
developmental disabilities;	4459
(20) Physicians, nurses, and other employees of a county	4460
hospital who are appointed pursuant to sections 339.03 and 339.06	4461
of the Revised Code;	4462
(21) The executive director of the state medical board, who	4463
is appointed pursuant to division (B) of section 4731.05 of the	4464
Revised Code;	4465
(22) County directors of job and family services as provided	4466
in section 329.02 of the Revised Code and administrators appointed	4467
under section 329.021 of the Revised Code;	4468
(23) A director of economic development who is hired pursuant	4469
to division (A) of section 307.07 of the Revised Code;	4470
(24) Chiefs of construction and compliance, of operations and	4471
maintenance, of worker protection, and of licensing and	4472
certification in the division of <del>labor</del> <u>industrial compliance</u> in	4473
the department of commerce;	4474
(25) The executive director of a county transit system	4475
appointed under division (A) of section 306.04 of the Revised	4476
Code;	4477

(26) Up to five positions at each of the administrative 4478  
departments listed in section 121.02 of the Revised Code and at 4479  
the department of taxation, department of the adjutant general, 4480  
department of education, Ohio board of regents, bureau of workers' 4481  
compensation, industrial commission, state lottery commission, and 4482  
public utilities commission of Ohio that the head of that 4483  
administrative department or of that other state agency determines 4484  
to be involved in policy development and implementation. The head 4485  
of the administrative department or other state agency shall set 4486  
the compensation for employees in these positions at a rate that 4487  
is not less than the minimum compensation specified in pay range 4488  
41 but not more than the maximum compensation specified in pay 4489  
range 44 of salary schedule E-2 in section 124.152 of the Revised 4490  
Code. The authority to establish positions in the unclassified 4491  
service under division (A)(26) of this section is in addition to 4492  
and does not limit any other authority that an administrative 4493  
department or state agency has under the Revised Code to establish 4494  
positions, appoint employees, or set compensation. 4495

(27) Employees of the department of agriculture employed 4496  
under section 901.09 of the Revised Code; 4497

(28) For cities, counties, civil service townships, city 4498  
health districts, general health districts, and city school 4499  
districts, the deputies and assistants of elective or principal 4500  
executive officers authorized to act for and in the place of their 4501  
principals or holding a fiduciary relation to their principals; 4502

(29) Employees who receive intermittent or temporary 4503  
appointments under division (B) of section 124.30 of the Revised 4504  
Code; 4505

(30) Employees appointed to administrative staff positions 4506  
for which an appointing authority is given specific statutory 4507  
authority to set compensation; 4508



(31) Employees appointed to highway patrol cadet or highway patrol cadet candidate classifications; 4509  
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(32) Employees placed in the unclassified service by another section of the Revised Code. 4511  
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(B) The classified service shall comprise all persons in the employ of the state and the several counties, cities, city health districts, general health districts, and city school districts of the state, not specifically included in the unclassified service. Upon the creation by the board of trustees of a civil service township civil service commission, the classified service shall also comprise, except as otherwise provided in division (A)(17) or (C) of this section, all persons in the employ of a civil service township police or fire department having ten or more full-time paid employees. The classified service consists of two classes, which shall be designated as the competitive class and the unskilled labor class. 4513  
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(1) The competitive class shall include all positions and employments in the state and the counties, cities, city health districts, general health districts, and city school districts of the state, and, upon the creation by the board of trustees of a civil service township of a township civil service commission, all positions in a civil service township police or fire department having ten or more full-time paid employees, for which it is practicable to determine the merit and fitness of applicants by competitive examinations. Appointments shall be made to, or employment shall be given in, all positions in the competitive class that are not filled by promotion, reinstatement, transfer, or reduction, as provided in this chapter, and the rules of the director of administrative services, by appointment from those certified to the appointing officer in accordance with this chapter. 4525  
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(2) The unskilled labor class shall include ordinary 4540

unskilled laborers. Vacancies in the labor class for positions in 4541  
service of the state shall be filled by appointment from lists of 4542  
applicants registered by the director or the director's designee. 4543  
Vacancies in the labor class for all other positions shall be 4544  
filled by appointment from lists of applicants registered by a 4545  
commission. The director or the commission, as applicable, by 4546  
rule, shall require an applicant for registration in the labor 4547  
class to furnish evidence or take tests as the director or 4548  
commission considers proper with respect to age, residence, 4549  
physical condition, ability to labor, honesty, sobriety, industry, 4550  
capacity, and experience in the work or employment for which 4551  
application is made. Laborers who fulfill the requirements shall 4552  
be placed on the eligible list for the kind of labor or employment 4553  
sought, and preference shall be given in employment in accordance 4554  
with the rating received from that evidence or in those tests. 4555  
Upon the request of an appointing officer, stating the kind of 4556  
labor needed, the pay and probable length of employment, and the 4557  
number to be employed, the director or commission, as applicable, 4558  
shall certify from the highest on the list double the number to be 4559  
employed; from this number, the appointing officer shall appoint 4560  
the number actually needed for the particular work. If more than 4561  
one applicant receives the same rating, priority in time of 4562  
application shall determine the order in which their names shall 4563  
be certified for appointment. 4564

(C) A municipal or civil service township civil service 4565  
commission may place volunteer firefighters who are paid on a 4566  
fee-for-service basis in either the classified or the unclassified 4567  
civil service. 4568

(D)(1) This division does not apply to persons in the 4569  
unclassified service who have the right to resume positions in the 4570  
classified service under sections 4121.121, 5119.071, 5120.38, 4571  
5120.381, 5120.382, 5123.08, 5139.02, and 5501.19 of the Revised 4572

Code or to cities, counties, or political subdivisions of the 4573  
state. 4574

~~An appointing authority whose employees are paid directly by~~ 4575  
~~warrant of the director of budget and management may appoint a~~ 4576  
~~person who holds a certified position in the classified service~~ 4577  
~~within the appointing authority's agency to a position in the~~ 4578  
~~unclassified service within that agency. (2) A person appointed~~ 4579  
~~pursuant to this division who holds a position in the classified~~ 4580  
~~service of the safe and who is appointed to a position in the~~ 4581  
unclassified service shall retain the right to resume the position 4582  
and status held by the person in the classified service 4583  
immediately prior to the person's appointment to the position in 4584  
the unclassified service, regardless of the number of positions 4585  
the person held in the unclassified service. An employee's right 4586  
to resume a position in the classified service may only be 4587  
exercised when an appointing authority demotes the employee to a 4588  
pay range lower than the employee's current pay range or revokes 4589  
the employee's appointment to the unclassified service- and: 4590

(a) That person held a certified position prior to July 1, 4591  
2007, in the classified service within the appointing authority's 4592  
agency; or 4593

(b) That person held a permanent position on or after July 1, 4594  
2007, in the classified service within the appointing authority's 4595  
agency. 4596

(3) An employee forfeits the right to resume a position in 4597  
the classified service when ~~the:~~ 4598

(a) The employee is removed from the position in the 4599  
unclassified service due to incompetence, inefficiency, 4600  
dishonesty, drunkenness, immoral conduct, insubordination, 4601  
discourteous treatment of the public, neglect of duty, violation 4602  
of this chapter or the rules of the director of administrative 4603

services, any other failure of good behavior, any other acts of 4604  
misfeasance, malfeasance, or nonfeasance in office, or conviction 4605  
of a felony. ~~An employee also forfeits the right to resume a 4606  
position in the classified service upon; or 4607~~

(b) Upon transfer to a different agency. 4608

(4) Reinstatement to a position in the classified service 4609  
shall be to a position substantially equal to that position in the 4610  
classified service held previously, as certified by the director 4611  
of administrative services. If the position the person previously 4612  
held in the classified service has been placed in the unclassified 4613  
service or is otherwise unavailable, the person shall be appointed 4614  
to a position in the classified service within the appointing 4615  
authority's agency that the director of administrative services 4616  
certifies is comparable in compensation to the position the person 4617  
previously held in the classified service. Service in the position 4618  
in the unclassified service shall be counted as service in the 4619  
position in the classified service held by the person immediately 4620  
prior to the person's appointment to the position in the 4621  
unclassified service. When a person is reinstated to a position in 4622  
the classified service as provided in this division, the person is 4623  
entitled to all rights, status, and benefits accruing to the 4624  
position in the classified service during the person's time of 4625  
service in the position in the unclassified service. 4626

**Sec. 124.12.** (A) Within ninety days after an appointing 4627  
authority appoints an employee to an unclassified position in the 4628  
service of the state, the appointing authority shall notify the 4629  
department of administrative services of that appointment. 4630

(B) On the date an appointing authority appoints an employee 4631  
to an unclassified position in the state service, the appointing 4632  
authority shall provide the employee with written information 4633  
describing the nature of employment in the unclassified civil 4634

service. Within thirty days after the date an appointing authority 4635  
appoints an employee to an unclassified position in the state 4636  
service, the appointing authority shall provide the employee with 4637  
written information describing the duties of that position. 4638  
Failure of the appointing authority to provide the written 4639  
information described in this division to the employee does not 4640  
confer any additional rights upon the employee in any appellate 4641  
body with jurisdiction over an appeal of the employee. 4642

(C) The department shall develop and provide each appointing 4643  
authority in the ~~state~~ service of the state with a general written 4644  
description of the nature of employment in the unclassified civil 4645  
service that shall be provided to employees under division (B) of 4646  
this section. 4647

**Sec. 124.14.** (A)(1) The director of administrative services 4648  
shall establish, and may modify or rescind, by rule, a job 4649  
classification plan for all positions, offices, and employments 4650  
the salaries of which are paid in whole or in part by the state. 4651  
The director shall group jobs within a classification so that the 4652  
positions are similar enough in duties and responsibilities to be 4653  
described by the same title, to have the same pay assigned with 4654  
equity, and to have the same qualifications for selection applied. 4655  
The director shall, by rule, assign a classification title to each 4656  
classification within the classification plan. However, the 4657  
director shall consider in establishing classifications, including 4658  
classifications with parenthetical titles, and assigning pay 4659  
ranges such factors as duties performed only on one shift, special 4660  
skills in short supply in the labor market, recruitment problems, 4661  
separation rates, comparative salary rates, the amount of training 4662  
required, and other conditions affecting employment. The director 4663  
shall describe the duties and responsibilities of the class, 4664  
establish the qualifications for being employed in each position 4665  
in the class, and file with the secretary of state a copy of 4666

specifications for all of the classifications. The director shall 4667  
file new, additional, or revised specifications with the secretary 4668  
of state before they are used. 4669

The director shall, by rule, assign each classification, 4670  
either on a statewide basis or in particular counties or state 4671  
institutions, to a pay range established under section 124.15 or 4672  
section 124.152 of the Revised Code. The director may assign a 4673  
classification to a pay range on a temporary basis for a period of 4674  
six months. The director may establish, by rule adopted under 4675  
Chapter 119. of the Revised Code, experimental classification 4676  
plans for some or all employees paid directly by warrant of the 4677  
director of budget and management. The rule shall include 4678  
specifications for each classification within the plan and shall 4679  
specifically address compensation ranges, and methods for 4680  
advancing within the ranges, for the classifications, which may be 4681  
assigned to pay ranges other than the pay ranges established under 4682  
section 124.15 or 124.152 of the Revised Code. 4683

(2) The director of administrative services may reassign to a 4684  
proper classification those positions that have been assigned to 4685  
an improper classification. If the compensation of an employee in 4686  
such a reassigned position exceeds the maximum rate of pay for the 4687  
employee's new classification, the employee shall be placed in pay 4688  
step X and shall not receive an increase in compensation until the 4689  
maximum rate of pay for that classification exceeds the employee's 4690  
compensation. 4691

(3) The director may reassign an exempt employee, as defined 4692  
in section 124.152 of the Revised Code, to a bargaining unit 4693  
classification if the director determines that the bargaining unit 4694  
classification is the proper classification for that employee. 4695  
Notwithstanding Chapter 4117. of the Revised Code or instruments 4696  
and contracts negotiated under it, these placements are at the 4697  
director's discretion. 4698

(4) The director shall, by rule, assign related 4699  
classifications, which form a career progression, to a 4700  
classification series. The director shall, by rule, assign each 4701  
classification in the classification plan a five-digit number, the 4702  
first four digits of which shall denote the classification series 4703  
to which the classification is assigned. When a career progression 4704  
encompasses more than ten classifications, the director shall, by 4705  
rule, identify the additional classifications belonging to a 4706  
classification series. The additional classifications shall be 4707  
part of the classification series, notwithstanding the fact that 4708  
the first four digits of the number assigned to the additional 4709  
classifications do not correspond to the first four digits of the 4710  
numbers assigned to other classifications in the classification 4711  
series. 4712

~~(5) The director may establish, modify, or rescind a 4713  
classification plan for county agencies that elect not to use the 4714  
services and facilities of a county personnel department. The 4715  
director shall establish any such classification plan by means of 4716  
rules adopted under Chapter 119. of the Revised Code. The rules 4717  
shall include a methodology for the establishment of titles unique 4718  
to county agencies, the use of state classification titles and 4719  
classification specifications for common positions, the criteria 4720  
for a county to meet in establishing its own classification plan, 4721  
and the establishment of what constitutes a classification series 4722  
for county agencies. The director may assess a county agency that 4723  
chooses to use the classification plan a usage fee the director 4724  
determines. All usage fees the department of administrative 4725  
services receives shall be paid into the state treasury to the 4726  
credit of the human resources fund created in section 124.07 of 4727  
the Revised Code. 4728~~

(B) Division (A) of this section and sections 124.15 and 4729  
124.152 of the Revised Code do not apply to the following persons, 4730

positions, offices, and employments:	4731
(1) Elected officials;	4732
(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;	4733 4734 4735 4736 4737 4738
(3) <del>Employees of a county children services board that establishes compensation rates under section 5153.12 of the Revised Code;</del>	4739 4740 4741
<del>(4)</del> Any position for which the authority to determine compensation is given by law to another individual or entity;	4742 4743
<del>(5)</del> <u>(4)</u> Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	4744 4745 4746 4747
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	4748 4749
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall send written notice of the proposed rule to the appointing authorities of the affected employees thirty days before a hearing on the proposed rule. The appointing authorities shall notify the affected employees regarding the proposed rule. The director also shall send those appointing authorities notice of any final rule that is adopted within ten days after adoption.	4750 4751 4752 4753 4754 4755 4756 4757
(2) When the director proposes to reclassify any employee <u>in the service of the state</u> so that the employee is adversely affected, the director shall give to the employee affected and to	4758 4759 4760



the employee's appointing authority a written notice setting forth 4761  
the proposed new classification, pay range, and salary. Upon the 4762  
request of any classified employee in the service of the state who 4763  
is not serving in a probationary period, the director shall 4764  
perform a job audit to review the classification of the employee's 4765  
position to determine whether the position is properly classified. 4766  
The director shall give to the employee affected and to the 4767  
employee's appointing authority a written notice of the director's 4768  
determination whether or not to reclassify the position or to 4769  
reassign the employee to another classification. An employee or 4770  
appointing authority desiring a hearing shall file a written 4771  
request for the hearing with the state personnel board of review 4772  
within thirty days after receiving the notice. The board shall set 4773  
the matter for a hearing and notify the employee and appointing 4774  
authority of the time and place of the hearing. The employee, the 4775  
appointing authority, or any authorized representative of the 4776  
employee who wishes to submit facts for the consideration of the 4777  
board shall be afforded reasonable opportunity to do so. After the 4778  
hearing, the board shall consider anew the reclassification and 4779  
may order the reclassification of the employee and require the 4780  
director to assign the employee to such appropriate classification 4781  
as the facts and evidence warrant. As provided in division (A)(1) 4782  
of section 124.03 of the Revised Code, the board may determine the 4783  
most appropriate classification for the position of any employee 4784  
coming before the board, with or without a job audit. The board 4785  
shall disallow any reclassification or reassignment classification 4786  
of any employee when it finds that changes have been made in the 4787  
duties and responsibilities of any particular employee for 4788  
political, religious, or other unjust reasons. 4789

(E)(1) Employees of each county department of job and family 4790  
services shall be paid a salary or wage established by the board 4791  
of county commissioners. The provisions of section 124.18 of the 4792  
Revised Code concerning the standard work week apply to employees 4793

of county departments of job and family services. A board of 4794  
county commissioners may do either of the following: 4795

(a) Notwithstanding any other section of the Revised Code, 4796  
supplement the sick leave, vacation leave, personal leave, and 4797  
other benefits of any employee of the county department of job and 4798  
family services of that county, if the employee is eligible for 4799  
the supplement under a written policy providing for the 4800  
supplement; 4801

(b) Notwithstanding any other section of the Revised Code, 4802  
establish alternative schedules of sick leave, vacation leave, 4803  
personal leave, or other benefits for employees not inconsistent 4804  
with the provisions of a collective bargaining agreement covering 4805  
the affected employees. 4806

(2) Division (E)(1) of this section does not apply to 4807  
employees for whom the state employment relations board 4808  
establishes appropriate bargaining units pursuant to section 4809  
4117.06 of the Revised Code, except in either of the following 4810  
situations: 4811

(a) The employees for whom the state employment relations 4812  
board establishes appropriate bargaining units elect no 4813  
representative in a board-conducted representation election. 4814

(b) After the state employment relations board establishes 4815  
appropriate bargaining units for such employees, all employee 4816  
organizations withdraw from a representation election. 4817

(F)(1) Notwithstanding any contrary provision of sections 4818  
124.01 to 124.64 of the Revised Code, the board of trustees of 4819  
each state university or college, as defined in section 3345.12 of 4820  
the Revised Code, shall carry out all matters of governance 4821  
involving the officers and employees of the university or college, 4822  
including, but not limited to, the powers, duties, and functions 4823  
of the department of administrative services and the director of 4824

administrative services specified in this chapter. Officers and 4825  
employees of a state university or college shall have the right of 4826  
appeal to the state personnel board of review as provided in this 4827  
chapter. 4828

(2) Each board of trustees shall adopt rules under section 4829  
111.15 of the Revised Code to carry out the matters of governance 4830  
described in division (F)(1) of this section. Until the board of 4831  
trustees adopts those rules, a state university or college shall 4832  
continue to operate pursuant to the applicable rules adopted by 4833  
the director of administrative services under this chapter. 4834

(G)(1) Each board of county commissioners may, by a 4835  
resolution adopted by a majority of its members, establish a 4836  
county personnel department to exercise the powers, duties, and 4837  
functions specified in division (G) of this section. As used in 4838  
division (G) of this section, "county personnel department" means 4839  
a county personnel department established by a board of county 4840  
commissioners under division (G)(1) of this section. 4841

(2)(a) Each board of county commissioners, by a resolution 4842  
adopted by a majority of its members, may designate the county 4843  
personnel department of the county to exercise the powers, duties, 4844  
and functions specified in sections 124.01 to 124.64 and Chapter 4845  
325. of the Revised Code with regard to employees in the service 4846  
of the county, except for the powers and duties of the state 4847  
personnel board of review, which powers and duties shall not be 4848  
construed as having been modified or diminished in any manner by 4849  
division (G)(2) of this section, with respect to the employees for 4850  
whom the board of county commissioners is the appointing authority 4851  
or co-appointing authority. 4852

(b) Nothing in division (G)(2) of this section shall be 4853  
construed to limit the right of any employee who possesses the 4854  
right of appeal to the state personnel board of review to continue 4855  
to possess that right of appeal. 4856

(c) Any board of county commissioners that has established a county personnel department may contract with the department of administrative services, in accordance with division (H) of this section, another political subdivision, or an appropriate public or private entity to provide competitive testing services or other appropriate services.

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

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

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

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

~~(a) A requirement that each~~ county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family

services, child support enforcement agencies, and public child 4888  
welfare agencies so that there is no threatened loss of federal 4889  
funding for these agencies, and ~~a requirement that the county be~~ 4890  
is financially liable to the state for any loss of federal funds 4891  
due to the action or inaction of the county personnel department. 4892  
~~The costs associated with audits conducted to monitor compliance~~ 4893  
~~with division (G)(6)(a) of this section shall be reimbursed to the~~ 4894  
~~department of administrative services as determined by the~~ 4895  
~~director. All money the department receives for these audits shall~~ 4896  
~~be paid into the state treasury to the credit of the human~~ 4897  
~~resources fund created in section 124.07 of the Revised Code.~~ 4898

~~(b) Authorization for the director of administrative services 4899  
to conduct periodic audits and reviews of county personnel 4900  
departments to guarantee the uniform application of the powers, 4901  
duties, and functions exercised pursuant to division (G)(2)(a) of 4902  
this section. The costs of the audits and reviews shall be 4903  
reimbursed to the department of administrative services as 4904  
determined by the director by the county for which the services 4905  
are performed. All money the department receives shall be paid 4906  
into the state treasury to the credit of the human resources fund 4907  
created in section 124.07 of the Revised Code.~~ 4908

(H) County agencies may contract with the department of 4909  
administrative services for any human resources services, 4910  
including, but not limited to, establishment and modification of 4911  
job classification plans, competitive testing services, and 4912  
periodic audits and reviews of the county's uniform application of 4913  
the powers, duties, and functions specified in sections 124.01 to 4914  
124.64 and Chapter 325. of the Revised Code with regard to 4915  
employees in the service of the county. Nothing in this division 4916  
modifies the powers and duties of the state personnel board of 4917  
review with respect to employees in the service of the county. 4918  
Nothing in this division limits the right of any employee who 4919

possesses the right of appeal to the state personnel board of 4920  
review to continue to possess that right of appeal. 4921

(I) The director of administrative services shall establish 4922  
the rate and method of compensation for all employees who are paid 4923  
directly by warrant of the director of budget and management and 4924  
who are serving in positions that the director of administrative 4925  
services has determined impracticable to include in the state job 4926  
classification plan. This division does not apply to elected 4927  
officials, legislative employees, employees of the legislative 4928  
service commission, employees who are in the unclassified civil 4929  
service and exempt from collective bargaining coverage in the 4930  
office of the secretary of state, auditor of state, treasurer of 4931  
state, and attorney general, employees of the courts, employees of 4932  
the bureau of workers' compensation whose compensation the 4933  
administrator of workers' compensation establishes under division 4934  
(B) of section 4121.121 of the Revised Code, or employees of an 4935  
appointing authority authorized by law to fix the compensation of 4936  
those employees. 4937

~~(I)~~(J) The director of administrative services shall set the 4938  
rate of compensation for all intermittent, seasonal, temporary, 4939  
emergency, and casual employees in the service of the state who 4940  
are not considered public employees under section 4117.01 of the 4941  
Revised Code. Those employees are not entitled to receive employee 4942  
benefits. This rate of compensation shall be equitable in terms of 4943  
the rate of employees serving in the same or similar 4944  
classifications. This division does not apply to elected 4945  
officials, legislative employees, employees of the legislative 4946  
service commission, employees who are in the unclassified civil 4947  
service and exempt from collective bargaining coverage in the 4948  
office of the secretary of state, auditor of state, treasurer of 4949  
state, and attorney general, employees of the courts, employees of 4950  
the bureau of workers' compensation whose compensation the 4951

administrator establishes under division (B) of section 4121.121 4952  
of the Revised Code, or employees of an appointing authority 4953  
authorized by law to fix the compensation of those employees. 4954

**Sec. 124.231.** (A) As used in this section, "legally blind 4955  
person" means any person who qualifies as being blind under any 4956  
Ohio or federal statute, or any rule adopted thereunder. As used 4957  
in this section, "legally deaf person" means any person who 4958  
qualifies as being deaf under any Ohio or federal statute, or any 4959  
rule adopted thereunder. 4960

(B) When an examination is to be administered under sections 4961  
124.01 to ~~124.64~~ 124.31 of the Revised Code, the director of 4962  
administrative services or the director's designee shall whenever 4963  
practicable arrange for special examinations to be administered to 4964  
legally blind or legally deaf persons applying for positions in 4965  
the classified service of the state to ensure that the abilities 4966  
of such applicants are properly assessed and that such applicants 4967  
are not subject to discrimination because they are legally blind 4968  
or legally deaf persons. 4969

**Sec. 124.241.** As used in this section, "professional 4970  
employee" has the same meaning as in section 5126.20 of the 4971  
Revised Code and "registered service employee" means a service 4972  
employee, as defined in section 5126.20 of the Revised Code, who 4973  
is registered under section 5126.25 of the Revised Code. 4974

County boards of developmental disabilities may hire 4975  
professional employees and registered service employees in the 4976  
classified service on the basis of the candidates' qualifications 4977  
rather than on the basis of the results of ~~an~~ a civil service 4978  
examination ~~administered by the director of administrative~~ 4979  
~~services pursuant to, as described in division (D) of section~~ 4980  
124.23 of the Revised Code. 4981

Sec. 124.25. The director of administrative services shall 4982  
require persons applying for an examination for original 4983  
appointment in the service of the state to file with the director 4984  
or the director's designee, within reasonable time prior to the 4985  
examination, a formal application, in which the applicant shall 4986  
state the applicant's name, address, and such other information as 4987  
may reasonably be required concerning the applicant's education 4988  
and experience. No inquiry shall be made as to religious or 4989  
political affiliations or as to racial or ethnic origin of the 4990  
applicant, except as necessary to gather equal employment 4991  
opportunity or other statistics that, when compiled, will not 4992  
identify any specific individual. 4993

Blank forms for applications shall be furnished by the 4994  
director or the director's designee without charge to any person 4995  
requesting the same. The director or the director's designee may 4996  
require in connection with such application such certificate of 4997  
persons having knowledge of the applicant as the good of the 4998  
service demands. The director or the director's designee may 4999  
refuse to appoint or examine an applicant, or, after an 5000  
examination, refuse to certify the applicant as eligible, who is 5001  
found to lack any of the established preliminary requirements for 5002  
the examination, who is addicted to the habitual use of 5003  
intoxicating liquors or drugs to excess, who has a pattern of poor 5004  
work habits and performance with previous employers, who has been 5005  
convicted of a felony, who has been guilty of infamous or 5006  
notoriously disgraceful conduct, who has been dismissed from 5007  
either branch of the civil service for delinquency or misconduct, 5008  
or who has made false statements of any material fact, or 5009  
practiced, or attempted to practice, any deception or fraud in the 5010  
application or examination, in establishing eligibility, or 5011  
securing an appointment. 5012



**Sec. 124.26.** From the returns of ~~the~~ examinations for 5013  
positions in the service of the state, the director of 5014  
administrative services or the director's designee shall prepare 5015  
an eligible list of the persons whose general average standing 5016  
upon examinations for the class or position is not less than the 5017  
minimum fixed by the rules of the director, and who are otherwise 5018  
eligible. Those persons shall take rank upon the eligible list as 5019  
candidates in the order of their relative excellence as determined 5020  
by the examination without reference to priority of the time of 5021  
examination. If two or more applicants receive the same mark in an 5022  
open competitive examination, priority in the time of filing the 5023  
application with the director or the director's designee shall 5024  
determine the order in which their names shall be placed on the 5025  
eligible list, except that applicants eligible for veteran's 5026  
preference under section 124.23 of the Revised Code shall receive 5027  
priority in rank on the eligible list over nonveterans on the list 5028  
with a rating equal to that of the veteran. Ties among veterans 5029  
shall be decided by priority of filing the application. 5030

- An eligible list expires upon the filling or closing of the 5031  
position. An expired eligible list may be used to fill a position 5032  
of the same classification within the same appointing authority 5033  
for which the list was created. But, in no event shall an expired 5034  
list be used more than one year past its expiration date. 5035

**Sec. 124.27.** (A) Appointments to all positions in the 5036  
classified civil service, that are not filled by promotion, 5037  
transfer, or reduction, as provided in sections 124.01 to 124.64 5038  
of the Revised Code and the rules of the director prescribed under 5039  
those sections, shall be made only from those persons whose names 5040  
take rank order on an eligible list, and no employment, except as 5041  
provided in those sections, shall be otherwise given in the 5042  
classified civil service ~~of this state or any political~~ 5043

~~subdivision of the state.~~ The appointing authority shall appoint 5044  
in the following manner: each time a selection is made, it shall 5045  
be from one of the names that ranks in the top ten names on the 5046  
eligible list or the top twenty-five per cent of the eligible 5047  
list, whichever is greater. ~~But, in~~ In the event that ten or fewer 5048  
names are on the eligible list, the appointing authority may 5049  
select any of the listed candidates. Each person who qualifies for 5050  
the veteran's preference under section 124.23 of the Revised Code, 5051  
who is a resident of this state, and whose name is on the eligible 5052  
list for a position is entitled to preference in original 5053  
appointment to any such competitive position in the classified 5054  
civil service of the state ~~and its civil divisions~~ over all other 5055  
persons who are eligible for those appointments and who are 5056  
standing on the relevant eligible list with a rating equal to that 5057  
of the person qualifying for the veteran's preference. 5058

(B) All original and promotional appointments in the 5059  
classified civil service, including appointments made pursuant to 5060  
section 124.30 of the Revised Code, but not intermittent 5061  
appointments, shall be for a probationary period, not less than 5062  
sixty days nor more than one year, to be fixed by the rules of the 5063  
director for appointments in the civil service of the state, 5064  
except as provided in section 124.231 of the Revised Code, and 5065  
except for original appointments to a police department as a 5066  
police officer or to a fire department as a firefighter which 5067  
shall be for a probationary period of one year. No appointment or 5068  
promotion is final until the appointee has satisfactorily served 5069  
the probationary period. If the service of the probationary 5070  
employee is unsatisfactory, the employee may be removed or reduced 5071  
at any time during the probationary period. If the appointing 5072  
authority decides to remove a probationary employee in the service 5073  
of the state, the appointing authority shall communicate the 5074  
removal to the director. A probationary employee duly removed or 5075  
reduced in position for unsatisfactory service does not have the 5076

right to appeal the removal or reduction under section 124.34 of 5077  
the Revised Code. 5078

**Sec. 124.30.** (A) ~~Positions~~ Classified positions in the 5079  
~~classified~~ civil service may be filled without competition as 5080  
follows: 5081

(1) Whenever there are urgent reasons for filling a vacancy 5082  
in any position in the classified civil service and the director 5083  
of administrative services is unable to certify to the appointing 5084  
authority, upon its request, a list of persons eligible for 5085  
appointment to the position after a competitive examination, the 5086  
appointing authority may fill the position by noncompetitive 5087  
examination. 5088

A temporary appointment may be made without regard to the 5089  
rules of sections 124.01 to 124.64 of the Revised Code. Except as 5090  
otherwise provided in this division, the temporary appointment may 5091  
not continue longer than one hundred twenty days, and in no case 5092  
shall successive temporary appointments be made. A temporary 5093  
appointment longer than one hundred twenty days may be made if 5094  
necessary by reason of sickness, disability, or other approved 5095  
leave of absence of regular officers or employees, in which case 5096  
it may continue during the period of sickness, disability, or 5097  
other approved leave of absence, subject to the rules of the 5098  
director. 5099

(2) In case of a vacancy in a position in the classified 5100  
civil service where peculiar and exceptional qualifications of a 5101  
scientific, managerial, professional, or educational character are 5102  
required, and upon satisfactory evidence that for specified 5103  
reasons competition in this special case is impracticable and that 5104  
the position can best be filled by a selection of some designated 5105  
person of high and recognized attainments in those qualities, the 5106  
director may suspend the provisions of sections 124.01 to 124.64 5107

of the Revised Code that require competition in this special case, 5108  
but no suspension shall be general in its application. All such 5109  
cases of suspension shall be reported in the annual report of the 5110  
director with the reasons for each suspension. The director shall 5111  
suspend the provisions when the director of job and family 5112  
services provides the certification under section 5101.051 of the 5113  
Revised Code that a position with the department of job and family 5114  
services can best be filled if the provisions are suspended. 5115

(3) The acceptance or refusal by an eligible person of a 5116  
temporary appointment shall not affect the person's standing on 5117  
the eligible list for permanent appointment, nor shall the period 5118  
of temporary service be counted as a part of the probationary 5119  
service in case of subsequent appointment to a permanent position. 5120

(B) Persons who receive temporary or intermittent 5121  
appointments are in the unclassified civil service and serve at 5122  
the pleasure of their appointing authority. 5123

**Sec. 124.31.** Vacancies in positions in the classified civil 5124  
service of the state shall be filled insofar as practicable by 5125  
promotions. The director of administrative services shall provide 5126  
in the director's rules for keeping a record of efficiency for 5127  
each employee in the classified civil service of the state, and 5128  
for making promotions in the classified civil service of the state 5129  
on the basis of merit and by conduct and capacity in office. 5130

**Sec. 125.082.** (A) When purchasing equipment, materials, or 5131  
supplies, the general assembly; the offices of all elected state 5132  
officers; all departments, boards, offices, commissions, agencies, 5133  
institutions, including, without limitation, state-supported 5134  
institutions of higher education, and other instrumentalities of 5135  
this state; the supreme court; all courts of appeals; and all 5136  
courts of common pleas, may purchase recycled products in 5137

accordance with the guidelines adopted under division (B) of this 5138  
section if the products are available and meet the performance 5139  
specifications of the procuring entities. Purchases of recycled 5140  
products shall comply with any rules adopted under division (C) of 5141  
this section. 5142

(B) The director of administrative services shall adopt rules 5143  
in accordance with Chapter 119. of the Revised Code establishing 5144  
guidelines for the procurement of recycled products pursuant to 5145  
division (A) of this section. To the extent practicable, the 5146  
guidelines shall do all of the following: 5147

(1) Be consistent with and substantially equivalent to any 5148  
relevant regulations adopted by the administrator of the United 5149  
States environmental protection agency pursuant to the "Resource 5150  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 5151  
6921, as amended; 5152

(2) Establish the minimum percentage of recycled materials 5153  
the various products shall contain in order to be considered 5154  
"recycled" for the purposes of division (A) of this section; 5155

(3) So far as practicable and economically feasible, 5156  
incorporate specifications for recycled-content materials to 5157  
promote the use and purchase of recycled products by state 5158  
agencies. 5159

(C) The director may adopt rules in accordance with Chapter 5160  
119. of the Revised Code establishing a maximum percentage by 5161  
which the cost of recycled products purchased under division (A) 5162  
of this section may exceed the cost of comparable products made of 5163  
virgin materials. 5164

(D) The department of administrative services and the 5165  
~~department of natural resources~~ environmental protection agency 5166  
annually shall prepare and submit to the governor, president of 5167  
the senate, and speaker of the house of representatives a report 5168

that describes, so far as practicable, the value and types of 5169  
recycled products that are purchased with moneys disbursed from 5170  
the state treasury by the general assembly; the offices of all 5171  
elected state officers; and all departments, boards, offices, 5172  
commissions, agencies, and institutions of this state. 5173

**Sec. 125.14.** (A) The director of administrative services 5174  
shall allocate any proceeds from the transfer, sale, or lease of 5175  
excess and surplus supplies in the following manner: 5176

(1) Except as otherwise provided in division (A)(2) of this 5177  
section, the proceeds of such a transfer, sale, or lease shall be 5178  
paid into the state treasury to the credit of the investment 5179  
recovery fund, which is hereby created. 5180

(2) Except as otherwise provided in division (A)(2) of this 5181  
section, when supplies originally were purchased with funds from 5182  
nongeneral revenue fund sources, the director shall determine what 5183  
fund or account originally was used to purchase the supplies, and 5184  
the credit for the proceeds from any transfer, sale, or lease of 5185  
those supplies shall be transferred to that fund or account. If 5186  
the director cannot determine which fund or account originally was 5187  
used to purchase the supplies, if the fund or account is no longer 5188  
active, or if the proceeds from the transfer, sale, or lease of a 5189  
unit of supplies are less than one hundred dollars or any larger 5190  
amount the director may establish with the approval of the 5191  
director of budget and management, then the proceeds from the 5192  
transfer, sale, or lease of such supplies shall be paid into the 5193  
state treasury to the credit of the investment recovery fund. 5194

(B) The investment recovery fund shall be used to pay for the 5195  
operating expenses of the state surplus property program. Any 5196  
amounts in excess of these operating expenses shall periodically 5197  
be transferred to the general revenue fund of the state. If 5198  
proceeds paid into the investment recovery fund are insufficient 5199

to pay for the program's operating expenses, a service fee may be charged to state agencies to eliminate the deficit.

(C) Proceeds from the sale of recyclable goods and materials shall be paid into the state treasury to the credit of the recycled materials fund, which is hereby created, except that the director of ~~natural resources~~ environmental protection, upon request, may grant an exemption from this requirement. The ~~chief of the division of recycling and litter prevention in the department of natural resources~~ director shall administer the fund for the benefit of recycling programs in state agencies.

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

Within sixty days after the effective date of any act appropriating money for capital projects, the director shall determine which appropriations are for general projects and which are for specific projects. Specific projects may include specific higher education projects that are to be funded from general purpose appropriations from the higher education improvement fund or the higher education improvement taxable fund created in

section 154.21 of the Revised Code. Upon determining which 5231  
projects are general and which are specific, the director shall 5232  
submit to the controlling board a list that includes a brief 5233  
description of and the estimated expenditures for each specific 5234  
project. The release of money for any specific higher education 5235  
projects that are to be funded from general purpose appropriations 5236  
from the higher education improvement fund or the higher education 5237  
improvement taxable fund but that are not included on the list, 5238  
and the release of money for any specific higher education 5239  
projects included on the list that will exceed the estimated 5240  
expenditures by more than ten per cent, are subject to the 5241  
approval of the controlling board. 5242

The director may create new appropriation items and make 5243  
transfers of appropriations to them for specific higher education 5244  
projects included on the list that are to be funded from general 5245  
purpose appropriations for basic renovations that are made from 5246  
the higher education improvement fund or the higher education 5247  
improvement taxable fund. 5248

Sec. 127.163. At the time an agency submits a request to the 5249  
controlling board to approve the making of a purchase, if the 5250  
requested purchase is to be made from a supplier who is not 5251  
headquartered in this state but has a presence in this state, the 5252  
agency shall include in the request the following information: 5253

(A) The address or addresses of the supplier's places of 5254  
business in this state; 5255

(B) The total number of employees the supplier employs in 5256  
each of its places of business in this state; 5257

(C) The percentage of the requested purchase to be completed 5258  
by employees of the supplier located in this state; 5259

(D) A list of any suppliers, subcontractors, or other 5260



entities the supplier intends to use to fulfill the requested 5261  
purchase that includes all of the following: 5262

(1) The address or addresses of the places of business in 5263  
this state of each potential supplier, subcontractor, or entity; 5264

(2) The number of employees that each potential supplier, 5265  
subcontractor, or entity employs in each of its places of business 5266  
in this state; 5267

(3) The percentage of the requested purchase to be completed 5268  
by employees of the potential supplier, subcontractor, or entity 5269  
located in this state. 5270

**Sec. 127.164.** (A) Prior to submitting a request to approve 5271  
the making of a purchase to the controlling board, an agency shall 5272  
contact any entity headquartered in this state that the agency 5273  
approached related to the proposed purchase or to whom the agency 5274  
sent a request for proposals but who did not respond to the 5275  
request for proposals and ascertain why the entity did not 5276  
respond. 5277

(B) At the time an agency submits a request to the 5278  
controlling board to approve the making of a purchase, the agency 5279  
shall submit to the board, as part of the request, the information 5280  
that the agency collected under division (A) of this section. 5281

**Sec. 135.35.** (A) The investing authority shall deposit or 5282  
invest any part or all of the county's inactive moneys and shall 5283  
invest all of the money in the county public library fund when 5284  
required by section 135.352 of the Revised Code. The following 5285  
classifications of securities and obligations are eligible for 5286  
such deposit or investment: 5287

(1) United States treasury bills, notes, bonds, or any other 5288  
obligation or security issued by the United States treasury, any 5289  
other obligation guaranteed as to principal or interest by the 5290

United States, or any book entry, zero-coupon United States 5291  
treasury security that is a direct obligation of the United 5292  
States. 5293

Nothing in the classification of eligible securities and 5294  
obligations set forth in divisions (A)(2) to (11) or (A)(13) of 5295  
this section shall be construed to authorize any investment in 5296  
stripped principal or interest obligations of such eligible 5297  
securities and obligations. 5298

(2) Bonds, notes, debentures, or any other obligations or 5299  
securities issued by any federal government agency or 5300  
instrumentality, including, but not limited to, the federal 5301  
national mortgage association, federal home loan bank, federal 5302  
farm credit bank, federal home loan mortgage corporation, 5303  
government national mortgage association, and student loan 5304  
marketing association. All federal agency securities shall be 5305  
direct issuances of federal government agencies or 5306  
instrumentalities. 5307

(3) Time certificates of deposit or savings or deposit 5308  
accounts, including, but not limited to, passbook accounts, in any 5309  
eligible institution mentioned in section 135.32 of the Revised 5310  
Code; 5311

(4) Bonds and other obligations of this state ~~or the~~ 5312  
~~political subdivisions of this state;~~ 5313

(5) No-load money market mutual funds consisting exclusively 5314  
of obligations described in division (A)(1) or (2) of this section 5315  
and repurchase agreements secured by such obligations, provided 5316  
that investments in securities described in this division are made 5317  
only through eligible institutions mentioned in section 135.32 of 5318  
the Revised Code; 5319

(6) The Ohio subdivision's fund as provided in section 135.45 5320  
of the Revised Code; 5321

(7) Securities lending agreements with any eligible 5322  
institution mentioned in section 135.32 of the Revised Code that 5323  
is a member of the federal reserve system or federal home loan 5324  
bank or with any recognized United States government securities 5325  
dealer meeting the description in division (J)(1) of this section, 5326  
under the terms of which agreements the investing authority lends 5327  
securities and the eligible institution or dealer agrees to 5328  
simultaneously exchange similar securities or cash, equal value 5329  
for equal value. 5330

Securities and cash received as collateral for a securities 5331  
lending agreement are not inactive moneys of the county or moneys 5332  
of a county public library fund. The investment of cash collateral 5333  
received pursuant to a securities lending agreement may be 5334  
invested only in instruments specified by the investing authority 5335  
in the written investment policy described in division (K) of this 5336  
section. 5337

(8) Up to twenty-five per cent of the county's total average 5338  
portfolio in either of the following investments: 5339

(a) Commercial paper notes issued by an entity that is 5340  
defined in division (D) of section 1705.01 of the Revised Code and 5341  
that has assets exceeding five hundred million dollars, to which 5342  
notes all of the following apply: 5343

(i) The notes are rated at the time of purchase in the 5344  
highest classification established by at least two nationally 5345  
recognized standard rating services. 5346

(ii) The aggregate value of the notes does not exceed ten per 5347  
cent of the aggregate value of the outstanding commercial paper of 5348  
the issuing corporation. 5349

(iii) The notes mature not later than two hundred seventy 5350  
days after purchase. 5351

(b) Bankers acceptances of banks that are insured by the 5352

federal deposit insurance corporation and to which both of the 5353  
following apply: 5354

(i) The obligations are eligible for purchase by the federal 5355  
reserve system. 5356

(ii) The obligations mature not later than one hundred eighty 5357  
days after purchase. 5358

No investment shall be made pursuant to division (A)(8) of 5359  
this section unless the investing authority has completed 5360  
additional training for making the investments authorized by 5361  
division (A)(8) of this section. The type and amount of additional 5362  
training shall be approved by the auditor of state and may be 5363  
conducted by or provided under the supervision of the auditor of 5364  
state. 5365

(9) Up to fifteen per cent of the county's total average 5366  
portfolio in notes issued by corporations that are incorporated 5367  
under the laws of the United States and that are operating within 5368  
the United States, or by depository institutions that are doing 5369  
business under authority granted by the United States or any state 5370  
and that are operating within the United States, provided both of 5371  
the following apply: 5372

(a) The notes are rated in the second highest or higher 5373  
category by at least two nationally recognized standard rating 5374  
services at the time of purchase. 5375

(b) The notes mature not later than two years after purchase. 5376

(10) No-load money market mutual funds rated in the highest 5377  
category at the time of purchase by at least one nationally 5378  
recognized standard rating service and consisting exclusively of 5379  
obligations described in division (A)(1), (2), or (6) of section 5380  
135.143 of the Revised Code; 5381

(11) Debt interests rated at the time of purchase in the 5382

three highest categories by two nationally recognized standard 5383  
rating services and issued by foreign nations diplomatically 5384  
recognized by the United States government. All interest and 5385  
principal shall be denominated and payable in United States funds. 5386  
The investments made under division (A)(11) of this section shall 5387  
not exceed in the aggregate one per cent of a county's total 5388  
average portfolio. 5389

The investing authority shall invest under division (A)(11) 5390  
of this section in a debt interest issued by a foreign nation only 5391  
if the debt interest is backed by the full faith and credit of 5392  
that foreign nation, there is no prior history of default, and the 5393  
debt interest matures not later than five years after purchase. 5394  
For purposes of division (A)(11) of this section, a debt interest 5395  
is rated in the three highest categories by two nationally 5396  
recognized standard rating services if either the debt interest 5397  
itself or the issuer of the debt interest is rated, or is 5398  
implicitly rated, at the time of purchase in the three highest 5399  
categories by two nationally recognized standard rating services. 5400

(12) A current unpaid or delinquent tax line of credit 5401  
authorized under division (G) of section 135.341 of the Revised 5402  
Code, provided that all of the conditions for entering into such a 5403  
line of credit under that division are satisfied, or bonds and 5404  
other obligations of a county land reutilization corporation 5405  
organized under Chapter 1724. of the Revised Code, if the county 5406  
land reutilization corporation is located wholly or partly within 5407  
the same county as the investing authority; 5408

(13) Either or both of the following, provided the 5409  
investments are specifically approved by the investment advisory 5410  
committee and the aggregate amount invested pursuant to division 5411  
(A)(13) of this section does not exceed fifteen per cent of the 5412  
county's total average portfolio: 5413

(a) Bonds or other obligations of the political subdivisions 5414

of this state, regardless of their date of maturity; 5415

(b) Securities or obligations otherwise eligible for 5416  
investment under this section that mature on a date that is more 5417  
than five years but not more than ten years from the date of 5418  
settlement. 5419

(B) Nothing in the classifications of eligible obligations 5420  
and securities set forth in divisions (A)(1) to (11) or (A)(13) of 5421  
this section shall be construed to authorize investment in a 5422  
derivative, and no investing authority shall invest any county 5423  
inactive moneys or any moneys in a county public library fund in a 5424  
derivative. For purposes of this division, "derivative" means a 5425  
financial instrument or contract or obligation whose value or 5426  
return is based upon or linked to another asset or index, or both, 5427  
separate from the financial instrument, contract, or obligation 5428  
itself. Any security, obligation, trust account, or other 5429  
instrument that is created from an issue of the United States 5430  
treasury or is created from an obligation of a federal agency or 5431  
instrumentality or is created from both is considered a derivative 5432  
instrument. An eligible investment described in this section with 5433  
a variable interest rate payment, based upon a single interest 5434  
payment or single index comprised of other eligible investments 5435  
provided for in division (A)(1) or (2) of this section, is not a 5436  
derivative, provided that such variable rate investment has a 5437  
maximum maturity of two years. A treasury inflation-protected 5438  
security shall not be considered a derivative, provided the 5439  
security matures not later than five years after purchase. 5440

(C) Except for the investments described in division (A)(13) 5441  
of this section or as provided in ~~divisions~~ division (D) ~~and (O)~~ 5442  
of this section, any investment made pursuant to this section must 5443  
mature within ~~ten~~ five years from the date of settlement, ~~unless~~ 5444  
~~the investment is matched to a specific obligation or debt of the~~ 5445  
~~county or to a specific obligation or debt of a political~~ 5446

~~subdivision of this state, and the investment is specifically~~ 5447  
~~approved by the investment advisory committee.~~ 5448

(D) The investing authority may also enter into a written 5449  
repurchase agreement with any eligible institution mentioned in 5450  
section 135.32 of the Revised Code or any eligible securities 5451  
dealer pursuant to division (J) of this section, under the terms 5452  
of which agreement the investing authority purchases and the 5453  
eligible institution or dealer agrees unconditionally to 5454  
repurchase any of the securities listed in divisions (B)(1) to 5455  
(5), except letters of credit described in division (B)(2), of 5456  
section 135.18 of the Revised Code. The market value of securities 5457  
subject to an overnight written repurchase agreement must exceed 5458  
the principal value of the overnight written repurchase agreement 5459  
by at least two per cent. A written repurchase agreement must 5460  
exceed the principal value of the overnight written repurchase 5461  
agreement, by at least two per cent. A written repurchase 5462  
agreement shall not exceed thirty days, and the market value of 5463  
securities subject to a written repurchase agreement must exceed 5464  
the principal value of the written repurchase agreement by at 5465  
least two per cent and be marked to market daily. All securities 5466  
purchased pursuant to this division shall be delivered into the 5467  
custody of the investing authority or the qualified custodian of 5468  
the investing authority or an agent designated by the investing 5469  
authority. A written repurchase agreement with an eligible 5470  
securities dealer shall be transacted on a delivery versus payment 5471  
basis. The agreement shall contain the requirement that for each 5472  
transaction pursuant to the agreement the participating 5473  
institution shall provide all of the following information: 5474

(1) The par value of the securities; 5475

(2) The type, rate, and maturity date of the securities; 5476

(3) A numerical identifier generally accepted in the 5477  
securities industry that designates the securities. 5478

No investing authority shall enter into a written repurchase agreement under the terms of which the investing authority agrees to sell securities owned by the county to a purchaser and agrees with that purchaser to unconditionally repurchase those securities.

(E) No investing authority shall make an investment under this section, unless the investing authority, at the time of making the investment, reasonably expects that the investment can be held until its maturity. The investing authority's written investment policy shall specify the conditions under which an investment may be redeemed or sold prior to maturity.

(F) No investing authority shall pay a county's inactive moneys or moneys of a county public library fund into a fund established by another subdivision, treasurer, governing board, or investing authority, if that fund was established by the subdivision, treasurer, governing board, or investing authority for the purpose of investing or depositing the public moneys of other subdivisions. This division does not apply to the payment of public moneys into either of the following:

(1) The Ohio subdivision's fund pursuant to division (A)(6) of this section;

(2) A fund created solely for the purpose of acquiring, constructing, owning, leasing, or operating municipal utilities pursuant to the authority provided under section 715.02 of the Revised Code or Section 4 of Article XVIII, Ohio Constitution.

For purposes of division (F) of this section, "subdivision" includes a county.

(G) The use of leverage, in which the county uses its current investment assets as collateral for the purpose of purchasing other assets, is prohibited. The issuance of taxable notes for the purpose of arbitrage is prohibited. Contracting to sell securities



not owned by the county, for the purpose of purchasing such 5510  
securities on the speculation that bond prices will decline, is 5511  
prohibited. 5512

(H) Any securities, certificates of deposit, deposit 5513  
accounts, or any other documents evidencing deposits or 5514  
investments made under authority of this section shall be issued 5515  
in the name of the county with the county treasurer or investing 5516  
authority as the designated payee. If any such deposits or 5517  
investments are registrable either as to principal or interest, or 5518  
both, they shall be registered in the name of the treasurer. 5519

(I) The investing authority shall be responsible for the 5520  
safekeeping of all documents evidencing a deposit or investment 5521  
acquired under this section, including, but not limited to, 5522  
safekeeping receipts evidencing securities deposited with a 5523  
qualified trustee, as provided in section 135.37 of the Revised 5524  
Code, and documents confirming the purchase of securities under 5525  
any repurchase agreement under this section shall be deposited 5526  
with a qualified trustee, provided, however, that the qualified 5527  
trustee shall be required to report to the investing authority, 5528  
auditor of state, or an authorized outside auditor at any time 5529  
upon request as to the identity, market value, and location of the 5530  
document evidencing each security, and that if the participating 5531  
institution is a designated depository of the county for the 5532  
current period of designation, the securities that are the subject 5533  
of the repurchase agreement may be delivered to the treasurer or 5534  
held in trust by the participating institution on behalf of the 5535  
investing authority. 5536

Upon the expiration of the term of office of an investing 5537  
authority or in the event of a vacancy in the office for any 5538  
reason, the officer or the officer's legal representative shall 5539  
transfer and deliver to the officer's successor all documents 5540  
mentioned in this division for which the officer has been 5541

responsible for safekeeping. For all such documents transferred 5542  
and delivered, the officer shall be credited with, and the 5543  
officer's successor shall be charged with, the amount of moneys 5544  
evidenced by such documents. 5545

(J)(1) All investments, except for investments in securities 5546  
described in divisions (A)(5), (6), ~~and (12)~~, and (13) of this 5547  
section, shall be made only through a member of the national 5548  
association of securities dealers, through a bank, savings bank, 5549  
or savings and loan association regulated by the superintendent of 5550  
financial institutions, or through an institution regulated by the 5551  
comptroller of the currency, federal deposit insurance 5552  
corporation, or board of governors of the federal reserve system. 5553

(2) Payment for investments shall be made only upon the 5554  
delivery of securities representing such investments to the 5555  
treasurer, investing authority, or qualified trustee. If the 5556  
securities transferred are not represented by a certificate, 5557  
payment shall be made only upon receipt of confirmation of 5558  
transfer from the custodian by the treasurer, governing board, or 5559  
qualified trustee. 5560

(K)(1) Except as otherwise provided in division (K)(2) of 5561  
this section, no investing authority shall make an investment or 5562  
deposit under this section, unless there is on file with the 5563  
auditor of state a written investment policy approved by the 5564  
investing authority. The policy shall require that all entities 5565  
conducting investment business with the investing authority shall 5566  
sign the investment policy of that investing authority. All 5567  
brokers, dealers, and financial institutions, described in 5568  
division (J)(1) of this section, initiating transactions with the 5569  
investing authority by giving advice or making investment 5570  
recommendations shall sign the investing authority's investment 5571  
policy thereby acknowledging their agreement to abide by the 5572  
policy's contents. All brokers, dealers, and financial 5573

institutions, described in division (J)(1) of this section, 5574  
executing transactions initiated by the investing authority, 5575  
having read the policy's contents, shall sign the investment 5576  
policy thereby acknowledging their comprehension and receipt. 5577

(2) If a written investment policy described in division 5578  
(K)(1) of this section is not filed on behalf of the county with 5579  
the auditor of state, the investing authority of that county shall 5580  
invest the county's inactive moneys and moneys of the county 5581  
public library fund only in time certificates of deposits or 5582  
savings or deposit accounts pursuant to division (A)(3) of this 5583  
section, no-load money market mutual funds pursuant to division 5584  
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 5585  
division (A)(6) of this section. 5586

(L)(1) The investing authority shall establish and maintain 5587  
an inventory of all obligations and securities acquired by the 5588  
investing authority pursuant to this section. The inventory shall 5589  
include a description of each obligation or security, including 5590  
type, cost, par value, maturity date, settlement date, and any 5591  
coupon rate. 5592

(2) The investing authority shall also keep a complete record 5593  
of all purchases and sales of the obligations and securities made 5594  
pursuant to this section. 5595

(3) The investing authority shall maintain a monthly 5596  
portfolio report and issue a copy of the monthly portfolio report 5597  
describing such investments to the county investment advisory 5598  
committee, detailing the current inventory of all obligations and 5599  
securities, all transactions during the month that affected the 5600  
inventory, any income received from the obligations and 5601  
securities, and any investment expenses paid, and stating the 5602  
names of any persons effecting transactions on behalf of the 5603  
investing authority. 5604

(4) The monthly portfolio report shall be a public record and 5605  
available for inspection under section 149.43 of the Revised Code. 5606

(5) The inventory and the monthly portfolio report shall be 5607  
filed with the board of county commissioners. The monthly 5608  
portfolio report also shall be filed with the treasurer of state. 5609

(M) An investing authority may enter into a written 5610  
investment or deposit agreement that includes a provision under 5611  
which the parties agree to submit to nonbinding arbitration to 5612  
settle any controversy that may arise out of the agreement, 5613  
including any controversy pertaining to losses of public moneys 5614  
resulting from investment or deposit. The arbitration provision 5615  
shall be set forth entirely in the agreement, and the agreement 5616  
shall include a conspicuous notice to the parties that any party 5617  
to the arbitration may apply to the court of common pleas of the 5618  
county in which the arbitration was held for an order to vacate, 5619  
modify, or correct the award. Any such party may also apply to the 5620  
court for an order to change venue to a court of common pleas 5621  
located more than one hundred miles from the county in which the 5622  
investing authority is located. 5623

For purposes of this division, "investment or deposit 5624  
agreement" means any agreement between an investing authority and 5625  
a person, under which agreement the person agrees to invest, 5626  
deposit, or otherwise manage, on behalf of the investing 5627  
authority, a county's inactive moneys or moneys in a county public 5628  
library fund, or agrees to provide investment advice to the 5629  
investing authority. 5630

(N) An investment held in the county portfolio on September 5631  
27, 1996, that was a legal investment under the law as it existed 5632  
before September 27, 1996, may be held until maturity, or if the 5633  
investment does not have a maturity date the investment may be 5634  
held until five years from September 27, 1996, regardless of 5635  
whether the investment would qualify as a legal investment under 5636

the terms of this section as amended. 5637

~~(O) Upon a majority affirmative vote of the county investment 5638  
advisory committee in support of such action, an investment 5639  
authority may invest up to twenty five per cent of the county's 5640  
total average portfolio of investments made under this section in 5641  
securities and obligations that mature on a date that is more than 5642  
ten years from the date of settlement. 5643~~

**Sec. 140.01.** As used in this chapter: 5644

(A) "Hospital agency" means any public hospital agency or any 5645  
nonprofit hospital agency. 5646

(B) "Public hospital agency" means any county, board of 5647  
county hospital trustees established pursuant to section 339.02 of 5648  
the Revised Code, county hospital commission established pursuant 5649  
to section 339.14 of the Revised Code, municipal corporation, new 5650  
community authority organized under Chapter 349. of the Revised 5651  
Code, joint township hospital district, state or municipal 5652  
university or college operating or authorized to operate a 5653  
hospital facility, or the state. 5654

(C) "Nonprofit hospital agency" means a corporation or 5655  
association not for profit, no part of the net earnings of which 5656  
inures or may lawfully inure to the benefit of any private 5657  
shareholder or individual, that has authority to own or operate a 5658  
hospital facility or provides or is to provide services to one or 5659  
more other hospital agencies. 5660

(D) "Governing body" means, in the case of a county, the 5661  
board of county commissioners or other legislative body; in the 5662  
case of a board of county hospital trustees, the board; in the 5663  
case of a county hospital commission, the commission; in the case 5664  
of a municipal corporation, the council or other legislative 5665  
authority; in the case of a new community authority, its board of 5666

trustees; in the case of a joint township hospital district, the 5667  
joint township district hospital board; in the case of a state or 5668  
municipal university or college, its board of trustees or board of 5669  
directors; in the case of a nonprofit hospital agency, the board 5670  
of trustees or other body having general management of the agency; 5671  
and, in the case of the state, the director of development or the 5672  
Ohio higher educational facility commission. 5673

(E) "Hospital facilities" means buildings, structures and 5674  
other improvements, additions thereto and extensions thereof, 5675  
furnishings, equipment, and real estate and interests in real 5676  
estate, used or to be used for or in connection with one or more 5677  
hospitals, emergency, intensive, intermediate, extended, 5678  
long-term, or self-care facilities, diagnostic and treatment and 5679  
out-patient facilities, facilities related to programs for home 5680  
health services, clinics, laboratories, public health centers, 5681  
research facilities, and rehabilitation facilities, for or 5682  
pertaining to diagnosis, treatment, care, or rehabilitation of 5683  
sick, ill, injured, infirm, impaired, disabled, or handicapped 5684  
persons, or the prevention, detection, and control of disease, and 5685  
also includes education, training, and food service facilities for 5686  
health professions personnel, housing facilities for such 5687  
personnel and their families, and parking and service facilities 5688  
in connection with any of the foregoing; and includes any one, 5689  
part of, or any combination of the foregoing; and further includes 5690  
site improvements, utilities, machinery, facilities, furnishings, 5691  
and any separate or connected buildings, structures, improvements, 5692  
sites, utilities, facilities, or equipment to be used in, or in 5693  
connection with the operation or maintenance of, or supplementing 5694  
or otherwise related to the services or facilities to be provided 5695  
by, any one or more of such hospital facilities. 5696

(F) "Costs of hospital facilities" means the costs of 5697  
acquiring hospital facilities or interests in hospital facilities, 5698

including membership interests in nonprofit hospital agencies, 5699  
costs of constructing hospital facilities, costs of improving one 5700  
or more hospital facilities, including reconstructing, 5701  
rehabilitating, remodeling, renovating, and enlarging, costs of 5702  
equipping and furnishing such facilities, and all financing costs 5703  
pertaining thereto, including, without limitation thereto, costs 5704  
of engineering, architectural, and other professional services, 5705  
designs, plans, specifications and surveys, and estimates of cost, 5706  
costs of tests and inspections, the costs of any indemnity or 5707  
surety bonds and premiums on insurance, all related direct or 5708  
allocable administrative expenses pertaining thereto, fees and 5709  
expenses of trustees, depositories, and paying agents for the 5710  
obligations, cost of issuance of the obligations and financing 5711  
charges and fees and expenses of financial advisors, attorneys, 5712  
accountants, consultants and rating services in connection 5713  
therewith, capitalized interest on the obligations, amounts 5714  
necessary to establish reserves as required by the bond 5715  
proceedings, the reimbursement of all moneys advanced or applied 5716  
by the hospital agency or others or borrowed from others for the 5717  
payment of any item or items of costs of such facilities, and all 5718  
other expenses necessary or incident to planning or determining 5719  
feasibility or practicability with respect to such facilities, and 5720  
such other expenses as may be necessary or incident to the 5721  
acquisition, construction, reconstruction, rehabilitation, 5722  
remodeling, renovation, enlargement, improvement, equipment, and 5723  
furnishing of such facilities, the financing thereof, and the 5724  
placing of the same in use and operation, including any one, part 5725  
of, or combination of such classes of costs and expenses, and 5726  
means the costs of refinancing obligations issued by, or 5727  
reimbursement of money advanced by, nonprofit hospital agencies or 5728  
others the proceeds of which were used for the payment of costs of 5729  
hospital facilities, if the governing body of the public hospital 5730  
agency determines that the refinancing or reimbursement advances 5731

the purposes of this chapter, whether or not the refinancing or 5732  
reimbursement is in conjunction with the acquisition or 5733  
construction of additional hospital facilities. 5734

(G) "Hospital receipts" means all moneys received by or on 5735  
behalf of a hospital agency from or in connection with the 5736  
ownership, operation, acquisition, construction, improvement, 5737  
equipping, or financing of any hospital facilities, including, 5738  
without limitation thereto, any rentals and other moneys received 5739  
from the lease, sale, or other disposition of hospital facilities, 5740  
and any gifts, grants, interest subsidies, or other moneys 5741  
received under any federal program for assistance in financing the 5742  
costs of hospital facilities, and any other gifts, grants, and 5743  
donations, and receipts therefrom, available for financing the 5744  
costs of hospital facilities. 5745

(H) "Obligations" means bonds, notes, or other evidences of 5746  
indebtedness or obligation, including interest coupons pertaining 5747  
thereto, issued or issuable by a public hospital agency to pay 5748  
costs of hospital facilities. 5749

(I) "Bond service charges" means principal, interest, and 5750  
call premium, if any, required to be paid on obligations. 5751

(J) "Bond proceedings" means one or more ordinances, 5752  
resolutions, trust agreements, indentures, and other agreements or 5753  
documents, and amendments and supplements to the foregoing, or any 5754  
combination thereof, authorizing or providing for the terms, 5755  
including any variable interest rates, and conditions applicable 5756  
to, or providing for the security of, obligations and the 5757  
provisions contained in such obligations. 5758

(K) "Nursing home" has the same meaning as in division (A)(1) 5759  
of section 5701.13 of the Revised Code. 5760

(L) "Residential care facility" has the same meaning as in 5761  
division (A)(2) of section 5701.13 of the Revised Code. 5762



(M) ~~"Adult care facility" has the same meaning as in division~~ 5763  
~~(A)(3) of section 5701.13 of the Revised Code.~~ 5764

~~(N)~~ "Independent living facility" means any self-care 5765  
facility or other housing facility designed or used as a residence 5766  
for elderly persons. An "independent living facility" does not 5767  
include a residential facility, or that part of a residential 5768  
facility, that is any of the following: 5769

(1) A hospital required to be certified by section 3727.02 of 5770  
the Revised Code; 5771

(2) A nursing home or residential care facility; 5772

(3) ~~An adult care facility;~~ 5773

~~(4)~~ A facility operated by a hospice care program licensed 5774  
under section 3712.04 of the Revised Code and used for the 5775  
program's hospice patients; 5776

(4) A residential facility licensed by the department of 5777  
mental health under section 5119.22 of the Revised Code that 5778  
provides accommodations, supervision, and personal care services 5779  
for three to sixteen unrelated adults; 5780

(5) A residential facility ~~for the mentally ill~~ licensed by 5781  
the department of mental health under section 5119.22 of the 5782  
Revised Code that is not a residential facility described in 5783  
division (M)(4) of this section; 5784

(6) A facility licensed to provide methadone treatment under 5785  
section 3793.11 of the Revised Code; 5786

(7) A facility certified as an alcohol and drug addiction 5787  
program under section 3793.06 of the Revised Code; 5788

(8) A residential facility licensed under section 5123.19 of 5789  
the Revised Code or a facility providing services under a contract 5790  
with the department of developmental disabilities under section 5791  
5123.18 of the Revised Code; 5792

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

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

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

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

(2) Unless provided for by lease pursuant to section 140.05 of the Revised Code, the method by which such hospital facilities are to be acquired, constructed, or otherwise improved and by

which they shall be managed, occupied, maintained, and repaired, 5824  
including the designation of one of the hospital agencies to have 5825  
charge of the details of acquisition, construction, or improvement 5826  
pursuant to the contracting procedures prescribed under the law 5827  
applicable to one of the participating public hospital agencies; 5828

(3) The management or administration of any such programs, 5829  
projects, activities, or services, which may include management or 5830  
administration by one of said hospital agencies or a board or 5831  
agency thereof; 5832

(4) Annual, or more frequent, reports to the participating 5833  
hospital agencies as to the revenues and receipts pertaining to 5834  
the subject of the agreement, the expenditures thereof, the status 5835  
and application of other funds contributed under such agreement, 5836  
and such other matters as may be specified by or pursuant to such 5837  
agreement; 5838

(5) The manner of apportionment or sharing of costs of 5839  
hospital facilities, any other applicable costs of management, 5840  
operation, maintenance, and repair of hospital facilities, and 5841  
costs for the programs, projects, activities, and services forming 5842  
the subject of the agreement, which apportionment or sharing may 5843  
be prescribed in fixed amounts, or determined by ratios, formulas, 5844  
or otherwise, and paid as service charges, rentals, or in such 5845  
other manner as provided in the agreement, and may include amounts 5846  
sufficient to meet the bond service charges and other payments and 5847  
deposits required under the bond proceedings for obligations 5848  
issued to pay costs of hospital facilities. A hospital agency may 5849  
commit itself to make such payments at least for so long as any 5850  
such obligations are outstanding. In the apportionment, different 5851  
classes of costs or expenses may be apportioned to one or more, 5852  
all or less than all, of the participating hospital agencies as 5853  
determined under such agreement. 5854

(C) An agreement entered into under authority of this section 5855

may provide for:	5856
(1) An orderly process for making determinations or advising as to planning, execution, implementation, and operation, which may include designating one of the hospital agencies, or a board thereof, for any of such purposes, provisions for a committee, board, or commission, and for representation thereon, or as may otherwise be provided;	5857 5858 5859 5860 5861 5862
(2) Securing necessary personnel, including participation of personnel from the respective hospital agencies;	5863 5864
(3) Standards or conditions for the admission or participation of patients and physicians;	5865 5866
(4) Conditions for admittance of other hospital agencies to participation under the agreement;	5867 5868
(5) Fixing or establishing the method of determining charges to be made for particular services;	5869 5870
(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement, or an indefinite term;	5871 5872 5873
(7) Designation of the applicants for or recipients of any federal, state, or other aid, assistance, or loans available by reason of any activities conducted under the agreement;	5874 5875 5876
(8) Designation of one or more of the participating hospital agencies to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement;	5877 5878 5879 5880
(9) Any incidental use of the hospital facilities, or services thereof, by participating public hospital agencies for any of their lawful purposes, which incidental use does not impair the character of the facilities as hospital facilities for any purpose of this chapter;	5881 5882 5883 5884 5885

(10) Such other matters as the parties thereto may agree upon 5886  
for the purposes of division (A) of this section. 5887

(D) For the purpose of paying or contributing its share under 5888  
an agreement made under this section, a public hospital agency 5889  
may: 5890

(1) Expend any moneys from its general fund, and from any 5891  
other funds not otherwise restricted by law, but including funds 5892  
for permanent improvements of hospital facilities of such public 5893  
hospital agency where the contribution is to be made toward the 5894  
costs of hospital facilities under the agreement, and including 5895  
funds derived from levies for, or receipts available for, 5896  
operating expenses of hospital facilities or services of such 5897  
public hospital agency where the contribution or payment is to be 5898  
made toward operating expenses of the hospital facilities or 5899  
services under the agreement or for the services provided thereby; 5900

(2) Issue obligations under Chapter 133. or section 140.06, 5901  
339.14, 339.15, 513.12, or 3345.12 of the Revised Code, or Section 5902  
3 of Article XVIII, Ohio Constitution, if applicable to such 5903  
public hospital agency, to pay costs of hospital facilities, or 5904  
issue obligations under any other provision of law authorizing 5905  
such public hospital agency to issue obligations for any costs of 5906  
hospital facilities; 5907

(3) Levy taxes under Chapter 5705. or section 513.13 or 5908  
3709.29 of the Revised Code, if applicable to such public hospital 5909  
agency, provided that the purpose of such levy may include the 5910  
provision of funds for either or both permanent improvements and 5911  
current expenses if required for the contribution or payment of 5912  
such hospital agency under such agreement, and each such public 5913  
hospital agency may issue notes in anticipation of any such levy, 5914  
pursuant to the procedures provided in section 5705.191 of the 5915  
Revised Code if the levy is solely for current expenses, and in 5916  
section 5705.193 of the Revised Code if the levy is all or in part 5917

for permanent improvements; 5918

(4) Contribute real and personal property or interest therein 5919  
without necessity for competitive bidding or public auction on 5920  
disposition of such property. 5921

(E) Any funds provided by public hospital agencies that are 5922  
parties to an agreement entered into under this section shall be 5923  
transferred to and placed in a separate fund or funds of such 5924  
participating public hospital agency as is designated under the 5925  
agreement. The funds shall be applied for the purposes provided in 5926  
such agreement and are subject to audit. Pursuant to any 5927  
determinations to be made under such agreement, the funds shall be 5928  
deposited, invested, and disbursed under the provisions of law 5929  
applicable to the public hospital agency in whose custody the 5930  
funds are held. This division is subject to the provisions of any 5931  
applicable bond proceedings under section 133.08, 140.06, 339.15, 5932  
or 3345.12 of the Revised Code or Section 3 of Article XVIII, Ohio 5933  
Constitution. The records and reports of such public hospital 5934  
agency under Chapter 117. of the Revised Code and sections 3702.51 5935  
to 3702.62 of the Revised Code, with respect to the funds shall be 5936  
sufficient without necessity for reports thereon by the other 5937  
public hospital agencies participating under such agreement. 5938

(F)(1) Prior to its entry into any such agreement, the public 5939  
hospital agency must determine, and set forth in a resolution or 5940  
ordinance, that the contribution to be made by it under such 5941  
agreement will be fair consideration for value and benefit to be 5942  
derived by it under such agreement and that the agreement will 5943  
promote the public purpose stated in section 140.02 of the Revised 5944  
Code. 5945

(2) If the agreement is with a board of county commissioners, 5946  
board of county hospital trustees, or county hospital commission 5947  
and is an initial agreement for the acquisition or operation of a 5948  
county hospital operated by a board of county hospital trustees 5949

under section 339.06 of the Revised Code, the governing body of 5950  
the public hospital agency shall submit the agreement, accompanied 5951  
by the resolution or ordinance, to the board of county 5952  
commissioners for review pursuant to section 339.091 of the 5953  
Revised Code. The agreement may be entered into only if the board 5954  
of county commissioners adopts a resolution under that section. 5955  
The requirements of division (F)(2) of this section do not apply 5956  
to the agreement if one or more hospitals classified as general 5957  
hospitals by the ~~public~~ director of health council under section 5958  
3701.07 of the Revised Code are operating in the same county as 5959  
the county hospital. 5960

**Sec. 140.05.** (A)(1) A public hospital agency may lease any 5961  
hospital facility to one or more hospital agencies for use as a 5962  
hospital facility, or to one or more city or general health 5963  
districts; boards of alcohol, drug addiction, and mental health 5964  
services; county boards of developmental disabilities; the 5965  
department of mental health; or the department of developmental 5966  
disabilities, for uses which they are authorized to make thereof 5967  
under the laws applicable to them, or any combination of them, and 5968  
they may lease such facilities to or from a hospital agency for 5969  
such uses, upon such terms and conditions as are agreed upon by 5970  
the parties. Such lease may be for a term of fifty years or less 5971  
and may provide for an option of the lessee to renew for a term of 5972  
fifty years or less, as therein set forth. Prior to entering into 5973  
such lease, the governing body of any public hospital agency 5974  
granting such lease must determine, and set forth in a resolution 5975  
or ordinance, that such lease will promote the public purpose 5976  
stated in section 140.02 of the Revised Code and that the lessor 5977  
public hospital agency will be duly benefited thereby. 5978

(2) If the lease is with a board of county commissioners, 5979  
board of county hospital trustees, or county hospital commission 5980  
and is an agreement for the initial lease of a county hospital 5981

operated by a board of county hospital trustees under section 5982  
339.06 of the Revised Code, the governing body of the public 5983  
hospital agency shall submit the agreement, accompanied by the 5984  
resolution or ordinance, to the board of county commissioners for 5985  
review pursuant to section 339.091 of the Revised Code. The 5986  
agreement may be entered into only if the board of county 5987  
commissioners adopts a resolution under that section. The 5988  
requirements of division (A)(2) of this section do not apply to 5989  
the lease if one or more hospitals classified as general hospitals 5990  
by the ~~public~~ public director of health council under section 3701.07 of 5991  
the Revised Code are operating in the same county as the county 5992  
hospital. 5993

(B) Any lease entered into pursuant to this section shall 5994  
provide that in the event that the lessee fails faithfully and 5995  
efficiently to administer, maintain, and operate such leased 5996  
facilities as hospital facilities, or fails to provide the 5997  
services thereof without regard to race, creed, color, or national 5998  
origin, or fails to require that any hospital agency using such 5999  
facilities or the services thereof shall not discriminate by 6000  
reason of race, creed, color, or national origin, after an 6001  
opportunity to be heard upon written charges, said lease may be 6002  
terminated at the time, in the manner and with consequences 6003  
therein provided. If any such lease does not contain terms to the 6004  
effect provided in this division, it shall nevertheless be deemed 6005  
to contain such terms which shall be implemented as determined by 6006  
the governing body of the lessor. 6007

(C) Such lease may provide for rentals commencing at any time 6008  
agreed upon, or advance rental, and continuing for such period 6009  
therein provided, notwithstanding and without diminution, rebate, 6010  
or setoff by reason of time of availability of the hospital 6011  
facility for use, delays in construction, failure of completion, 6012  
damage or destruction of the hospital facilities, or for any other 6013



reason. 6014

(D) Such lease may provide for the sale or transfer of title 6015  
of the leased facilities pursuant to an option to purchase, 6016  
lease-purchase, or installment purchase upon terms therein 6017  
provided or to be determined as therein provided, which may 6018  
include provision for the continued use thereof as a hospital 6019  
facility for some reasonable period, taking into account efficient 6020  
useful life and other factors, as is provided therein. 6021

(E) Such lease may be entered as part of or in connection 6022  
with an agreement pursuant to section 140.03 of the Revised Code. 6023  
Any hospital facilities which are the subject of an agreement 6024  
entered into under section 140.03 of the Revised Code may be 6025  
leased pursuant to this section. 6026

(F) If land acquired by a public hospital agency for a 6027  
hospital facility is adjacent to an existing hospital facility 6028  
owned by another hospital agency, the public hospital agency may, 6029  
in connection with such acquisition or the leasing of such land 6030  
and hospital facilities thereon to one or more hospital agencies, 6031  
enter into an agreement with the hospital agency which owns such 6032  
adjacent hospital facility for the use of common walls in the 6033  
construction, operation, or maintenance of hospital facilities of 6034  
the public hospital agency. For the purpose of construction, 6035  
operation, or maintenance of hospital facilities, a public 6036  
hospital agency may acquire by purchase, gift, lease, lease with 6037  
option to purchase, lease-purchase, or installment purchase, 6038  
easement deed, or other agreement, real estate and interests in 6039  
real estate, including rights to use space over, under or upon 6040  
real property owned by others, and support, access, common wall, 6041  
and other rights in connection therewith. Any public hospital 6042  
agency or other political subdivision or any public agency, board, 6043  
commission, institution, body, or instrumentality may grant such 6044  
real estate, interests, or rights to any hospital agency upon such 6045

terms as are agreed upon without necessity for competitive bidding 6046  
or public auction. 6047

**Sec. 140.08.** (A) Except as otherwise provided in divisions 6048  
(B)(1) and (2) of this section, all hospital facilities purchased, 6049  
acquired, constructed, or owned by a public hospital agency, or 6050  
financed in whole or in part by obligations issued by a public 6051  
hospital agency, and used, or to be used when completed, as 6052  
hospital facilities, and the income therefrom, are exempt from all 6053  
taxation within this state, including ad valorem and excise taxes, 6054  
notwithstanding any other provisions of law, and hospital agencies 6055  
are exempt from taxes levied under Chapters 5739. and 5741. of the 6056  
Revised Code. The obligations issued hereafter under section 6057  
133.08, 140.06, or 339.15 of the Revised Code or Section 3 of 6058  
Article XVIII, Ohio Constitution, to pay costs of hospital 6059  
facilities or to refund such obligations, and the transfer 6060  
thereof, and the interest and other income from such obligations, 6061  
including any profit made on the sale thereof, is free from 6062  
taxation within the state. 6063

(B)(1) Division (A) of this section does not exempt 6064  
independent living facilities from taxes levied on property or 6065  
taxes levied under Chapters 5739. and 5741. of the Revised Code. 6066  
If an independent living facility or part of such facility becomes 6067  
~~an adult care facility, nursing home, or residential care facility~~ 6068  
on or after January 10, 1991, a nursing home, residential care 6069  
facility, or residential facility described in division (M)(4) of 6070  
section 140.01 of the Revised Code, that part of the independent 6071  
living facility that is ~~an adult care facility, a nursing home, or~~ 6072  
~~residential care facility, or residential facility described in~~ 6073  
division (M)(4) of section 140.01 of the Revised Code is exempt 6074  
from taxation subject to division (B)(2) of this section on and 6075  
after the date it becomes ~~an adult care facility, a nursing home,~~ 6076  
~~or residential care facility, or residential facility described in~~ 6077

division (M)(4) of section 140.01 of the Revised Code. 6078

(2) Division (A) of this section exempts nursing homes, 6079  
residential care facilities, and ~~adult-care~~ residential facilities 6080  
described in division (M)(4) of section 140.01 of the Revised Code 6081  
from taxes levied on property and taxes levied under Chapters 6082  
5739. and 5741. of the Revised Code only until all obligations 6083  
issued to finance such homes or facilities, or all refunding or 6084  
series of refundings of those obligations, are redeemed or 6085  
otherwise retired. 6086

**Sec. 145.01.** As used in this chapter: 6087

(A) "Public employee" means: 6088

(1) Any person holding an office, not elective, under the 6089  
state or any county, township, municipal corporation, park 6090  
district, conservancy district, sanitary district, health 6091  
district, metropolitan housing authority, state retirement board, 6092  
Ohio historical society, public library, county law library, union 6093  
cemetery, joint hospital, institutional commissary, state 6094  
university, or board, bureau, commission, council, committee, 6095  
authority, or administrative body as the same are, or have been, 6096  
created by action of the general assembly or by the legislative 6097  
authority of any of the units of local government named in 6098  
division (A)(1) of this section, or employed and paid in whole or 6099  
in part by the state or any of the authorities named in division 6100  
(A)(1) of this section in any capacity not covered by section 6101  
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code. 6102

(2) A person who is a member of the public employees 6103  
retirement system and who continues to perform the same or similar 6104  
duties under the direction of a contractor who has contracted to 6105  
take over what before the date of the contract was a publicly 6106  
operated function. The governmental unit with which the contract 6107  
has been made shall be deemed the employer for the purposes of 6108

administering this chapter. 6109

(3) Any person who is an employee of a public employer, 6110  
notwithstanding that the person's compensation for that employment 6111  
is derived from funds of a person or entity other than the 6112  
employer. Credit for such service shall be included as total 6113  
service credit, provided that the employee makes the payments 6114  
required by this chapter, and the employer makes the payments 6115  
required by sections 145.48 and 145.51 of the Revised Code. 6116

(4) A person who elects in accordance with section 145.015 of 6117  
the Revised Code to remain a contributing member of the public 6118  
employees retirement system. 6119

(5) A person who is an employee of the legal rights service 6120  
on September 30, 2012, and continues to be employed by the 6121  
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 6122  
153 of the 129th general assembly. The nonprofit entity is the 6123  
employer for the purpose of this chapter. 6124

In all cases of doubt, the public employees retirement board 6125  
shall determine whether any person is a public employee, and its 6126  
decision is final. 6127

(B) "Member" means any public employee, other than a public 6128  
employee excluded or exempted from membership in the retirement 6129  
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 6130  
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 6131  
retirant who becomes a member under division (C) of section 145.38 6132  
of the Revised Code. "Member" also includes a disability benefit 6133  
recipient. 6134

(C) "Head of the department" means the elective or appointive 6135  
head of the several executive, judicial, and administrative 6136  
departments, institutions, boards, and commissions of the state 6137  
and local government as the same are created and defined by the 6138  
laws of this state or, in case of a charter government, by that 6139

charter. 6140

(D) "Employer" or "public employer" means the state or any 6141  
county, township, municipal corporation, park district, 6142  
conservancy district, sanitary district, health district, 6143  
metropolitan housing authority, state retirement board, Ohio 6144  
historical society, public library, county law library, union 6145  
cemetery, joint hospital, institutional commissary, state medical 6146  
university, state university, or board, bureau, commission, 6147  
council, committee, authority, or administrative body as the same 6148  
are, or have been, created by action of the general assembly or by 6149  
the legislative authority of any of the units of local government 6150  
named in this division not covered by section 742.01, 3307.01, 6151  
3309.01, or 5505.01 of the Revised Code. In addition, "employer" 6152  
means the employer of any public employee. 6153

(E) "Prior service" means all service as a public employee 6154  
rendered before January 1, 1935, and all service as an employee of 6155  
any employer who comes within the state teachers retirement system 6156  
or of the school employees retirement system or of any other 6157  
retirement system established under the laws of this state 6158  
rendered prior to January 1, 1935, provided that if the employee 6159  
claiming the service was employed in any capacity covered by that 6160  
other system after that other system was established, credit for 6161  
the service may be allowed by the public employees retirement 6162  
system only when the employee has made payment, to be computed on 6163  
the salary earned from the date of appointment to the date 6164  
membership was established in the public employees retirement 6165  
system, at the rate in effect at the time of payment, and the 6166  
employer has made payment of the corresponding full liability as 6167  
provided by section 145.44 of the Revised Code. "Prior service" 6168  
also means all service credited for active duty with the armed 6169  
forces of the United States as provided in section 145.30 of the 6170  
Revised Code. 6171

If an employee who has been granted prior service credit by 6172  
the public employees retirement system for service rendered prior 6173  
to January 1, 1935, as an employee of a board of education 6174  
establishes, before retirement, one year or more of contributing 6175  
service in the state teachers retirement system or school 6176  
employees retirement system, then the prior service ceases to be 6177  
the liability of this system. 6178

If the board determines that a position of any member in any 6179  
calendar year prior to January 1, 1935, was a part-time position, 6180  
the board shall determine what fractional part of a year's credit 6181  
shall be allowed by the following formula: 6182

(1) When the member has been either elected or appointed to 6183  
an office the term of which was two or more years and for which an 6184  
annual salary is established, the fractional part of the year's 6185  
credit shall be computed as follows: 6186

First, when the member's annual salary is one thousand 6187  
dollars or less, the service credit for each such calendar year 6188  
shall be forty per cent of a year. 6189

Second, for each full one hundred dollars of annual salary 6190  
above one thousand dollars, the member's service credit for each 6191  
such calendar year shall be increased by two and one-half per 6192  
cent. 6193

(2) When the member is paid on a per diem basis, the service 6194  
credit for any single year of the service shall be determined by 6195  
using the number of days of service for which the compensation was 6196  
received in any such year as a numerator and using two hundred 6197  
fifty days as a denominator. 6198

(3) When the member is paid on an hourly basis, the service 6199  
credit for any single year of the service shall be determined by 6200  
using the number of hours of service for which the compensation 6201  
was received in any such year as a numerator and using two 6202

thousand hours as a denominator. 6203

(F) "Contributor" means any person who has an account in the 6204  
employees' savings fund created by section 145.23 of the Revised 6205  
Code. When used in the sections listed in division (B) of section 6206  
145.82 of the Revised Code, "contributor" includes any person 6207  
participating in a PERS defined contribution plan. 6208

(G) "Beneficiary" or "beneficiaries" means the estate or a 6209  
person or persons who, as the result of the death of a member, 6210  
contributor, or retirant, qualify for or are receiving some right 6211  
or benefit under this chapter. 6212

(H)(1) "Total service credit," except as provided in section 6213  
145.37 of the Revised Code, means all service credited to a member 6214  
of the retirement system since last becoming a member, including 6215  
restored service credit as provided by section 145.31 of the 6216  
Revised Code; credit purchased under sections 145.293 and 145.299 6217  
of the Revised Code; all the member's prior service credit; all 6218  
the member's military service credit computed as provided in this 6219  
chapter; all service credit established pursuant to section 6220  
145.297 of the Revised Code; and any other service credited under 6221  
this chapter. In addition, "total service credit" includes any 6222  
period, not in excess of three years, during which a member was 6223  
out of service and receiving benefits under Chapters 4121. and 6224  
4123. of the Revised Code. For the exclusive purpose of satisfying 6225  
the service credit requirement and of determining eligibility for 6226  
benefits under sections 145.32, 145.33, 145.331, 145.35, 145.36, 6227  
and 145.361 of the Revised Code, "five or more years of total 6228  
service credit" means sixty or more calendar months of 6229  
contributing service in this system. 6230

(2) "One and one-half years of contributing service credit," 6231  
as used in division (B) of section 145.45 of the Revised Code, 6232  
also means eighteen or more calendar months of employment by a 6233  
municipal corporation that formerly operated its own retirement 6234

plan for its employees or a part of its employees, provided that 6235  
all employees of that municipal retirement plan who have eighteen 6236  
or more months of such employment, upon establishing membership in 6237  
the public employees retirement system, shall make a payment of 6238  
the contributions they would have paid had they been members of 6239  
this system for the eighteen months of employment preceding the 6240  
date membership was established. When that payment has been made 6241  
by all such employee members, a corresponding payment shall be 6242  
paid into the employers' accumulation fund by that municipal 6243  
corporation as the employer of the employees. 6244

(3) Where a member also is a member of the state teachers 6245  
retirement system or the school employees retirement system, or 6246  
both, except in cases of retirement on a combined basis pursuant 6247  
to section 145.37 of the Revised Code or as provided in section 6248  
145.383 of the Revised Code, service credit for any period shall 6249  
be credited on the basis of the ratio that contributions to the 6250  
public employees retirement system bear to total contributions in 6251  
all state retirement systems. 6252

(4) Not more than one year of credit may be given for any 6253  
period of twelve months. 6254

(5) "Ohio service credit" means credit for service that was 6255  
rendered to the state or any of its political subdivisions or any 6256  
employer. 6257

(I) "Regular interest" means interest at any rates for the 6258  
respective funds and accounts as the public employees retirement 6259  
board may determine from time to time. 6260

(J) "Accumulated contributions" means the sum of all amounts 6261  
credited to a contributor's individual account in the employees' 6262  
savings fund together with any interest credited to the 6263  
contributor's account under section 145.471 or 145.472 of the 6264  
Revised Code. 6265



(K)(1) "Final average salary" means the quotient obtained by 6266  
dividing by three the sum of the three full calendar years of 6267  
contributing service in which the member's earnable salary was 6268  
highest, except that if the member has a partial year of 6269  
contributing service in the year the member's employment 6270  
terminates and the member's earnable salary for the partial year 6271  
is higher than for any comparable period in the three years, the 6272  
member's earnable salary for the partial year shall be substituted 6273  
for the member's earnable salary for the comparable period during 6274  
the three years in which the member's earnable salary was lowest. 6275

(2) If a member has less than three years of contributing 6276  
service, the member's final average salary shall be the member's 6277  
total earnable salary divided by the total number of years, 6278  
including any fraction of a year, of the member's contributing 6279  
service. 6280

(3) For the purpose of calculating benefits payable to a 6281  
member qualifying for service credit under division (Z) of this 6282  
section, "final average salary" means the total earnable salary on 6283  
which contributions were made divided by the total number of years 6284  
during which contributions were made, including any fraction of a 6285  
year. If contributions were made for less than twelve months, 6286  
"final average salary" means the member's total earnable salary. 6287

(L) "Annuity" means payments for life derived from 6288  
contributions made by a contributor and paid from the annuity and 6289  
pension reserve fund as provided in this chapter. All annuities 6290  
shall be paid in twelve equal monthly installments. 6291

(M) "Annuity reserve" means the present value, computed upon 6292  
the basis of the mortality and other tables adopted by the board, 6293  
of all payments to be made on account of any annuity, or benefit 6294  
in lieu of any annuity, granted to a retirant as provided in this 6295  
chapter. 6296

(N)(1) "Disability retirement" means retirement as provided in section 145.36 of the Revised Code.	6297 6298
(2) "Disability allowance" means an allowance paid on account of disability under section 145.361 of the Revised Code.	6299 6300
(3) "Disability benefit" means a benefit paid as disability retirement under section 145.36 of the Revised Code, as a disability allowance under section 145.361 of the Revised Code, or as a disability benefit under section 145.37 of the Revised Code.	6301 6302 6303 6304
(4) "Disability benefit recipient" means a member who is receiving a disability benefit.	6305 6306
(O) "Age and service retirement" means retirement as provided in sections 145.32, 145.33, 145.331, 145.34, 145.37, and 145.46 of the Revised Code.	6307 6308 6309
(P) "Pensions" means annual payments for life derived from contributions made by the employer that at the time of retirement are credited into the annuity and pension reserve fund from the employers' accumulation fund and paid from the annuity and pension reserve fund as provided in this chapter. All pensions shall be paid in twelve equal monthly installments.	6310 6311 6312 6313 6314 6315
(Q) "Retirement allowance" means the pension plus that portion of the benefit derived from contributions made by the member.	6316 6317 6318
(R)(1) Except as otherwise provided in division (R) of this section, "earnable salary" means all salary, wages, and other earnings paid to a contributor by reason of employment in a position covered by the retirement system. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 145.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. "Earnable salary"	6319 6320 6321 6322 6323 6324 6325 6326 6327

includes the following:	6328
(a) Payments made by the employer in lieu of salary, wages, or other earnings for sick leave, personal leave, or vacation used by the contributor;	6329 6330 6331
(b) Payments made by the employer for the conversion of sick leave, personal leave, and vacation leave accrued, but not used if the payment is made during the year in which the leave is accrued, except that payments made pursuant to section 124.383 or 124.386 of the Revised Code are not earnable salary;	6332 6333 6334 6335 6336
(c) Allowances paid by the employer for full maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;	6337 6338 6339 6340
(d) Fees and commissions paid under section 507.09 of the Revised Code;	6341 6342
(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;	6343 6344 6345 6346
(f) Amounts included pursuant to divisions (K)(3) and (Y) of this section.	6347 6348
(2) "Earnable salary" does not include any of the following:	6349
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	6350 6351 6352 6353
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the	6354 6355 6356 6357

contributor in lieu of providing the insurance; 6358

(c) Incidental benefits, including lodging, food, laundry, 6359  
parking, or services furnished by the employer, or use of the 6360  
employer's property or equipment, or amounts paid by the employer 6361  
to the contributor in lieu of providing the incidental benefits; 6362

(d) Reimbursement for job-related expenses authorized by the 6363  
employer, including moving and travel expenses and expenses 6364  
related to professional development; 6365

(e) Payments for accrued but unused sick leave, personal 6366  
leave, or vacation that are made at any time other than in the 6367  
year in which the sick leave, personal leave, or vacation was 6368  
accrued; 6369

(f) Payments made to or on behalf of a contributor that are 6370  
in excess of the annual compensation that may be taken into 6371  
account by the retirement system under division (a)(17) of section 6372  
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 6373  
U.S.C.A. 401(a)(17), as amended; 6374

(g) Payments made under division (B), (C), or (E) of section 6375  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 6376  
No. 3 of the 119th general assembly, Section 3 of Amended 6377  
Substitute Senate Bill No. 164 of the 124th general assembly, or 6378  
Amended Substitute House Bill No. 405 of the 124th general 6379  
assembly; 6380

(h) Anything of value received by the contributor that is 6381  
based on or attributable to retirement or an agreement to retire, 6382  
except that payments made on or before January 1, 1989, that are 6383  
based on or attributable to an agreement to retire shall be 6384  
included in earnable salary if both of the following apply: 6385

(i) The payments are made in accordance with contract 6386  
provisions that were in effect prior to January 1, 1986; 6387

(ii) The employer pays the retirement system an amount 6388  
specified by the retirement board equal to the additional 6389  
liability resulting from the payments. 6390

(3) The retirement board shall determine by rule whether any 6391  
compensation not enumerated in division (R) of this section is 6392  
earnable salary, and its decision shall be final. 6393

(S) "Pension reserve" means the present value, computed upon 6394  
the basis of the mortality and other tables adopted by the board, 6395  
of all payments to be made on account of any retirement allowance 6396  
or benefit in lieu of any retirement allowance, granted to a 6397  
member or beneficiary under this chapter. 6398

(T)(1) "Contributing service" means all service credited to a 6399  
member of the system since January 1, 1935, for which 6400  
contributions are made as required by sections 145.47, 145.48, and 6401  
145.483 of the Revised Code. In any year subsequent to 1934, 6402  
credit for any service shall be allowed by the following formula: 6403

(a) For each month for which the member's earnable salary is 6404  
two hundred fifty dollars or more, allow one month's credit. 6405

(b) For each month for which the member's earnable salary is 6406  
less than two hundred fifty dollars, allow a fraction of a month's 6407  
credit. The numerator of this fraction shall be the earnable 6408  
salary during the month, and the denominator shall be two hundred 6409  
fifty dollars, except that if the member's annual earnable salary 6410  
is less than six hundred dollars, the member's credit shall not be 6411  
reduced below twenty per cent of a year for a calendar year of 6412  
employment during which the member worked each month. Division 6413  
(T)(1)(b) of this section shall not reduce any credit earned 6414  
before January 1, 1985. 6415

(2) Notwithstanding division (T)(1) of this section, an 6416  
elected official who prior to January 1, 1980, was granted a full 6417  
year of credit for each year of service as an elected official 6418

shall be considered to have earned a full year of credit for each 6419  
year of service regardless of whether the service was full-time or 6420  
part-time. The public employees retirement board has no authority 6421  
to reduce the credit. 6422

(U) "State retirement board" means the public employees 6423  
retirement board, the school employees retirement board, or the 6424  
state teachers retirement board. 6425

(V) "Retirant" means any former member who retires and is 6426  
receiving a monthly allowance as provided in sections 145.32, 6427  
145.33, 145.331, 145.34, and 145.46 of the Revised Code. 6428

(W) "Employer contribution" means the amount paid by an 6429  
employer as determined under section 145.48 of the Revised Code. 6430

(X) "Public service terminates" means the last day for which 6431  
a public employee is compensated for services performed for an 6432  
employer or the date of the employee's death, whichever occurs 6433  
first. 6434

(Y) When a member has been elected or appointed to an office, 6435  
the term of which is two or more years, for which an annual salary 6436  
is established, and in the event that the salary of the office is 6437  
increased and the member is denied the additional salary by reason 6438  
of any constitutional provision prohibiting an increase in salary 6439  
during a term of office, the member may elect to have the amount 6440  
of the member's contributions calculated upon the basis of the 6441  
increased salary for the office. At the member's request, the 6442  
board shall compute the total additional amount the member would 6443  
have contributed, or the amount by which each of the member's 6444  
contributions would have increased, had the member received the 6445  
increased salary for the office the member holds. If the member 6446  
elects to have the amount by which the member's contribution would 6447  
have increased withheld from the member's salary, the member shall 6448  
notify the employer, and the employer shall make the withholding 6449

and transmit it to the retirement system. A member who has not  
elected to have that amount withheld may elect at any time to make  
a payment to the retirement system equal to the additional amount  
the member's contribution would have increased, plus interest on  
that contribution, compounded annually at a rate established by  
the board and computed from the date on which the last  
contribution would have been withheld from the member's salary to  
the date of payment. A member may make a payment for part of the  
period for which the increased contribution was not withheld, in  
which case the interest shall be computed from the date the last  
contribution would have been withheld for the period for which the  
payment is made. Upon the payment of the increased contributions  
as provided in this division, the increased annual salary as  
provided by law for the office for the period for which the member  
paid increased contributions thereon shall be used in determining  
the member's earnable salary for the purpose of computing the  
member's final average salary.

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

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

required by section 109.77 of the Revised Code; or any person 6482  
deputized by the sheriff of any county and employed pursuant to 6483  
section 2301.12 of the Revised Code as a criminal bailiff or court 6484  
constable who has received a certificate attesting to the person's 6485  
satisfactory completion of the peace officer training school as 6486  
required by section 109.77 of the Revised Code. 6487

(BB) "Township constable or police officer in a township 6488  
police department or district" means any person who is 6489  
commissioned and employed as a full-time peace officer pursuant to 6490  
Chapter 505. or 509. of the Revised Code, who has received a 6491  
certificate attesting to the person's satisfactory completion of 6492  
the peace officer training school as required by section 109.77 of 6493  
the Revised Code. 6494

(CC) "Drug agent" means any person who is either of the 6495  
following: 6496

(1) Employed full time as a narcotics agent by a county 6497  
narcotics agency created pursuant to section 307.15 of the Revised 6498  
Code and has received a certificate attesting to the satisfactory 6499  
completion of the peace officer training school as required by 6500  
section 109.77 of the Revised Code; 6501

(2) Employed full time as an undercover drug agent as defined 6502  
in section 109.79 of the Revised Code and is in compliance with 6503  
section 109.77 of the Revised Code. 6504

(DD) "Department of public safety enforcement agent" means a 6505  
full-time employee of the department of public safety who is 6506  
designated under section 5502.14 of the Revised Code as an 6507  
enforcement agent and who is in compliance with section 109.77 of 6508  
the Revised Code. 6509

(EE) "Natural resources law enforcement staff officer" means 6510  
a full-time employee of the department of natural resources who is 6511  
designated a natural resources law enforcement staff officer under 6512



section 1501.013 of the Revised Code and is in compliance with 6513  
section 109.77 of the Revised Code. 6514

(FF) "Park officer" means a full-time employee of the 6515  
department of natural resources who is designated a park officer 6516  
under section 1541.10 of the Revised Code and is in compliance 6517  
with section 109.77 of the Revised Code. 6518

(GG) "Forest officer" means a full-time employee of the 6519  
department of natural resources who is designated a forest officer 6520  
under section 1503.29 of the Revised Code and is in compliance 6521  
with section 109.77 of the Revised Code. 6522

(HH) "Preserve officer" means a full-time employee of the 6523  
department of natural resources who is designated a preserve 6524  
officer under section 1517.10 of the Revised Code and is in 6525  
compliance with section 109.77 of the Revised Code. 6526

(II) "Wildlife officer" means a full-time employee of the 6527  
department of natural resources who is designated a wildlife 6528  
officer under section 1531.13 of the Revised Code and is in 6529  
compliance with section 109.77 of the Revised Code. 6530

(JJ) "State watercraft officer" means a full-time employee of 6531  
the department of natural resources who is designated a state 6532  
watercraft officer under section 1547.521 of the Revised Code and 6533  
is in compliance with section 109.77 of the Revised Code. 6534

(KK) "Park district police officer" means a full-time 6535  
employee of a park district who is designated pursuant to section 6536  
511.232 or 1545.13 of the Revised Code and is in compliance with 6537  
section 109.77 of the Revised Code. 6538

(LL) "Conservancy district officer" means a full-time 6539  
employee of a conservancy district who is designated pursuant to 6540  
section 6101.75 of the Revised Code and is in compliance with 6541  
section 109.77 of the Revised Code. 6542

(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 6574  
police officer under division (Y) of section 306.35 of the Revised 6575  
Code and is in compliance with section 109.77 of the Revised Code. 6576

(UU) "State highway patrol police officer" means a special 6577  
police officer employed full time and designated by the 6578  
superintendent of the state highway patrol pursuant to section 6579  
5503.09 of the Revised Code or a person serving full time as a 6580  
special police officer pursuant to that section on a permanent 6581  
basis on October 21, 1997, who is in compliance with section 6582  
109.77 of the Revised Code. 6583

(VV) "Municipal public safety director" means a person who 6584  
serves full time as the public safety director of a municipal 6585  
corporation with the duty of directing the activities of the 6586  
municipal corporation's police department and fire department. 6587

(WW) Notwithstanding section 2901.01 of the Revised Code, 6588  
"PERS law enforcement officer" means a sheriff or any of the 6589  
following whose primary duties are to preserve the peace, protect 6590  
life and property, and enforce the laws of this state: a deputy 6591  
sheriff, township constable or police officer in a township police 6592  
department or district, drug agent, department of public safety 6593  
enforcement agent, natural resources law enforcement staff 6594  
officer, park officer, forest officer, preserve officer, wildlife 6595  
officer, state watercraft officer, park district police officer, 6596  
conservancy district officer, veterans' home police officer, 6597  
special police officer for a mental health institution, special 6598  
police officer for an institution for the mentally retarded and 6599  
developmentally disabled, state university law enforcement 6600  
officer, municipal police officer, house sergeant at arms, 6601  
assistant house sergeant at arms, regional transit authority 6602  
police officer, or state highway patrol police officer. PERS law 6603  
enforcement officer also includes a person serving as a municipal 6604  
public safety director at any time during the period from 6605

September 29, 2005, to March 24, 2009, if the duties of that 6606  
service were to preserve the peace, protect life and property, and 6607  
enforce the laws of this state. 6608

(XX) "Hamilton county municipal court bailiff" means a person 6609  
appointed by the clerk of courts of the Hamilton county municipal 6610  
court under division (A)(3) of section 1901.32 of the Revised Code 6611  
who is employed full time as a bailiff or deputy bailiff, who has 6612  
received a certificate attesting to the person's satisfactory 6613  
completion of the peace officer basic training described in 6614  
division (D)(1) of section 109.77 of the Revised Code. 6615

(YY) "PERS public safety officer" means a Hamilton county 6616  
municipal court bailiff, or any of the following whose primary 6617  
duties are other than to preserve the peace, protect life and 6618  
property, and enforce the laws of this state: a deputy sheriff, 6619  
township constable or police officer in a township police 6620  
department or district, drug agent, department of public safety 6621  
enforcement agent, natural resources law enforcement staff 6622  
officer, park officer, forest officer, preserve officer, wildlife 6623  
officer, state watercraft officer, park district police officer, 6624  
conservancy district officer, veterans' home police officer, 6625  
special police officer for a mental health institution, special 6626  
police officer for an institution for the mentally retarded and 6627  
developmentally disabled, state university law enforcement 6628  
officer, municipal police officer, house sergeant at arms, 6629  
assistant house sergeant at arms, regional transit authority 6630  
police officer, or state highway patrol police officer. "PERS 6631  
public safety officer" also includes a person serving as a 6632  
municipal public safety director at any time during the period 6633  
from September 29, 2005, to March 24, 2009, if the duties of that 6634  
service were other than to preserve the peace, protect life and 6635  
property, and enforce the laws of this state. 6636

(ZZ) "Fiduciary" means a person who does any of the 6637

following:	6638
(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;	6639 6640 6641
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	6642 6643
(3) Has any discretionary authority or responsibility in the administration of the system.	6644 6645
(AAA) "Actuary" means an individual who satisfies all of the following requirements:	6646 6647
(1) Is a member of the American academy of actuaries;	6648
(2) Is an associate or fellow of the society of actuaries;	6649
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	6650 6651
(BBB) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	6652 6653
(CCC) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	6654 6655
<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:	6656 6657 6658
(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;	6659 6660 6661 6662
(2) Who is an emergency employee serving on a temporary basis in case of fire, snow, earthquake, flood, or other similar emergency;	6663 6664 6665

(3) Who is employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;	6666 6667 6668
(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	6669 6670 6671 6672
(5) Who is employed as an election worker and paid less than five hundred dollars per calendar year for that service;	6673 6674
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	6675 6676 6677 6678 6679
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	6680 6681 6682
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	6683 6684 6685 6686
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	6687 6688 6689
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	6690 6691 6692 6693 6694 6695

(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	6696 6697
(9) Who is a member of the board of directors of a sanitary district established under Chapter 6115. of the Revised Code;	6698 6699
(10) Who is a member of the unemployment compensation advisory council;	6700 6701
(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;	6702 6703 6704
<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>	6705 6706 6707 6708 6709
(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.	6710 6711 6712 6713 6714 6715 6716 6717 6718 6719 6720 6721 6722 6723 6724
<b>Sec. 149.43.</b> (A) As used in this section:	6725

(1) "Public record" means records kept by any public office, 6726  
including, but not limited to, state, county, city, village, 6727  
township, and school district units, and records pertaining to the 6728  
delivery of educational services by an alternative school in this 6729  
state kept by the nonprofit or for-profit entity operating the 6730  
alternative school pursuant to section 3313.533 of the Revised 6731  
Code. "Public record" does not mean any of the following: 6732

(a) Medical records; 6733

(b) Records pertaining to probation and parole proceedings or 6734  
to proceedings related to the imposition of community control 6735  
sanctions and post-release control sanctions; 6736

(c) Records pertaining to actions under section 2151.85 and 6737  
division (C) of section 2919.121 of the Revised Code and to 6738  
appeals of actions arising under those sections; 6739

(d) Records pertaining to adoption proceedings, including the 6740  
contents of an adoption file maintained by the department of 6741  
health under section 3705.12 of the Revised Code; 6742

(e) Information in a record contained in the putative father 6743  
registry established by section 3107.062 of the Revised Code, 6744  
regardless of whether the information is held by the department of 6745  
job and family services or, pursuant to section 3111.69 of the 6746  
Revised Code, the office of child support in the department or a 6747  
child support enforcement agency; 6748

(f) Records listed in division (A) of section 3107.42 of the 6749  
Revised Code or specified in division (A) of section 3107.52 of 6750  
the Revised Code; 6751

(g) Trial preparation records; 6752

(h) Confidential law enforcement investigatory records; 6753

(i) Records containing information that is confidential under 6754  
section 2710.03 or 4112.05 of the Revised Code; 6755



(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	6756 6757
(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;	6758 6759 6760 6761
(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;	6762 6763 6764 6765
(m) Intellectual property records;	6766
(n) Donor profile records;	6767
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	6768 6769
(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;	6770 6771 6772 6773 6774 6775
(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;	6776 6777 6778 6779 6780
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	6781 6782
(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	6783 6784 6785

the Revised Code, and child fatality review data submitted by the 6786  
child fatality review board to the department of health or a 6787  
national child death review database, other than the report 6788  
prepared pursuant to division (A) of section 307.626 of the 6789  
Revised Code; 6790

(t) Records provided to and statements made by the executive 6791  
director of a public children services agency or a prosecuting 6792  
attorney acting pursuant to section 5153.171 of the Revised Code 6793  
other than the information released under that section; 6794

(u) Test materials, examinations, or evaluation tools used in 6795  
an examination for licensure as a nursing home administrator that 6796  
the board of examiners of nursing home administrators administers 6797  
under section 4751.04 of the Revised Code or contracts under that 6798  
section with a private or government entity to administer; 6799

(v) Records the release of which is prohibited by state or 6800  
federal law; 6801

(w) Proprietary information of or relating to any person that 6802  
is submitted to or compiled by the Ohio venture capital authority 6803  
created under section 150.01 of the Revised Code; 6804

(x) Information reported and evaluations conducted pursuant 6805  
to section 3701.072 of the Revised Code; 6806

(y) Financial statements and data any person submits for any 6807  
purpose to the Ohio housing finance agency or the controlling 6808  
board in connection with applying for, receiving, or accounting 6809  
for financial assistance from the agency, and information that 6810  
identifies any individual who benefits directly or indirectly from 6811  
financial assistance from the agency; 6812

(z) Records listed in section 5101.29 of the Revised Code; 6813

(aa) Discharges recorded with a county recorder under section 6814  
317.24 of the Revised Code, as specified in division (B)(2) of 6815

that section; 6816

(bb) Usage information including names and addresses of 6817  
specific residential and commercial customers of a municipally 6818  
owned or operated public utility. 6819

(2) "Confidential law enforcement investigatory record" means 6820  
any record that pertains to a law enforcement matter of a 6821  
criminal, quasi-criminal, civil, or administrative nature, but 6822  
only to the extent that the release of the record would create a 6823  
high probability of disclosure of any of the following: 6824

(a) The identity of a suspect who has not been charged with 6825  
the offense to which the record pertains, or of an information 6826  
source or witness to whom confidentiality has been reasonably 6827  
promised; 6828

(b) Information provided by an information source or witness 6829  
to whom confidentiality has been reasonably promised, which 6830  
information would reasonably tend to disclose the source's or 6831  
witness's identity; 6832

(c) Specific confidential investigatory techniques or 6833  
procedures or specific investigatory work product; 6834

(d) Information that would endanger the life or physical 6835  
safety of law enforcement personnel, a crime victim, a witness, or 6836  
a confidential information source. 6837

(3) "Medical record" means any document or combination of 6838  
documents, except births, deaths, and the fact of admission to or 6839  
discharge from a hospital, that pertains to the medical history, 6840  
diagnosis, prognosis, or medical condition of a patient and that 6841  
is generated and maintained in the process of medical treatment. 6842

(4) "Trial preparation record" means any record that contains 6843  
information that is specifically compiled in reasonable 6844  
anticipation of, or in defense of, a civil or criminal action or 6845

proceeding, including the independent thought processes and 6846  
personal trial preparation of an attorney. 6847

(5) "Intellectual property record" means a record, other than 6848  
a financial or administrative record, that is produced or 6849  
collected by or for faculty or staff of a state institution of 6850  
higher learning in the conduct of or as a result of study or 6851  
research on an educational, commercial, scientific, artistic, 6852  
technical, or scholarly issue, regardless of whether the study or 6853  
research was sponsored by the institution alone or in conjunction 6854  
with a governmental body or private concern, and that has not been 6855  
publicly released, published, or patented. 6856

(6) "Donor profile record" means all records about donors or 6857  
potential donors to a public institution of higher education 6858  
except the names and reported addresses of the actual donors and 6859  
the date, amount, and conditions of the actual donation. 6860

(7) "Peace officer, parole officer, probation officer, 6861  
bailiff, prosecuting attorney, assistant prosecuting attorney, 6862  
correctional employee, community-based correctional facility 6863  
employee, youth services employee, firefighter, EMT, or 6864  
investigator of the bureau of criminal identification and 6865  
investigation residential and familial information" means any 6866  
information that discloses any of the following about a peace 6867  
officer, parole officer, probation officer, bailiff, prosecuting 6868  
attorney, assistant prosecuting attorney, correctional employee, 6869  
community-based correctional facility employee, youth services 6870  
employee, firefighter, EMT, or investigator of the bureau of 6871  
criminal identification and investigation: 6872

(a) The address of the actual personal residence of a peace 6873  
officer, parole officer, probation officer, bailiff, assistant 6874  
prosecuting attorney, correctional employee, community-based 6875  
correctional facility employee, youth services employee, 6876  
firefighter, EMT, or an investigator of the bureau of criminal 6877

identification and investigation, except for the state or 6878  
political subdivision in which the peace officer, parole officer, 6879  
probation officer, bailiff, assistant prosecuting attorney, 6880  
correctional employee, community-based correctional facility 6881  
employee, youth services employee, firefighter, EMT, or 6882  
investigator of the bureau of criminal identification and 6883  
investigation resides; 6884

(b) Information compiled from referral to or participation in 6885  
an employee assistance program; 6886

(c) The social security number, the residential telephone 6887  
number, any bank account, debit card, charge card, or credit card 6888  
number, or the emergency telephone number of, or any medical 6889  
information pertaining to, a peace officer, parole officer, 6890  
probation officer, bailiff, prosecuting attorney, assistant 6891  
prosecuting attorney, correctional employee, community-based 6892  
correctional facility employee, youth services employee, 6893  
firefighter, EMT, or investigator of the bureau of criminal 6894  
identification and investigation; 6895

(d) The name of any beneficiary of employment benefits, 6896  
including, but not limited to, life insurance benefits, provided 6897  
to a peace officer, parole officer, probation officer, bailiff, 6898  
prosecuting attorney, assistant prosecuting attorney, correctional 6899  
employee, community-based correctional facility employee, youth 6900  
services employee, firefighter, EMT, or investigator of the bureau 6901  
of criminal identification and investigation by the peace 6902  
officer's, parole officer's, probation officer's, bailiff's, 6903  
prosecuting attorney's, assistant prosecuting attorney's, 6904  
correctional employee's, community-based correctional facility 6905  
employee's, youth services employee's, firefighter's, EMT's, or 6906  
investigator of the bureau of criminal identification and 6907  
investigation's employer; 6908

(e) The identity and amount of any charitable or employment 6909

benefit deduction made by the peace officer's, parole officer's, 6910  
probation officer's, bailiff's, prosecuting attorney's, assistant 6911  
prosecuting attorney's, correctional employee's, community-based 6912  
correctional facility employee's, youth services employee's, 6913  
firefighter's, EMT's, or investigator of the bureau of criminal 6914  
identification and investigation's employer from the peace 6915  
officer's, parole officer's, probation officer's, bailiff's, 6916  
prosecuting attorney's, assistant prosecuting attorney's, 6917  
correctional employee's, community-based correctional facility 6918  
employee's, youth services employee's, firefighter's, EMT's, or 6919  
investigator of the bureau of criminal identification and 6920  
investigation's compensation unless the amount of the deduction is 6921  
required by state or federal law; 6922

(f) The name, the residential address, the name of the 6923  
employer, the address of the employer, the social security number, 6924  
the residential telephone number, any bank account, debit card, 6925  
charge card, or credit card number, or the emergency telephone 6926  
number of the spouse, a former spouse, or any child of a peace 6927  
officer, parole officer, probation officer, bailiff, prosecuting 6928  
attorney, assistant prosecuting attorney, correctional employee, 6929  
community-based correctional facility employee, youth services 6930  
employee, firefighter, EMT, or investigator of the bureau of 6931  
criminal identification and investigation; 6932

(g) A photograph of a peace officer who holds a position or 6933  
has an assignment that may include undercover or plain clothes 6934  
positions or assignments as determined by the peace officer's 6935  
appointing authority. 6936

As used in divisions (A)(7) and (B)(9) of this section, 6937  
"peace officer" has the same meaning as in section 109.71 of the 6938  
Revised Code and also includes the superintendent and troopers of 6939  
the state highway patrol; it does not include the sheriff of a 6940  
county or a supervisory employee who, in the absence of the 6941

sheriff, is authorized to stand in for, exercise the authority of, 6942  
and perform the duties of the sheriff. 6943

As used in divisions (A)(7) and (B)(5) of this section, 6944  
"correctional employee" means any employee of the department of 6945  
rehabilitation and correction who in the course of performing the 6946  
employee's job duties has or has had contact with inmates and 6947  
persons under supervision. 6948

As used in divisions (A)(7) and (B)(5) of this section, 6949  
"youth services employee" means any employee of the department of 6950  
youth services who in the course of performing the employee's job 6951  
duties has or has had contact with children committed to the 6952  
custody of the department of youth services. 6953

As used in divisions (A)(7) and (B)(9) of this section, 6954  
"firefighter" means any regular, paid or volunteer, member of a 6955  
lawfully constituted fire department of a municipal corporation, 6956  
township, fire district, or village. 6957

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 6958  
means EMTs-basic, EMTs-I, and paramedics that provide emergency 6959  
medical services for a public emergency medical service 6960  
organization. "Emergency medical service organization," 6961  
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 6962  
section 4765.01 of the Revised Code. 6963

As used in divisions (A)(7) and (B)(9) of this section, 6964  
"investigator of the bureau of criminal identification and 6965  
investigation" has the meaning defined in section 2903.11 of the 6966  
Revised Code. 6967

(8) "Information pertaining to the recreational activities of 6968  
a person under the age of eighteen" means information that is kept 6969  
in the ordinary course of business by a public office, that 6970  
pertains to the recreational activities of a person under the age 6971  
of eighteen years, and that discloses any of the following: 6972

(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;

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

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

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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.

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

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

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(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.

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

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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

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period of time. If a public record contains information that is 7003  
exempt from the duty to permit public inspection or to copy the 7004  
public record, the public office or the person responsible for the 7005  
public record shall make available all of the information within 7006  
the public record that is not exempt. When making that public 7007  
record available for public inspection or copying that public 7008  
record, the public office or the person responsible for the public 7009  
record shall notify the requester of any redaction or make the 7010  
redaction plainly visible. A redaction shall be deemed a denial of 7011  
a request to inspect or copy the redacted information, except if 7012  
federal or state law authorizes or requires a public office to 7013  
make the redaction. 7014

(2) To facilitate broader access to public records, a public 7015  
office or the person responsible for public records shall organize 7016  
and maintain public records in a manner that they can be made 7017  
available for inspection or copying in accordance with division 7018  
(B) of this section. A public office also shall have available a 7019  
copy of its current records retention schedule at a location 7020  
readily available to the public. If a requester makes an ambiguous 7021  
or overly broad request or has difficulty in making a request for 7022  
copies or inspection of public records under this section such 7023  
that the public office or the person responsible for the requested 7024  
public record cannot reasonably identify what public records are 7025  
being requested, the public office or the person responsible for 7026  
the requested public record may deny the request but shall provide 7027  
the requester with an opportunity to revise the request by 7028  
informing the requester of the manner in which records are 7029  
maintained by the public office and accessed in the ordinary 7030  
course of the public office's or person's duties. 7031

(3) If a request is ultimately denied, in part or in whole, 7032  
the public office or the person responsible for the requested 7033  
public record shall provide the requester with an explanation, 7034

including legal authority, setting forth why the request was 7035  
denied. If the initial request was provided in writing, the 7036  
explanation also shall be provided to the requester in writing. 7037  
The explanation shall not preclude the public office or the person 7038  
responsible for the requested public record from relying upon 7039  
additional reasons or legal authority in defending an action 7040  
commenced under division (C) of this section. 7041

(4) Unless specifically required or authorized by state or 7042  
federal law or in accordance with division (B) of this section, no 7043  
public office or person responsible for public records may limit 7044  
or condition the availability of public records by requiring 7045  
disclosure of the requester's identity or the intended use of the 7046  
requested public record. Any requirement that the requester 7047  
disclose the requestor's identity or the intended use of the 7048  
requested public record constitutes a denial of the request. 7049

(5) A public office or person responsible for public records 7050  
may ask a requester to make the request in writing, may ask for 7051  
the requester's identity, and may inquire about the intended use 7052  
of the information requested, but may do so only after disclosing 7053  
to the requester that a written request is not mandatory and that 7054  
the requester may decline to reveal the requester's identity or 7055  
the intended use and when a written request or disclosure of the 7056  
identity or intended use would benefit the requester by enhancing 7057  
the ability of the public office or person responsible for public 7058  
records to identify, locate, or deliver the public records sought 7059  
by the requester. 7060

(6) If any person chooses to obtain a copy of a public record 7061  
in accordance with division (B) of this section, the public office 7062  
or person responsible for the public record may require that 7063  
person to pay in advance the cost involved in providing the copy 7064  
of the public record in accordance with the choice made by the 7065  
person seeking the copy under this division. The public office or 7066

the person responsible for the public record shall permit that 7067  
person to choose to have the public record duplicated upon paper, 7068  
upon the same medium upon which the public office or person 7069  
responsible for the public record keeps it, or upon any other 7070  
medium upon which the public office or person responsible for the 7071  
public record determines that it reasonably can be duplicated as 7072  
an integral part of the normal operations of the public office or 7073  
person responsible for the public record. When the person seeking 7074  
the copy makes a choice under this division, the public office or 7075  
person responsible for the public record shall provide a copy of 7076  
it in accordance with the choice made by the person seeking the 7077  
copy. Nothing in this section requires a public office or person 7078  
responsible for the public record to allow the person seeking a 7079  
copy of the public record to make the copies of the public record. 7080

(7) Upon a request made in accordance with division (B) of 7081  
this section and subject to division (B)(6) of this section, a 7082  
public office or person responsible for public records shall 7083  
transmit a copy of a public record to any person by United States 7084  
mail or by any other means of delivery or transmission within a 7085  
reasonable period of time after receiving the request for the 7086  
copy. The public office or person responsible for the public 7087  
record may require the person making the request to pay in advance 7088  
the cost of postage if the copy is transmitted by United States 7089  
mail or the cost of delivery if the copy is transmitted other than 7090  
by United States mail, and to pay in advance the costs incurred 7091  
for other supplies used in the mailing, delivery, or transmission. 7092

Any public office may adopt a policy and procedures that it 7093  
will follow in transmitting, within a reasonable period of time 7094  
after receiving a request, copies of public records by United 7095  
States mail or by any other means of delivery or transmission 7096  
pursuant to this division. A public office that adopts a policy 7097  
and procedures under this division shall comply with them in 7098

performing its duties under this division. 7099

In any policy and procedures adopted under this division, a 7100  
public office may limit the number of records requested by a 7101  
person that the office will transmit by United States mail to ten 7102  
per month, unless the person certifies to the office in writing 7103  
that the person does not intend to use or forward the requested 7104  
records, or the information contained in them, for commercial 7105  
purposes. For purposes of this division, "commercial" shall be 7106  
narrowly construed and does not include reporting or gathering 7107  
news, reporting or gathering information to assist citizen 7108  
oversight or understanding of the operation or activities of 7109  
government, or nonprofit educational research. 7110

(8) A public office or person responsible for public records 7111  
is not required to permit a person who is incarcerated pursuant to 7112  
a criminal conviction or a juvenile adjudication to inspect or to 7113  
obtain a copy of any public record concerning a criminal 7114  
investigation or prosecution or concerning what would be a 7115  
criminal investigation or prosecution if the subject of the 7116  
investigation or prosecution were an adult, unless the request to 7117  
inspect or to obtain a copy of the record is for the purpose of 7118  
acquiring information that is subject to release as a public 7119  
record under this section and the judge who imposed the sentence 7120  
or made the adjudication with respect to the person, or the 7121  
judge's successor in office, finds that the information sought in 7122  
the public record is necessary to support what appears to be a 7123  
justiciable claim of the person. 7124

(9)(a) Upon written request made and signed by a journalist 7125  
on or after December 16, 1999, a public office, or person 7126  
responsible for public records, having custody of the records of 7127  
the agency employing a specified peace officer, parole officer, 7128  
probation officer, bailiff, prosecuting attorney, assistant 7129  
prosecuting attorney, correctional employee, community-based 7130

correctional facility employee, youth services employee, 7131  
firefighter, EMT, or investigator of the bureau of criminal 7132  
identification and investigation shall disclose to the journalist 7133  
the address of the actual personal residence of the peace officer, 7134  
parole officer, probation officer, bailiff, prosecuting attorney, 7135  
assistant prosecuting attorney, correctional employee, 7136  
community-based correctional facility employee, youth services 7137  
employee, firefighter, EMT, or investigator of the bureau of 7138  
criminal identification and investigation and, if the peace 7139  
officer's, parole officer's, probation officer's, bailiff's, 7140  
prosecuting attorney's, assistant prosecuting attorney's, 7141  
correctional employee's, community-based correctional facility 7142  
employee's, youth services employee's, firefighter's, EMT's, or 7143  
investigator of the bureau of criminal identification and 7144  
investigation's spouse, former spouse, or child is employed by a 7145  
public office, the name and address of the employer of the peace 7146  
officer's, parole officer's, probation officer's, bailiff's, 7147  
prosecuting attorney's, assistant prosecuting attorney's, 7148  
correctional employee's, community-based correctional facility 7149  
employee's, youth services employee's, firefighter's, EMT's, or 7150  
investigator of the bureau of criminal identification and 7151  
investigation's spouse, former spouse, or child. The request shall 7152  
include the journalist's name and title and the name and address 7153  
of the journalist's employer and shall state that disclosure of 7154  
the information sought would be in the public interest. 7155

(b) Division (B)(9)(a) of this section also applies to 7156  
journalist requests for customer information maintained by a 7157  
municipally owned or operated public utility, other than social 7158  
security numbers and any private financial information such as 7159  
credit reports, payment methods, credit card numbers, and bank 7160  
account information. 7161

(c) As used in division (B)(9) of this section, "journalist" 7162

means a person engaged in, connected with, or employed by any news 7163  
medium, including a newspaper, magazine, press association, news 7164  
agency, or wire service, a radio or television station, or a 7165  
similar medium, for the purpose of gathering, processing, 7166  
transmitting, compiling, editing, or disseminating information for 7167  
the general public. 7168

(C)(1) If a person allegedly is aggrieved by the failure of a 7169  
public office or the person responsible for public records to 7170  
promptly prepare a public record and to make it available to the 7171  
person for inspection in accordance with division (B) of this 7172  
section or by any other failure of a public office or the person 7173  
responsible for public records to comply with an obligation in 7174  
accordance with division (B) of this section, the person allegedly 7175  
aggrieved may commence a mandamus action to obtain a judgment that 7176  
orders the public office or the person responsible for the public 7177  
record to comply with division (B) of this section, that awards 7178  
court costs and reasonable attorney's fees to the person that 7179  
instituted the mandamus action, and, if applicable, that includes 7180  
an order fixing statutory damages under division (C)(1) of this 7181  
section. The mandamus action may be commenced in the court of 7182  
common pleas of the county in which division (B) of this section 7183  
allegedly was not complied with, in the supreme court pursuant to 7184  
its original jurisdiction under Section 2 of Article IV, Ohio 7185  
Constitution, or in the court of appeals for the appellate 7186  
district in which division (B) of this section allegedly was not 7187  
complied with pursuant to its original jurisdiction under Section 7188  
3 of Article IV, Ohio Constitution. 7189

If a requestor transmits a written request by hand delivery 7190  
or certified mail to inspect or receive copies of any public 7191  
record in a manner that fairly describes the public record or 7192  
class of public records to the public office or person responsible 7193  
for the requested public records, except as otherwise provided in 7194

this section, the requestor shall be entitled to recover the 7195  
amount of statutory damages set forth in this division if a court 7196  
determines that the public office or the person responsible for 7197  
public records failed to comply with an obligation in accordance 7198  
with division (B) of this section. 7199

The amount of statutory damages shall be fixed at one hundred 7200  
dollars for each business day during which the public office or 7201  
person responsible for the requested public records failed to 7202  
comply with an obligation in accordance with division (B) of this 7203  
section, beginning with the day on which the requester files a 7204  
mandamus action to recover statutory damages, up to a maximum of 7205  
one thousand dollars. The award of statutory damages shall not be 7206  
construed as a penalty, but as compensation for injury arising 7207  
from lost use of the requested information. The existence of this 7208  
injury shall be conclusively presumed. The award of statutory 7209  
damages shall be in addition to all other remedies authorized by 7210  
this section. 7211

The court may reduce an award of statutory damages or not 7212  
award statutory damages if the court determines both of the 7213  
following: 7214

(a) That, based on the ordinary application of statutory law 7215  
and case law as it existed at the time of the conduct or 7216  
threatened conduct of the public office or person responsible for 7217  
the requested public records that allegedly constitutes a failure 7218  
to comply with an obligation in accordance with division (B) of 7219  
this section and that was the basis of the mandamus action, a 7220  
well-informed public office or person responsible for the 7221  
requested public records reasonably would believe that the conduct 7222  
or threatened conduct of the public office or person responsible 7223  
for the requested public records did not constitute a failure to 7224  
comply with an obligation in accordance with division (B) of this 7225  
section; 7226

(b) That a well-informed public office or person responsible 7227  
for the requested public records reasonably would believe that the 7228  
conduct or threatened conduct of the public office or person 7229  
responsible for the requested public records would serve the 7230  
public policy that underlies the authority that is asserted as 7231  
permitting that conduct or threatened conduct. 7232

(2)(a) If the court issues a writ of mandamus that orders the 7233  
public office or the person responsible for the public record to 7234  
comply with division (B) of this section and determines that the 7235  
circumstances described in division (C)(1) of this section exist, 7236  
the court shall determine and award to the relator all court 7237  
costs. 7238

(b) If the court renders a judgment that orders the public 7239  
office or the person responsible for the public record to comply 7240  
with division (B) of this section, the court may award reasonable 7241  
attorney's fees subject to reduction as described in division 7242  
(C)(2)(c) of this section. The court shall award reasonable 7243  
attorney's fees, subject to reduction as described in division 7244  
(C)(2)(c) of this section when either of the following applies: 7245

(i) The public office or the person responsible for the 7246  
public records failed to respond affirmatively or negatively to 7247  
the public records request in accordance with the time allowed 7248  
under division (B) of this section. 7249

(ii) The public office or the person responsible for the 7250  
public records promised to permit the relator to inspect or 7251  
receive copies of the public records requested within a specified 7252  
period of time but failed to fulfill that promise within that 7253  
specified period of time. 7254

(c) Court costs and reasonable attorney's fees awarded under 7255  
this section shall be construed as remedial and not punitive. 7256  
Reasonable attorney's fees shall include reasonable fees incurred 7257



to produce proof of the reasonableness and amount of the fees and 7258  
to otherwise litigate entitlement to the fees. The court may 7259  
reduce an award of attorney's fees to the relator or not award 7260  
attorney's fees to the relator if the court determines both of the 7261  
following: 7262

(i) That, based on the ordinary application of statutory law 7263  
and case law as it existed at the time of the conduct or 7264  
threatened conduct of the public office or person responsible for 7265  
the requested public records that allegedly constitutes a failure 7266  
to comply with an obligation in accordance with division (B) of 7267  
this section and that was the basis of the mandamus action, a 7268  
well-informed public office or person responsible for the 7269  
requested public records reasonably would believe that the conduct 7270  
or threatened conduct of the public office or person responsible 7271  
for the requested public records did not constitute a failure to 7272  
comply with an obligation in accordance with division (B) of this 7273  
section; 7274

(ii) That a well-informed public office or person responsible 7275  
for the requested public records reasonably would believe that the 7276  
conduct or threatened conduct of the public office or person 7277  
responsible for the requested public records as described in 7278  
division (C)(2)(c)(i) of this section would serve the public 7279  
policy that underlies the authority that is asserted as permitting 7280  
that conduct or threatened conduct. 7281

(D) Chapter 1347. of the Revised Code does not limit the 7282  
provisions of this section. 7283

(E)(1) To ensure that all employees of public offices are 7284  
appropriately educated about a public office's obligations under 7285  
division (B) of this section, all elected officials or their 7286  
appropriate designees shall attend training approved by the 7287  
attorney general as provided in section 109.43 of the Revised 7288  
Code. In addition, all public offices shall adopt a public records 7289

policy in compliance with this section for responding to public 7290  
records requests. In adopting a public records policy under this 7291  
division, a public office may obtain guidance from the model 7292  
public records policy developed and provided to the public office 7293  
by the attorney general under section 109.43 of the Revised Code. 7294  
Except as otherwise provided in this section, the policy may not 7295  
limit the number of public records that the public office will 7296  
make available to a single person, may not limit the number of 7297  
public records that it will make available during a fixed period 7298  
of time, and may not establish a fixed period of time before it 7299  
will respond to a request for inspection or copying of public 7300  
records, unless that period is less than eight hours. 7301

(2) The public office shall distribute the public records 7302  
policy adopted by the public office under division (E)(1) of this 7303  
section to the employee of the public office who is the records 7304  
custodian or records manager or otherwise has custody of the 7305  
records of that office. The public office shall require that 7306  
employee to acknowledge receipt of the copy of the public records 7307  
policy. The public office shall create a poster that describes its 7308  
public records policy and shall post the poster in a conspicuous 7309  
place in the public office and in all locations where the public 7310  
office has branch offices. The public office may post its public 7311  
records policy on the internet web site of the public office if 7312  
the public office maintains an internet web site. A public office 7313  
that has established a manual or handbook of its general policies 7314  
and procedures for all employees of the public office shall 7315  
include the public records policy of the public office in the 7316  
manual or handbook. 7317

(F)(1) The bureau of motor vehicles may adopt rules pursuant 7318  
to Chapter 119. of the Revised Code to reasonably limit the number 7319  
of bulk commercial special extraction requests made by a person 7320  
for the same records or for updated records during a calendar 7321

year. The rules may include provisions for charges to be made for 7322  
bulk commercial special extraction requests for the actual cost of 7323  
the bureau, plus special extraction costs, plus ten per cent. The 7324  
bureau may charge for expenses for redacting information, the 7325  
release of which is prohibited by law. 7326

(2) As used in division (F)(1) of this section: 7327

(a) "Actual cost" means the cost of depleted supplies, 7328  
records storage media costs, actual mailing and alternative 7329  
delivery costs, or other transmitting costs, and any direct 7330  
equipment operating and maintenance costs, including actual costs 7331  
paid to private contractors for copying services. 7332

(b) "Bulk commercial special extraction request" means a 7333  
request for copies of a record for information in a format other 7334  
than the format already available, or information that cannot be 7335  
extracted without examination of all items in a records series, 7336  
class of records, or data base by a person who intends to use or 7337  
forward the copies for surveys, marketing, solicitation, or resale 7338  
for commercial purposes. "Bulk commercial special extraction 7339  
request" does not include a request by a person who gives 7340  
assurance to the bureau that the person making the request does 7341  
not intend to use or forward the requested copies for surveys, 7342  
marketing, solicitation, or resale for commercial purposes. 7343

(c) "Commercial" means profit-seeking production, buying, or 7344  
selling of any good, service, or other product. 7345

(d) "Special extraction costs" means the cost of the time 7346  
spent by the lowest paid employee competent to perform the task, 7347  
the actual amount paid to outside private contractors employed by 7348  
the bureau, or the actual cost incurred to create computer 7349  
programs to make the special extraction. "Special extraction 7350  
costs" include any charges paid to a public agency for computer or 7351  
records services. 7352

(3) For purposes of divisions (F)(1) and (2) of this section, 7353  
"surveys, marketing, solicitation, or resale for commercial 7354  
purposes" shall be narrowly construed and does not include 7355  
reporting or gathering news, reporting or gathering information to 7356  
assist citizen oversight or understanding of the operation or 7357  
activities of government, or nonprofit educational research. 7358

**Sec. 151.01.** (A) As used in sections 151.01 to 151.11 and 7359  
151.40 of the Revised Code and in the applicable bond proceedings 7360  
unless otherwise provided: 7361

(1) "Bond proceedings" means the resolutions, orders, 7362  
agreements, and credit enhancement facilities, and amendments and 7363  
supplements to them, or any one or more or combination of them, 7364  
authorizing, awarding, or providing for the terms and conditions 7365  
applicable to or providing for the security or liquidity of, the 7366  
particular obligations, and the provisions contained in those 7367  
obligations. 7368

(2) "Bond service fund" means the respective bond service 7369  
fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 7370  
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and 7371  
any accounts in that fund, including all moneys and investments, 7372  
and earnings from investments, credited and to be credited to that 7373  
fund and accounts as and to the extent provided in the applicable 7374  
bond proceedings. 7375

(3) "Capital facilities" means capital facilities or projects 7376  
as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 7377  
151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code. 7378

(4) "Costs of capital facilities" means the costs of 7379  
acquiring, constructing, reconstructing, rehabilitating, 7380  
remodeling, renovating, enlarging, improving, equipping, or 7381  
furnishing capital facilities, and of the financing of those 7382  
costs. "Costs of capital facilities" includes, without limitation, 7383

and in addition to costs referred to in section 151.03, 151.04, 7384  
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 7385  
of the Revised Code, the cost of clearance and preparation of the 7386  
site and of any land to be used in connection with capital 7387  
facilities, the cost of any indemnity and surety bonds and 7388  
premiums on insurance, all related direct administrative expenses 7389  
and allocable portions of direct costs of the issuing authority, 7390  
costs of engineering and architectural services, designs, plans, 7391  
specifications, surveys, and estimates of cost, financing costs, 7392  
interest on obligations, including but not limited to, interest 7393  
from ~~their~~ the date of their issuance to the time when interest is 7394  
to be paid from sources other than proceeds of obligations, 7395  
amounts necessary to establish any reserves as required by the 7396  
bond proceedings, the reimbursement of all moneys advanced or 7397  
applied by or borrowed from any person or governmental agency or 7398  
entity for the payment of any item of costs of capital facilities, 7399  
and all other expenses necessary or incident to planning or 7400  
determining feasibility or practicability with respect to capital 7401  
facilities, and such other expenses as may be necessary or 7402  
incident to the acquisition, construction, reconstruction, 7403  
rehabilitation, remodeling, renovation, enlargement, improvement, 7404  
equipment, and furnishing of capital facilities, the financing of 7405  
those costs, and the placing of the capital facilities in use and 7406  
operation, including any one, part of, or combination of those 7407  
classes of costs and expenses. For purposes of sections 122.085 to 7408  
122.0820 of the Revised Code, "costs of capital facilities" 7409  
includes "allowable costs" as defined in section 122.085 of the 7410  
Revised Code. 7411

(5) "Credit enhancement facilities," "financing costs," and 7412  
"interest" or "interest equivalent" have the same meanings as in 7413  
section 133.01 of the Revised Code. 7414

(6) "Debt service" means principal, including any mandatory 7415

sinking fund or redemption requirements for retirement of 7416  
obligations, interest and other accreted amounts, interest 7417  
equivalent, and any redemption premium, payable on obligations. If 7418  
not prohibited by the applicable bond proceedings, debt service 7419  
may include costs relating to credit enhancement facilities that 7420  
are related to and represent, or are intended to provide a source 7421  
of payment of or limitation on, other debt service. 7422

(7) "Issuing authority" means the Ohio public facilities 7423  
commission created in section 151.02 of the Revised Code for 7424  
obligations issued under section 151.03, 151.04, 151.05, 151.07, 7425  
151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the 7426  
treasurer of state, or the officer who by law performs the 7427  
functions of that office, for obligations issued under section 7428  
151.06 or 151.40 of the Revised Code. 7429

(8) "Net proceeds" means amounts received from the sale of 7430  
obligations, excluding amounts used to refund or retire 7431  
outstanding obligations, amounts required to be deposited into 7432  
special funds pursuant to the applicable bond proceedings, and 7433  
amounts to be used to pay financing costs. 7434

(9) "Obligations" means bonds, notes, or other evidences of 7435  
obligation of the state, including any appertaining interest 7436  
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15 of 7437  
Article VIII, Ohio Constitution, and pursuant to sections 151.01 7438  
to 151.11 or 151.40 of the Revised Code or other general assembly 7439  
authorization. 7440

(10) "Principal amount" means the aggregate of the amount as 7441  
stated or provided for in the applicable bond proceedings as the 7442  
amount on which interest or interest equivalent on particular 7443  
obligations is initially calculated. Principal amount does not 7444  
include any premium paid to the state by the initial purchaser of 7445  
the obligations. "Principal amount" of a capital appreciation 7446  
bond, as defined in division (C) of section 3334.01 of the Revised 7447

Code, means its face amount, and "principal amount" of a zero 7448  
coupon bond, as defined in division (J) of section 3334.01 of the 7449  
Revised Code, means the discounted offering price at which the 7450  
bond is initially sold to the public, disregarding any purchase 7451  
price discount to the original purchaser, if provided for pursuant 7452  
to the bond proceedings. 7453

(11) "Special funds" or "funds," unless the context indicates 7454  
otherwise, means the bond service fund, and any other funds, 7455  
including any reserve funds, created under the bond proceedings 7456  
and stated to be special funds in those proceedings, including 7457  
moneys and investments, and earnings from investments, credited 7458  
and to be credited to the particular fund. Special funds do not 7459  
include the school building program assistance fund created by 7460  
section 3318.25 of the Revised Code, the higher education 7461  
improvement fund created by division (F) of section 154.21 of the 7462  
Revised Code, the higher education improvement taxable fund 7463  
created by division (G) of section 154.21 of the Revised Code, the 7464  
highway capital improvement bond fund created by section 5528.53 7465  
of the Revised Code, the state parks and natural resources fund 7466  
created by section 1557.02 of the Revised Code, the coal research 7467  
and development fund created by section 1555.15 of the Revised 7468  
Code, the clean Ohio conservation fund created by section 164.27 7469  
of the Revised Code, the clean Ohio revitalization fund created by 7470  
section 122.658 of the Revised Code, the job ready site 7471  
development fund created by section 122.0820 of the Revised Code, 7472  
the third frontier research and development fund created by 7473  
section 184.19 of the Revised Code, the third frontier research 7474  
and development taxable bond fund created by section 184.191 of 7475  
the Revised Code, or other funds created by the bond proceedings 7476  
that are not stated by those proceedings to be special funds. 7477

(B) Subject to Section 21, 2m, 2n, 2o, 2p, 2q, or 15, and 7478  
Section 17, of Article VIII, Ohio Constitution, the state, by the 7479

issuing authority, is authorized to issue and sell, as provided in 7480  
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 7481  
respective aggregate principal amounts as from time to time 7482  
provided or authorized by the general assembly, general 7483  
obligations of this state for the purpose of paying costs of 7484  
capital facilities or projects identified by or pursuant to 7485  
general assembly action. 7486

(C) Each issue of obligations shall be authorized by 7487  
resolution or order of the issuing authority. The bond proceedings 7488  
shall provide for or authorize the manner for determining the 7489  
principal amount or maximum principal amount of obligations of an 7490  
issue, the principal maturity or maturities, the interest rate or 7491  
rates, the date of and the dates of payment of interest on the 7492  
obligations, their denominations, and the place or places of 7493  
payment of debt service which may be within or outside the state. 7494  
Unless otherwise provided by law, the latest principal maturity 7495  
may not be later than the earlier of the thirty-first day of 7496  
December of the twenty-fifth calendar year after the year of 7497  
issuance of the particular obligations or of the twenty-fifth 7498  
calendar year after the year in which the original obligation to 7499  
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 7500  
and 9.983 of the Revised Code apply to obligations. The purpose of 7501  
the obligations may be stated in the bond proceedings in general 7502  
terms, such as, as applicable, "financing or assisting in the 7503  
financing of projects as provided in Section 21 of Article VIII, 7504  
Ohio Constitution," "financing or assisting in the financing of 7505  
highway capital improvement projects as provided in Section 2m of 7506  
Article VIII, Ohio Constitution," "paying costs of capital 7507  
facilities for a system of common schools throughout the state as 7508  
authorized by Section 2n of Article VIII, Ohio Constitution," 7509  
"paying costs of capital facilities for state-supported and 7510  
state-assisted institutions of higher education as authorized by 7511  
Section 2n of Article VIII, Ohio Constitution," "paying costs of 7512



coal research and development as authorized by Section 15 of 7513  
Article VIII, Ohio Constitution," "financing or assisting in the 7514  
financing of local subdivision capital improvement projects as 7515  
authorized by Section 2m of Article VIII, Ohio Constitution," 7516  
"paying costs of conservation projects as authorized by Sections 7517  
2o and 2q of Article VIII, Ohio Constitution," "paying costs of 7518  
revitalization projects as authorized by Sections 2o and 2q of 7519  
Article VIII, Ohio Constitution," "paying costs of preparing sites 7520  
for industry, commerce, distribution, or research and development 7521  
as authorized by Section 2p of Article VIII, Ohio Constitution," 7522  
or "paying costs of research and development as authorized by 7523  
Section 2p of Article VIII, Ohio Constitution." 7524

(D) The issuing authority may appoint or provide for the 7525  
appointment of paying agents, bond registrars, securities 7526  
depositories, clearing corporations, and transfer agents, and may 7527  
without need for any other approval retain or contract for the 7528  
services of underwriters, investment bankers, financial advisers, 7529  
accounting experts, marketing, remarketing, indexing, and 7530  
administrative agents, other consultants, and independent 7531  
contractors, including printing services, as are necessary in the 7532  
judgment of the issuing authority to carry out the issuing 7533  
authority's functions under this chapter. When the issuing 7534  
authority is the Ohio public facilities commission, the issuing 7535  
authority also may without need for any other approval retain or 7536  
contract for the services of attorneys and other professionals for 7537  
that purpose. Financing costs are payable, as may be provided in 7538  
the bond proceedings, from the proceeds of the obligations, from 7539  
special funds, or from other moneys available for the purpose. 7540

(E) The bond proceedings may contain additional provisions 7541  
customary or appropriate to the financing or to the obligations or 7542  
to particular obligations including, but not limited to, 7543  
provisions for: 7544

(1) The redemption of obligations prior to maturity at the option of the state or of the holder or upon the occurrence of certain conditions, and at particular price or prices and under particular terms and conditions;

(2) The form of and other terms of the obligations;

(3) The establishment, deposit, investment, and application of special funds, and the safeguarding of moneys on hand or on deposit, in lieu of the applicability of provisions of Chapter 131. or 135. of the Revised Code, but subject to any special provisions of sections 151.01 to 151.11 or 151.40 of the Revised Code with respect to the application of particular funds or moneys. Any financial institution that acts as a depository of any moneys in special funds or other funds under the bond proceedings may furnish indemnifying bonds or pledge securities as required by the issuing authority.

(4) Any or every provision of the bond proceedings being binding upon the issuing authority and upon such governmental agency or entity, officer, board, commission, authority, agency, department, institution, district, or other person or body as may from time to time be authorized to take actions as may be necessary to perform all or any part of the duty required by the provision;

(5) The maintenance of each pledge or instrument comprising part of the bond proceedings until the state has fully paid or provided for the payment of the debt service on the obligations or met other stated conditions;

(6) In the event of default in any payments required to be made by the bond proceedings, or by any other agreement of the issuing authority made as part of a contract under which the obligations were issued or secured, including a credit enhancement facility, the enforcement of those payments by mandamus, a suit in

equity, an action at law, or any combination of those remedial 7576  
actions; 7577

(7) The rights and remedies of the holders or owners of 7578  
obligations or of book-entry interests in them, and of third 7579  
parties under any credit enhancement facility, and provisions for 7580  
protecting and enforcing those rights and remedies, including 7581  
limitations on rights of individual holders or owners; 7582

(8) The replacement of mutilated, destroyed, lost, or stolen 7583  
obligations; 7584

(9) The funding, refunding, or advance refunding, or other 7585  
provision for payment, of obligations that will then no longer be 7586  
outstanding for purposes of this section or of the applicable bond 7587  
proceedings; 7588

(10) Amendment of the bond proceedings; 7589

(11) Any other or additional agreements with the owners of 7590  
obligations, and such other provisions as the issuing authority 7591  
determines, including limitations, conditions, or qualifications, 7592  
relating to any of the foregoing. 7593

(F) The great seal of the state or a facsimile of it may be 7594  
affixed to or printed on the obligations. The obligations 7595  
requiring execution by or for the issuing authority shall be 7596  
signed as provided in the bond proceedings. Any obligations may be 7597  
signed by the individual who on the date of execution is the 7598  
authorized signer although on the date of these obligations that 7599  
individual is not an authorized signer. In case the individual 7600  
whose signature or facsimile signature appears on any obligation 7601  
ceases to be an authorized signer before delivery of the 7602  
obligation, that signature or facsimile is nevertheless valid and 7603  
sufficient for all purposes as if that individual had remained the 7604  
authorized signer until delivery. 7605

(G) Obligations are investment securities under Chapter 1308. 7606

of the Revised Code. Obligations may be issued in bearer or in 7607  
registered form, registrable as to principal alone or as to both 7608  
principal and interest, or both, or in certificated or 7609  
uncertificated form, as the issuing authority determines. 7610  
Provision may be made for the exchange, conversion, or transfer of 7611  
obligations and for reasonable charges for registration, exchange, 7612  
conversion, and transfer. Pending preparation of final 7613  
obligations, the issuing authority may provide for the issuance of 7614  
interim instruments to be exchanged for the final obligations. 7615

(H) Obligations may be sold at public sale or at private 7616  
sale, in such manner, and at such price at, above or below par, 7617  
all as determined by and provided by the issuing authority in the 7618  
bond proceedings. 7619

(I) Except to the extent that rights are restricted by the 7620  
bond proceedings, any owner of obligations or provider of a credit 7621  
enhancement facility may by any suitable form of legal proceedings 7622  
protect and enforce any rights relating to obligations or that 7623  
facility under the laws of this state or granted by the bond 7624  
proceedings. Those rights include the right to compel the 7625  
performance of all applicable duties of the issuing authority and 7626  
the state. Each duty of the issuing authority and that authority's 7627  
officers, staff, and employees, and of each state entity or 7628  
agency, or using district or using institution, and its officers, 7629  
members, staff, or employees, undertaken pursuant to the bond 7630  
proceedings, is hereby established as a duty of the entity or 7631  
individual having authority to perform that duty, specifically 7632  
enjoined by law and resulting from an office, trust, or station 7633  
within the meaning of section 2731.01 of the Revised Code. The 7634  
individuals who are from time to time the issuing authority, 7635  
members or officers of the issuing authority, or those members' 7636  
designees acting pursuant to section 151.02 of the Revised Code, 7637  
or the issuing authority's officers, staff, or employees, are not 7638

liable in their personal capacities on any obligations or 7639  
otherwise under the bond proceedings. 7640

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15, 7641  
and Section 17, of Article VIII, Ohio Constitution and sections 7642  
151.01 to 151.11 or 151.40 of the Revised Code, the issuing 7643  
authority may, in addition to the authority referred to in 7644  
division (B) of this section, authorize and provide for the 7645  
issuance of: 7646

(a) Obligations in the form of bond anticipation notes, and 7647  
may provide for the renewal of those notes from time to time by 7648  
the issuance of new notes. The holders of notes or appertaining 7649  
interest coupons have the right to have debt service on those 7650  
notes paid solely from the moneys and special funds that are or 7651  
may be pledged to that payment, including the proceeds of bonds or 7652  
renewal notes or both, as the issuing authority provides in the 7653  
bond proceedings authorizing the notes. Notes may be additionally 7654  
secured by covenants of the issuing authority to the effect that 7655  
the issuing authority and the state will do all things necessary 7656  
for the issuance of bonds or renewal notes in such principal 7657  
amount and upon such terms as may be necessary to provide moneys 7658  
to pay when due the debt service on the notes, and apply their 7659  
proceeds to the extent necessary, to make full and timely payment 7660  
of debt service on the notes as provided in the applicable bond 7661  
proceedings. In the bond proceedings authorizing the issuance of 7662  
bond anticipation notes the issuing authority shall set forth for 7663  
the bonds anticipated an estimated schedule of annual principal 7664  
payments the latest of which shall be no later than provided in 7665  
division (C) of this section. While the notes are outstanding 7666  
there shall be deposited, as shall be provided in the bond 7667  
proceedings for those notes, from the sources authorized for 7668  
payment of debt service on the bonds, amounts sufficient to pay 7669  
the principal of the bonds anticipated as set forth in that 7670

estimated schedule during the time the notes are outstanding, 7671  
which amounts shall be used solely to pay the principal of those 7672  
notes or of the bonds anticipated. 7673

(b) Obligations for the refunding, including funding and 7674  
retirement, and advance refunding with or without payment or 7675  
redemption prior to maturity, of any obligations previously 7676  
issued. Refunding obligations may be issued in amounts sufficient 7677  
to pay or to provide for repayment of the principal amount, 7678  
including principal amounts maturing prior to the redemption of 7679  
the remaining prior obligations, any redemption premium, and 7680  
interest accrued or to accrue to the maturity or redemption date 7681  
or dates, payable on the prior obligations, and related financing 7682  
costs and any expenses incurred or to be incurred in connection 7683  
with that issuance and refunding. Subject to the applicable bond 7684  
proceedings, the portion of the proceeds of the sale of refunding 7685  
obligations issued under division (J)(1)(b) of this section to be 7686  
applied to debt service on the prior obligations shall be credited 7687  
to an appropriate separate account in the bond service fund and 7688  
held in trust for the purpose by the issuing authority or by a 7689  
corporate trustee. Obligations authorized under this division 7690  
shall be considered to be issued for those purposes for which the 7691  
prior obligations were issued. 7692

(2) Except as otherwise provided in sections 151.01 to 151.11 7693  
or 151.40 of the Revised Code, bonds or notes authorized pursuant 7694  
to division (J) of this section are subject to the provisions of 7695  
those sections pertaining to obligations generally. 7696

(3) The principal amount of refunding or renewal obligations 7697  
issued pursuant to division (J) of this section shall be in 7698  
addition to the amount authorized by the general assembly as 7699  
referred to in division (B) of the following sections: section 7700  
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 7701  
151.11, or 151.40 of the Revised Code. 7702

(K) Obligations are lawful investments for banks, savings and 7703  
loan associations, credit union share guaranty corporations, trust 7704  
companies, trustees, fiduciaries, insurance companies, including 7705  
domestic for life and domestic not for life, trustees or other 7706  
officers having charge of sinking and bond retirement or other 7707  
special funds of the state and political subdivisions and taxing 7708  
districts of this state, the sinking fund, the administrator of 7709  
workers' compensation subject to the approval of the workers' 7710  
compensation board, the state teachers retirement system, the 7711  
public employees retirement system, the school employees 7712  
retirement system, and the Ohio police and fire pension fund, 7713  
notwithstanding any other provisions of the Revised Code or rules 7714  
adopted pursuant to those provisions by any state agency with 7715  
respect to investments by them, and are also acceptable as 7716  
security for the repayment of the deposit of public moneys. The 7717  
exemptions from taxation in Ohio as provided for in particular 7718  
sections of the Ohio Constitution and section 5709.76 of the 7719  
Revised Code apply to the obligations. 7720

(L)(1) Unless otherwise provided or provided for in any 7721  
applicable bond proceedings, moneys to the credit of or in a 7722  
special fund shall be disbursed on the order of the issuing 7723  
authority. No such order is required for the payment, from the 7724  
bond service fund or other special fund, when due of debt service 7725  
or required payments under credit enhancement facilities. 7726

(2) Payments received by the state under interest rate hedges 7727  
entered into as credit enhancement facilities under this chapter 7728  
shall be deposited to the credit of the bond service fund for the 7729  
obligations to which those credit enhancement facilities relate. 7730

(M) The full faith and credit, revenue, and taxing power of 7731  
the state are and shall be pledged to the timely payment of debt 7732  
service on outstanding obligations as it comes due, all in 7733  
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, or 15 of 7734

Article VIII, Ohio Constitution, and section 151.03, 151.04, 7735  
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 7736  
Revised Code. Moneys referred to in Section 5a of Article XII, 7737  
Ohio Constitution, may not be pledged or used for the payment of 7738  
debt service except on obligations referred to in section 151.06 7739  
of the Revised Code. Net state lottery proceeds, as provided for 7740  
and referred to in section 3770.06 of the Revised Code, may not be 7741  
pledged or used for the payment of debt service except on 7742  
obligations referred to in section 151.03 of the Revised Code. The 7743  
state covenants, and that covenant shall be controlling 7744  
notwithstanding any other provision of law, that the state and the 7745  
applicable officers and agencies of the state, including the 7746  
general assembly, shall, so long as any obligations are 7747  
outstanding in accordance with their terms, maintain statutory 7748  
authority for and cause to be levied, collected and applied 7749  
sufficient pledged excises, taxes, and revenues of the state so 7750  
that the revenues shall be sufficient in amounts to pay debt 7751  
service when due, to establish and maintain any reserves and other 7752  
requirements, and to pay financing costs, including costs of or 7753  
relating to credit enhancement facilities, all as provided for in 7754  
the bond proceedings. Those excises, taxes, and revenues are and 7755  
shall be deemed to be levied and collected, in addition to the 7756  
purposes otherwise provided for by law, to provide for the payment 7757  
of debt service and financing costs in accordance with sections 7758  
151.01 to 151.11 of the Revised Code and the bond proceedings. 7759

(N) The general assembly may from time to time repeal or 7760  
reduce any excise, tax, or other source of revenue pledged to the 7761  
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 7762  
2o, 2p, 2q, or 15 of Article VIII, Ohio Constitution, and sections 7763  
151.01 to 151.11 or 151.40 of the Revised Code, and may levy, 7764  
collect and apply any new or increased excise, tax, or revenue to 7765  
meet the pledge, to the payment of debt service on outstanding 7766  
obligations, of the state's full faith and credit, revenue and 7767



taxing power, or of designated revenues and receipts, except fees, 7768  
excises or taxes referred to in Section 5a of Article XII, Ohio 7769  
Constitution, for other than obligations referred to in section 7770  
151.06 of the Revised Code and except net state lottery proceeds 7771  
for other than obligations referred to in section 151.03 of the 7772  
Revised Code. Nothing in division (N) of this section authorizes 7773  
any impairment of the obligation of this state to levy and collect 7774  
sufficient excises, taxes, and revenues to pay debt service on 7775  
obligations outstanding in accordance with their terms. 7776

(O) Each bond service fund is a trust fund and is hereby 7777  
pledged to the payment of debt service on the applicable 7778  
obligations. Payment of that debt service shall be made or 7779  
provided for by the issuing authority in accordance with the bond 7780  
proceedings without necessity for any act of appropriation. The 7781  
bond proceedings may provide for the establishment of separate 7782  
accounts in the bond service fund and for the application of those 7783  
accounts only to debt service on specific obligations, and for 7784  
other accounts in the bond service fund within the general 7785  
purposes of that fund. 7786

(P) Subject to the bond proceedings pertaining to any 7787  
obligations then outstanding in accordance with their terms, the 7788  
issuing authority may in the bond proceedings pledge all, or such 7789  
portion as the issuing authority determines, of the moneys in the 7790  
bond service fund to the payment of debt service on particular 7791  
obligations, and for the establishment and maintenance of any 7792  
reserves for payment of particular debt service. 7793

(Q) The issuing authority shall by the fifteenth day of July 7794  
of each fiscal year, certify or cause to be certified to the 7795  
office of budget and management the total amount of moneys 7796  
required during the current fiscal year to meet in full all debt 7797  
service on the respective obligations and any related financing 7798  
costs payable from the applicable bond service fund and not from 7799

the proceeds of refunding or renewal obligations. The issuing 7800  
authority shall make or cause to be made supplemental 7801  
certifications to the office of budget and management for each 7802  
debt service payment date and at such other times during each 7803  
fiscal year as may be provided in the bond proceedings or 7804  
requested by that office. Debt service, costs of credit 7805  
enhancement facilities, and other financing costs shall be set 7806  
forth separately in each certification. If and so long as the 7807  
moneys to the credit of the bond service fund, together with any 7808  
other moneys available for the purpose, are insufficient to meet 7809  
in full all payments when due of the amount required as stated in 7810  
the certificate or otherwise, the office of budget and management 7811  
shall at the times as provided in the bond proceedings, and 7812  
consistent with any particular provisions in sections 151.03 to 7813  
151.11 and 151.40 of the Revised Code, transfer a sufficient 7814  
amount to the bond service fund from the pledged revenues in the 7815  
case of obligations issued pursuant to section 151.40 of the 7816  
Revised Code, and in the case of other obligations from the 7817  
revenues derived from excises, taxes, and other revenues, 7818  
including net state lottery proceeds in the case of obligations 7819  
referred to in section 151.03 of the Revised Code. 7820

(R) Unless otherwise provided in any applicable bond 7821  
proceedings, moneys to the credit of special funds may be invested 7822  
by or on behalf of the state only in one or more of the following: 7823

(1) Notes, bonds, or other direct obligations of the United 7824  
States or of any agency or instrumentality of the United States, 7825  
or in no-front-end-load money market mutual funds consisting 7826  
exclusively of those obligations, or in repurchase agreements, 7827  
including those issued by any fiduciary, secured by those 7828  
obligations, or in collective investment funds consisting 7829  
exclusively of those obligations; 7830

(2) Obligations of this state or any political subdivision of 7831

this state; 7832

(3) Certificates of deposit of any national bank located in 7833  
this state and any bank, as defined in section 1101.01 of the 7834  
Revised Code, subject to inspection by the superintendent of 7835  
financial institutions; 7836

(4) The treasurer of state's pooled investment program under 7837  
section 135.45 of the Revised Code. 7838

The income from investments referred to in division (R) of 7839  
this section shall, unless otherwise provided in sections 151.01 7840  
to 151.11 or 151.40 of the Revised Code, be credited to special 7841  
funds or otherwise as the issuing authority determines in the bond 7842  
proceedings. Those investments may be sold or exchanged at times 7843  
as the issuing authority determines, provides for, or authorizes. 7844

(S) The treasurer of state shall have responsibility for 7845  
keeping records, making reports, and making payments, relating to 7846  
any arbitrage rebate requirements under the applicable bond 7847  
proceedings. 7848

**Sec. 152.18.** Whenever the Ohio building authority constructs, 7849  
reconstructs, rehabilitates, remodels, renovates, enlarges, 7850  
improves, alters, maintains, equips, furnishes, repairs, paints, 7851  
or decorates capital facilities pursuant to section 152.19, 7852  
152.21, or 152.31 of the Revised Code or buildings, facilities, 7853  
and other properties for use and occupancy of persons pursuant to 7854  
section 152.04 of the Revised Code, the authority shall make the 7855  
necessary plans and specifications, and shall advertise for bids 7856  
for all work to be placed under contract once a week for two 7857  
consecutive weeks in a newspaper of general circulation in the 7858  
county within which the work is to be done, and shall award the 7859  
contract to the lowest responsive and responsible bidder in 7860  
accordance with section 9.312 of the Revised Code. When the 7861  
authority determines, subject to approval by the controlling 7862

board, that a real and present emergency exists or if the cost of 7863  
such a contract does not exceed fifty thousand dollars, such a 7864  
contract may be awarded without advertising and receipt of bids. A 7865  
bid guaranty pursuant to sections 153.54 to 153.571 of the Revised 7866  
Code shall be required for any contract under this section. 7867

In all other cases of capital facilities financed by the 7868  
authority, the construction, reconstruction, ~~rehabilitation,~~ 7869  
~~remodeling, renovation,~~ enlargement, improvement, alteration, 7870  
~~maintenance, equipping, furnishing,~~ repair, painting, or 7871  
decoration of capital facilities by or for the state or any 7872  
governmental entity shall be the responsibility of the ~~department~~ 7873  
~~of administrative services~~ Ohio facilities construction commission 7874  
or, with the consent of the ~~department of administrative services~~ 7875  
Ohio facilities construction commission, shall be the 7876  
responsibility of the state agency using the capital facility, or 7877  
the governmental entity with which a state agency is participating 7878  
pursuant to section 152.33 of the Revised Code, and shall be 7879  
undertaken by the ~~department~~ commission in compliance with Chapter 7880  
153. of the Revised Code, or by such state agency or governmental 7881  
entity in accordance with otherwise applicable law. The 7882  
rehabilitation, remodeling, renovation, maintenance, equipping, or 7883  
furnishing of capital facilities by or for the state or any 7884  
governmental entity shall be the responsibility of the department 7885  
of administrative services or, with the consent of the department, 7886  
the state agency or other governmental entity that is using the 7887  
capital facility. 7888

**Sec. 152.24.** (A) Except as otherwise provided with respect to 7889  
leasing of capital facilities in sections 152.241, 152.242, 7890  
152.31, and 152.33 of the Revised Code, the department of 7891  
administrative services or, with the consent of the department of 7892  
administrative services, the state agency using an office facility 7893  
and related storage and parking facilities, or participating in 7894

such facilities pursuant to section 152.33 of the Revised Code, 7895  
shall lease any office facility and related storage and parking 7896  
facility acquired, purchased, constructed, reconstructed, 7897  
rehabilitated, remodeled, renovated, enlarged, improved, altered, 7898  
operated, maintained, equipped, furnished, repaired, painted, 7899  
decorated, or financed by the Ohio building authority for housing 7900  
any state agencies. An agreement between the authority and the 7901  
department of administrative services or such using or 7902  
participating agency may provide for the transfer of the property 7903  
to the state after bonds and notes issued by the authority for the 7904  
purpose of the acquisition, purchase, construction, 7905  
reconstruction, rehabilitation, remodeling, renovation, 7906  
enlargement, improvement, alteration, equipping, furnishing, 7907  
repair, painting, decorating, or financing of such building or 7908  
facility have been repaid. A lease between the authority and the 7909  
department of administrative services or a using or participating 7910  
agency shall be for a period not exceeding the then current 7911  
two-year period for which appropriations have been made by the 7912  
general assembly to the department of administrative services and 7913  
the state agencies which will occupy or participate in the office 7914  
facility and related storage and parking facility being leased, 7915  
and such lease may contain such other terms as the department of 7916  
administrative services, or a using or participating agency, and 7917  
the authority agree notwithstanding any other provision of law, 7918  
including provision that rental payments in amounts at least 7919  
sufficient to pay bond service charges payable during the current 7920  
two-year lease term shall be an absolute and unconditional 7921  
obligation of the department of administrative services, or the 7922  
using or participating agency, independent of all other duties 7923  
under the lease without setoff or deduction or any other similar 7924  
rights or defenses. Such an agreement may provide for renewal of a 7925  
lease at the end of each term for another term, not exceeding two 7926  
years, provided that no renewal shall be effective until the 7927

effective date of an appropriation enacted by the general assembly 7928  
from which the department of administrative services, or the using 7929  
or participating agency, may lawfully pay rentals under such 7930  
lease. For purposes of this section, the term "lease" may include, 7931  
without limitation, any agreement between the department of 7932  
administrative services, or the using or participating agency, and 7933  
the authority with respect to any costs of capital facilities to 7934  
be incurred prior to land acquisition. 7935

(B) If the director of administrative services or the 7936  
director of a state agency using or participating in an office 7937  
facility and related storage and parking facility certifies that 7938  
space in such facility acquired, purchased, constructed, 7939  
reconstructed, rehabilitated, remodeled, renovated, enlarged, 7940  
improved, altered, operated, maintained, equipped, furnished, 7941  
repaired, painted, decorated, or financed by the authority has 7942  
become unnecessary for state use, the authority may lease any 7943  
excess space in such facility and related storage and parking 7944  
facility to any governmental entity. 7945

(C) If space in any office facility leased by the authority 7946  
to the department of administrative services is not immediately 7947  
necessary for state use, the department of administrative services 7948  
may exercise its authority under division (A)~~(9)~~(5) of section 7949  
123.01 of the Revised Code with respect to such space. 7950

(D) Capital facilities acquired, purchased, constructed, 7951  
reconstructed, rehabilitated, remodeled, renovated, enlarged, 7952  
improved, altered, operated, maintained, equipped, furnished, 7953  
repaired, painted, decorated, or financed by the Ohio building 7954  
authority, other than any office facility and related storage and 7955  
parking facility required to be leased pursuant to division (A) of 7956  
this section, shall be leased to the department of administrative 7957  
services, the state agency using the capital facilities, or the 7958  
state agency participating in the capital facilities pursuant to 7959

section 152.33 of the Revised Code. The department of 7960  
administrative services or the using or participating state agency 7961  
may sublease such capital facilities to other state agencies or 7962  
other governmental entities. Such parties, including other state 7963  
agencies or state-supported or state-assisted institutions of 7964  
higher education, may make other agreements for the use, 7965  
construction, or operation of such capital facilities in any 7966  
manner permitted by the lease or agreement with the authority and 7967  
for the charging, collection, and deposit of such revenues and 7968  
receipts of the using or participating state agency constituting 7969  
available receipts, all upon such terms and conditions as the 7970  
parties may agree upon and pursuant to this chapter 7971  
notwithstanding other provisions of law affecting the leasing, 7972  
acquisition, operation, or disposition of capital facilities by 7973  
such parties. Any such lease between the authority and the 7974  
department of administrative services or a using or participating 7975  
state agency shall be for a period not to exceed the then current 7976  
two-year period for which appropriations have been made by the 7977  
general assembly to the department of administrative services or 7978  
such using or participating state agency. The lease between the 7979  
authority and the department of administrative services or the 7980  
using or participating state agency may provide for renewal of the 7981  
lease at the end of each term for another term, not exceeding two 7982  
years, but no renewal shall be effective until the effective date 7983  
of an appropriation enacted by the general assembly from which the 7984  
department of administrative services or the using or 7985  
participating state agency may lawfully pay rentals under such 7986  
lease. Any such leases, subleases, or agreements may set forth the 7987  
responsibilities of the authority, state agencies, 7988  
state-supported, or state-assisted institutions of higher 7989  
education, or other governmental entities as to the financing, 7990  
assessment, planning, acquisition, purchase, construction, 7991  
reconstruction, rehabilitation, remodeling, renovation, 7992

enlargement, improvement, alteration, subleasing, management, 7993  
operation, maintenance, equipping, furnishing, repair, painting, 7994  
decorating, and insuring of such capital facilities and other 7995  
terms and conditions applicable thereto, and any other provisions 7996  
mutually agreed upon for the purposes of this chapter. Promptly 7997  
upon execution thereof, a signed or conformed copy of each such 7998  
lease or sublease or agreement, and any supplement thereto, 7999  
between the authority and a governmental entity shall be filed by 8000  
the authority with the department of administrative services and 8001  
the director of budget and management, and, promptly upon 8002  
execution thereof, a signed or conformed copy of each such 8003  
sublease or agreement between two governmental entities, not 8004  
including the authority, shall be filed with the authority and the 8005  
director of budget and management. For purposes of this section, 8006  
the term "lease" may include, without limitation, any agreement 8007  
between the department of administrative services or the state 8008  
agency using or participating in such capital facilities and the 8009  
authority with respect to any costs of capital facilities to be 8010  
incurred prior to land acquisition. 8011

(E) The transfer of tangible personal property by lease under 8012  
authority of this chapter is not a sale as used in Chapter 5739. 8013  
of the Revised Code. Any agreement of a governmental entity to 8014  
make rental, use, or other payments or payment of purchase price, 8015  
in installments or otherwise, or repayments to or on account of 8016  
the authority and the obligations issued by the authority, shall 8017  
not be deemed to constitute indebtedness, bonded or otherwise, or 8018  
bonds, notes, or other evidence of indebtedness of such 8019  
governmental entity for the purpose of Chapter 133. of the Revised 8020  
Code or any other purpose; such leases and agreements requiring 8021  
payments beyond the current fiscal year are continuing contracts 8022  
for the purposes of sections 5705.41 and 5705.44 of the Revised 8023  
Code. 8024



(F) Any agreement between the department of administrative services or the state agency using or participating in such capital facilities and the authority that includes provision for the use of space by such using or participating state agency or the department of administrative services, even if executed prior to land acquisition or completion of construction, improvements, or financing, shall be a lease for purposes of this chapter and for all other purposes. No such lease need be recorded or recordable for purposes of determining its validity or legal sufficiency.

**Sec. 153.01.** (A) Whenever any building or structure for the use of the state or any institution supported in whole or in part by the state or in or upon the public works of the state that is administered by the ~~director of administrative services~~ Ohio facilities construction commission or by any other state officer or state agency authorized by law to administer a project, including an educational institution listed in section 3345.50 of the Revised Code, is to be erected or constructed, whenever additions, alterations, or structural or other improvements are to be made, or whenever heating, cooling, or ventilating plants or other equipment is to be installed or material supplied therefor, the estimated cost of which amounts to two hundred thousand dollars or more, or the amount determined pursuant to section 153.53 of the Revised Code or more, each officer, board, or other authority upon which devolves the duty of constructing, erecting, altering, or installing the same, referred to in sections 153.01 to 153.60 of the Revised Code as the public authority, shall cause to be made, by an architect or engineer whose contract of employment shall be prepared and approved by the attorney general, the following:

(1) Full and accurate plans, suitable for the use of mechanics and other builders in the construction, improvement,

addition, alteration, or installation; 8057

(2) Details to scale and full-sized, so drawn and represented 8058  
as to be easily understood; 8059

(3) Definite and complete specifications of the work to be 8060  
performed, together with directions that will enable a competent 8061  
mechanic or other builder to carry them out and afford bidders all 8062  
needful information; 8063

(4) A full and accurate estimate of each item of expense and 8064  
the aggregate cost of those items of expense; 8065

(5) A life-cycle cost analysis; 8066

(6) Further data as may be required by the ~~department of~~ 8067  
~~administrative services~~ Ohio facilities construction commission. 8068

(B) Division (A) of this section shall not be required with 8069  
respect to a construction management contract entered into with a 8070  
construction manager at risk as described in section 9.334 of the 8071  
Revised Code or a design-build contract entered into with a 8072  
design-build firm as described in section 153.693 of the Revised 8073  
Code. No such construction management contract or design-build 8074  
contract shall be entered into until the contract and bond, if 8075  
any, are submitted to the attorney general and the attorney 8076  
general's approval certified thereon. 8077

**Sec. 153.011.** (A) Except as provided in division (D) of this 8078  
section, whenever any building or structure, including highway 8079  
improvements, in whole or in part supported by state capital 8080  
funds, including moneys from the education facilities trust fund, 8081  
is to be erected or constructed, or whenever additions, 8082  
alterations, or structural or other improvements are to be made, 8083  
if any steel products are to be purchased for or provided in the 8084  
construction, repair, or improvement project, only steel products 8085  
as defined in division (F) of this section shall be purchased for 8086

or provided in the project. 8087

(B)(1) No person shall purchase or provide steel products in 8088  
violation of division (A) of this section. 8089

(2) Notwithstanding division (B) of section 153.99 of the 8090  
Revised Code, no person who purchases steel products in violation 8091  
of division (A) of this section shall be held liable in a civil 8092  
action commenced under division (C) of this section, or pay a 8093  
civil penalty under division (B) of section 153.99 of the Revised 8094  
Code, if that person can demonstrate the person's compliance with 8095  
division (E) of this section. 8096

(C) Whenever the executive director of ~~administrative~~ 8097  
~~services~~ the Ohio facilities construction commission has 8098  
reasonable cause to believe that any person has purchased or 8099  
provided steel products in violation of division (A) of this 8100  
section, the executive director shall conduct an investigation to 8101  
determine whether the person has purchased or provided or is 8102  
purchasing or providing steel products in violation of division 8103  
(A) of this section. Upon conducting the investigation, if the 8104  
executive director finds that the person has purchased or provided 8105  
or is purchasing or providing steel products in violation of 8106  
division (A) of this section, the executive director shall request 8107  
the attorney general to commence a civil action under this section 8108  
against the person for violating division (A) of this section. The 8109  
remedy provided in this section is concurrent with any other 8110  
remedy provided in this chapter, and the existence or exercise of 8111  
one remedy does not prevent the exercise of any other. Upon 8112  
collection of the civil penalty under division (B) of section 8113  
153.99 of the Revised Code, pursuant to an action authorized under 8114  
this section, the attorney general shall pay the money collected 8115  
to the treasurer of the board of education of the city, local, or 8116  
exempted village school district and joint vocational school 8117

district, if one exists, in which the construction, repair, or 8118  
improvement project for which the steel products used in violation 8119  
of division (A) of this section is located. The treasurer shall 8120  
deposit the civil penalty in equal amounts into the school 8121  
district's general fund and the joint vocational school district's 8122  
general fund. If a joint vocational school district does not exist 8123  
where the violation occurred, then the entire sum of the civil 8124  
penalty shall be deposited into the school district's general 8125  
fund. 8126

(D) Pursuant to section 5525.21 of the Revised Code, the 8127  
director of transportation may authorize the purchase or provision 8128  
or both of a minimal amount of foreign steel products for use in 8129  
contracts for public bridge projects. 8130

The executive director of ~~administrative services~~ the Ohio 8131  
facilities construction commission may waive the requirements of 8132  
division (A) of this section if the executive director determines 8133  
that either division (A) or (B) of section 5525.21 of the Revised 8134  
Code is true in connection with a public bridge project. The 8135  
executive director shall issue this determination in writing. 8136

(E) The following notice shall be included in boldface type 8137  
and capital letters in all bid notifications and specifications 8138  
between all parties to any contract authorized under Chapter 153. 8139  
of the Revised Code or subject to this section and section 153.99 8140  
of the Revised Code: "Domestic steel use requirements as specified 8141  
in section 153.011 of the Revised Code apply to this project. 8142  
Copies of section 153.011 of the Revised Code can be obtained from 8143  
~~any of the offices~~ office of the ~~department of administrative~~ 8144  
~~services~~ Ohio facilities construction commission." 8145

(F) As used in this section: 8146

(1) "Steel products" means products rolled, formed, shaped, 8147  
drawn, extruded, forged, cast, fabricated or otherwise similarly 8148

processed, or processed by a combination of two or more of such 8149  
operations, and used for load-bearing structural purposes, from 8150  
steel made in the United States by the open hearth, basic oxygen, 8151  
electric furnace, bessemer or other steel making process. 8152

(2) "United States" means the United States of America and 8153  
includes all territory, continental or insular, subject to the 8154  
jurisdiction of the United States. 8155

**Sec. 153.013.** If a project for the construction, alteration, 8156  
or other improvement of a building or structure is administered by 8157  
the executive director of ~~administrative services~~ the Ohio 8158  
facilities construction commission or by another state agency 8159  
authorized to administer a project under this chapter, if the 8160  
project is located in a municipal corporation with a population of 8161  
at least four hundred thousand that is in a county with a 8162  
population of at least one million two hundred thousand, and if a 8163  
political subdivision contributes at least one hundred thousand 8164  
dollars to the project, then a contractor for the project shall 8165  
comply with regulations or ordinances of the political subdivision 8166  
that are in effect before July 1, 2009, and that specifically 8167  
relate to the employment of residents and local businesses of the 8168  
political subdivision in the performance of the work of the 8169  
project, and such ordinances or regulations shall be included by 8170  
reference unambiguously in the contract between the administering 8171  
state agency and the contractor for the project. 8172

**Sec. 153.02.** (A) The executive director of ~~administrative~~ 8173  
~~services, on the director's own initiative or upon request of the~~ 8174  
Ohio ~~school~~ facilities construction commission, may debar a 8175  
contractor from contract awards for public improvements as 8176  
referred to in section 153.01 of the Revised Code or for projects 8177  
as defined in section 3318.01 of the Revised Code, upon proof that 8178  
the contractor has done any of the following: 8179

(1) Defaulted on a contract requiring the execution of a takeover agreement as set forth in division (B) of section 153.17 of the Revised Code;	8180 8181 8182
(2) Knowingly failed during the course of a contract to maintain the coverage required by the bureau of workers' compensation;	8183 8184 8185
(3) Knowingly failed during the course of a contract to maintain the contractor's drug-free workplace program as required by the contract;	8186 8187 8188
(4) Knowingly failed during the course of a contract to maintain insurance required by the contract or otherwise by law, resulting in a substantial loss to the owner, as owner is referred to in section 153.01 of the Revised Code, or to the commission and school district board, as provided in division (F) of section 3318.08 of the Revised Code;	8189 8190 8191 8192 8193 8194
(5) Misrepresented the firm's qualifications in the selection process set forth in sections 153.65 to 153.71 or section 3318.10 of the Revised Code;	8195 8196 8197
(6) Been convicted of a criminal offense related to the application for or performance of any public or private contract, including, but not limited to, embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, and any other offense that directly reflects on the contractor's business integrity;	8198 8199 8200 8201 8202 8203
(7) Been convicted of a criminal offense under state or federal antitrust laws;	8204 8205
(8) Deliberately or willfully submitted false or misleading information in connection with the application for or performance of a public contract;	8206 8207 8208
(9) Been debarred from bidding on or participating in a	8209

contract with any state or federal agency. 8210

(B) When the executive director reasonably believes that 8211  
grounds for debarment exist, the executive director shall send the 8212  
contractor a notice of proposed debarment indicating the grounds 8213  
for the proposed debarment and the procedure for requesting a 8214  
hearing on the proposed debarment. The hearing shall be conducted 8215  
in accordance with Chapter 119. of the Revised Code. If the 8216  
contractor does not respond with a request for a hearing in the 8217  
manner specified in Chapter 119. of the Revised Code, the 8218  
executive director shall issue the debarment decision without a 8219  
hearing and shall notify the contractor of the decision by 8220  
certified mail, return receipt requested. 8221

(C) The executive director shall determine the length of the 8222  
debarment period and may rescind the debarment at any time upon 8223  
notification to the contractor. During the period of debarment, 8224  
the contractor is not eligible to bid for or participate in any 8225  
contract for a public improvement as referred to in section 153.01 8226  
of the Revised Code or for a project as defined in section 3318.01 8227  
of the Revised Code. After the debarment period expires, the 8228  
contractor shall be eligible to bid for and participate in such 8229  
contracts. 8230

(D) The executive director, ~~through the office of the state~~ 8231  
~~architect~~, shall maintain a list of all contractors currently 8232  
debarred under this section. Any governmental entity awarding a 8233  
contract for construction of a public improvement or project may 8234  
use a contractor's presence on the debarment list to determine 8235  
whether a contractor is responsible or best under section 9.312 or 8236  
any other section of the Revised Code in the award of a contract. 8237

**Sec. 153.04.** The plans, details, bills of material, 8238  
specifications of work, estimates of cost in detail and in the 8239  
aggregate, life-cycle cost analysis, form of bid, bid guaranty, 8240

and other data that may be required shall be prepared on such 8241  
material and in such manner and form as are prescribed by the 8242  
~~department of administrative services~~ Ohio facilities construction 8243  
commission. The life-cycle costs shall be a primary consideration 8244  
in the selection of a design. The same shall be deposited and 8245  
safely kept in the office of the owner as defined in section 8246  
153.01 of the Revised Code as the property of the state. 8247

**Sec. 153.06.** After the proceedings required by sections 8248  
153.01 and 153.04 of the Revised Code have been complied with, the 8249  
owner referred to in section 153.01 of the Revised Code shall give 8250  
public notice of the time and place when and where bids will be 8251  
received for performing the labor and furnishing the materials of 8252  
such construction, improvement, alteration, addition, or 8253  
installation, and a contract awarded, except for materials 8254  
manufactured by the state or labor supplied by a county department 8255  
of job and family services that may enter into the same. The form 8256  
of bid approved by the ~~department of administrative services~~ Ohio 8257  
facilities construction commission shall be used, and a bid shall 8258  
be invalid and not considered unless such form is used without 8259  
change, alteration, or addition. Bidders may be permitted to bid 8260  
upon all the branches of work and materials to be furnished and 8261  
supplied, or upon any thereof, or alternately upon all or any 8262  
thereof. 8263

**Sec. 153.07.** The notice provided for in section 153.06 of the 8264  
Revised Code shall be published once each week for three 8265  
consecutive weeks in a newspaper of general circulation, or as 8266  
provided in section 7.16 of the Revised Code, in the county where 8267  
the activity for which bids are submitted is to occur and in such 8268  
other newspapers as ordered by the ~~department of administrative~~ 8269  
~~services~~ Ohio facilities construction commission, the last 8270  
publication to be at least eight days preceding the day for 8271



opening the bids, and in such form and with such phraseology as 8272  
the ~~department~~ commission orders. Copies of the plans, details, 8273  
estimates of cost, and specifications shall be open to public 8274  
inspection at all business hours between the day of the first 8275  
publication and the day for opening the bids, at the office of the 8276  
~~department~~ commission where the bids are received, and such other 8277  
place as may be designated in such notice. 8278

**Sec. 153.08.** On the day and at the place named in the notice 8279  
provided for in section 153.06 of the Revised Code, the owner 8280  
referred to in section 153.01 of the Revised Code shall open the 8281  
bids and shall publicly, with the assistance of the architect or 8282  
engineer, immediately proceed to tabulate the bids upon duplicate 8283  
sheets. The public bid opening may be broadcast by electronic 8284  
means pursuant to rules established by the ~~director of~~ 8285  
~~administrative services~~ Ohio facilities construction commission. A 8286  
bid shall be invalid and not considered unless a bid guaranty 8287  
meeting the requirements of section 153.54 of the Revised Code and 8288  
in the form approved by the ~~department of administrative services~~ 8289  
commission is filed with such bid. For a bid that is not filed 8290  
electronically, the bid and bid guaranty shall be filed in one 8291  
sealed envelope. If the bid and bid guaranty are filed 8292  
electronically, they must be received electronically before the 8293  
deadline published pursuant to section 153.06 of the Revised Code. 8294  
For all bids filed electronically, the original, unaltered bid 8295  
guaranty shall be made available to the public authority after the 8296  
public bid opening. After investigation, which shall be completed 8297  
within thirty days, the contract shall be awarded by such owner to 8298  
the lowest responsive and responsible bidder in accordance with 8299  
section 9.312 of the Revised Code. 8300

No contract shall be entered into until the industrial 8301  
commission has certified that the person so awarded the contract 8302  
has complied with sections 4123.01 to 4123.94 of the Revised Code, 8303

until, if the bidder so awarded the contract is a foreign 8304  
corporation, the secretary of state has certified that such 8305  
corporation is authorized to do business in this state, until, if 8306  
the bidder so awarded the contract is a person nonresident of this 8307  
state, such person has filed with the secretary of state a power 8308  
of attorney designating the secretary of state as its agent for 8309  
the purpose of accepting service of summons in any action brought 8310  
under section 153.05 of the Revised Code or under sections 4123.01 8311  
to 4123.94 of the Revised Code, and until the contract and bond, 8312  
if any, are submitted to the attorney general and the attorney 8313  
general's approval certified thereon. 8314

No contract shall be entered into unless the bidder possesses 8315  
a valid certificate of compliance with affirmative action programs 8316  
issued pursuant to section 9.47 of the Revised Code and dated no 8317  
earlier than one hundred eighty days prior to the date fixed for 8318  
the opening of bids for a particular project. 8319

**Sec. 153.09.** If in the opinion of the owner referred to in 8320  
section 153.01 of the Revised Code, the award of a contract to the 8321  
lowest responsive and responsible bidder is not in the best 8322  
interests of the state, the owner may accept another bid so opened 8323  
or reject all bids, and advertise for other bids. Such 8324  
advertisement shall be for such time, in such form, and in such 8325  
newspaper as the ~~department~~ Ohio facilities construction 8326  
commission directs. All contracts shall provide that such owner 8327  
may make any change in work or materials on the conditions and in 8328  
the manner provided in sections 153.10 and 153.11 of the Revised 8329  
Code. 8330

**Sec. 153.11.** Whenever the change referred to in section 8331  
153.10 of the Revised Code is approved by the owner as defined in 8332  
section 153.01 of the Revised Code, accepted in writing by the 8333  
contractor, and filed, the same shall be considered as being a 8334

part of the original contract, and the bond theretofore executed 8335  
shall be held increased or decreased accordingly to include and 8336  
cover the ~~same~~ change in the contract. 8337

**Sec. 153.12.** (A) With respect to award of any contract for 8338  
the construction, reconstruction, improvement, enlargement, 8339  
alteration, repair, painting, or decoration of a public 8340  
improvement made by the state, or any county, township, municipal 8341  
corporation, school district, or other political subdivision, or 8342  
any public board, commission, authority, instrumentality, or 8343  
special purpose district of or in the state or a political 8344  
subdivision or that is authorized by state law, the award, and 8345  
execution of the contract, shall be made within sixty days after 8346  
the date on which the bids are opened. The failure to award and 8347  
execute the contract within sixty days invalidates the entire bid 8348  
proceedings and all bids submitted, unless the time for awarding 8349  
and executing the contract is extended by mutual consent of the 8350  
owner or its representatives and the bidder whose bid the owner 8351  
accepts and with respect to whom the owner subsequently awards and 8352  
executes a contract. The public owners referred to in this section 8353  
shall include, in the plans and specifications for the project for 8354  
which bids are solicited, the estimate of cost. The bid for which 8355  
the award is to be made shall be opened at the time and place 8356  
named in the advertisement for bids, unless extended by the owner 8357  
or its representative or unless, within seventy-two hours prior to 8358  
the published time for the opening of bids, excluding Saturdays, 8359  
Sundays, and legal holidays, any modification of the plans or 8360  
specifications and estimates of cost for the project for which 8361  
bids are solicited is issued and mailed or otherwise furnished to 8362  
persons who have obtained plans or specifications for the project, 8363  
for which the time for opening of bids shall be extended one week, 8364  
with no further advertising of bids required. The contractor, upon 8365  
request, is entitled to a notice to proceed with the work by the 8366

owner or its representative upon execution of the contract. No 8367  
contract to which this section applies shall be entered into if 8368  
the price of the contract, or, if the project involves multiple 8369  
contracts where the total price of all contracts for the project, 8370  
is in excess of ten per cent above the entire estimate thereof, 8371  
nor shall the entire cost of the construction, reconstruction, 8372  
repair, painting, decorating, improvement, alteration, addition, 8373  
or installation, including changes and estimates of expenses for 8374  
architects or engineers, exceed in the aggregate the amount 8375  
authorized by law. 8376

The unit or lump sum price stated in the contract shall be 8377  
used in determining the amount to be paid and shall constitute 8378  
full and final compensation for all the work. 8379

Partial payment to the contractor for work performed under 8380  
the lump sum price shall be based on a schedule prepared by the 8381  
contractor and approved by the architect or engineer who shall 8382  
apportion the lump sum price to the major components entering into 8383  
or forming a part of the work under the lump sum price. 8384

Partial payments to the contractor for labor performed under 8385  
either a unit or lump sum price contract shall be made at the rate 8386  
of ninety-two per cent of the estimates prepared by the contractor 8387  
and approved by the architect or engineer. All labor performed 8388  
after the job is fifty per cent completed shall be paid for at the 8389  
rate of one hundred per cent of the estimates submitted by the 8390  
contractor and approved by the architect or engineer. 8391

The amounts and time of payments of any public improvements 8392  
contract made by the state or any county, township, municipal 8393  
corporation, school district, or other political subdivision, or 8394  
any public board, commission, authority, instrumentality, or 8395  
special purpose district of or in the state or a political 8396  
subdivision or that is authorized by state law, except as provided 8397  
in section 5525.19 of the Revised Code, shall be governed by this 8398

section and sections 153.13 and 153.14 of the Revised Code. If the 8399  
time for awarding the contract is extended by mutual consent, or 8400  
if the owner or its representative fails to issue a timely notice 8401  
to proceed as required by this section, the owner or its 8402  
representative shall issue a change order authorizing delay costs 8403  
to the contractor, which does not invalidate the contract. The 8404  
amount of such a change order to the owner shall be determined in 8405  
accordance with the provisions of the contract for change orders 8406  
or force accounts or, if no such provision is set forth in the 8407  
contract, the cost to the owner shall be the contractor's actual 8408  
costs including wages, labor costs other than wages, wage taxes, 8409  
materials, equipment costs and rentals, insurance, and 8410  
subcontracts attributable to the delay, plus a reasonable sum for 8411  
overhead. In the event of a dispute between the owner and the 8412  
contractor concerning such change order, procedures shall be 8413  
commenced under the applicable terms of the contract, or, if the 8414  
contract contains no provision for resolving the dispute, it shall 8415  
be resolved pursuant to the procedures for arbitration in Chapter 8416  
2711. of the Revised Code, except as provided in division (B) of 8417  
this section. Nothing in this division shall be construed as a 8418  
limitation upon the authority of the director of transportation 8419  
granted in Chapter 5525. of the Revised Code. 8420

(B) If a dispute arises between the state and a contractor 8421  
concerning the terms of a public improvement contract let by the 8422  
state or concerning a breach of the contract, and after 8423  
administrative remedies provided for in such contract and any 8424  
alternative dispute resolution procedures provided in accordance 8425  
with guidelines established by the executive director of 8426  
~~administrative services~~ the Ohio facilities construction 8427  
commission are exhausted, the contractor may bring an action to 8428  
the court of claims in accordance with Chapter 2743. of the 8429  
Revised Code. The state or the contractor may request the chief 8430  
justice of the supreme court to appoint a referee or panel of 8431

referees in accordance with division (C)(3) of section 2743.03 of 8432  
the Revised Code. As used in this division, "dispute" means a 8433  
disagreement between the state and the contractor concerning a 8434  
public improvement contract let by the state. 8435

**Sec. 153.14.** For the construction of those projects, 8436  
improvements, and public buildings over which the ~~director of~~ 8437  
~~administrative services~~ Ohio facilities construction commission 8438  
has general supervision pursuant to section ~~123.01~~ 123.21 of the 8439  
Revised Code, the estimates referred to in section 153.13 of the 8440  
Revised Code shall be filed with the executive director by the 8441  
owner referred to in section 153.01 or 153.12 of the Revised Code. 8442  
Upon completion of a project referred to in section 153.13 of the 8443  
Revised Code or any divisible part thereof, the maintenance and 8444  
repair of such project or divisible part shall be assumed by the 8445  
owner referred to in section 153.01 or 153.12 of the Revised Code. 8446

In addition to all other payments on account of work 8447  
performed, there shall be allowed by the owner referred to in 8448  
section 153.01 or 153.12 of the Revised Code and paid to the 8449  
contractor a sum at the rate of ninety-two per cent of the invoice 8450  
costs, not to exceed the bid price in a unit price contract, of 8451  
material delivered on the site of the work, or a railroad station, 8452  
siding, or other point in the vicinity of the work, or other 8453  
approved storage site, provided such materials have been inspected 8454  
and found to meet the specifications. The balance of such invoiced 8455  
value shall be paid when such material is incorporated into and 8456  
becomes a part of such building, construction, addition, 8457  
improvement, alteration, or installation. When an estimate is 8458  
allowed on account of material delivered on the site of the work 8459  
or in the vicinity thereof or under the possession and control of 8460  
the contractor but not yet incorporated therein, such material 8461  
shall become the property of the owner under the contract, but if 8462  
such material is stolen, destroyed, or damaged by casualty before 8463

being used, the contractor shall be required to replace it at ~~his~~ 8464  
the contractor's own expense. 8465

When the rate of work and amounts involved are so large that 8466  
it is considered advisable by the owner or contractor, estimates 8467  
and payments shall be made twice each month. 8468

Payment on approved estimates filed with the owner or its 8469  
representative shall be made within thirty days. Upon the failure 8470  
of the owner or its representative to make such payments within 8471  
thirty days, or upon an unauthorized withholding of retainage, 8472  
there shall be allowed to the contractor, in addition to any other 8473  
remedies allowed by law, interest on such moneys not paid within 8474  
thirty days. Interest on the unauthorized withholding of retainage 8475  
shall be in addition to any interest earned in the escrow account 8476  
set forth in section 153.13 of the Revised Code. The rate of such 8477  
interest shall be the average of the prime rate established at the 8478  
commercial banks in the city of over one hundred thousand 8479  
population that is nearest the construction project. Nothing in 8480  
this section shall be construed as a limitation upon the authority 8481  
of the director of transportation granted in Chapter 5525. of the 8482  
Revised Code. 8483

**Sec. 153.16.** (A) The executive director of ~~administrative~~ 8484  
~~services~~ the Ohio facilities construction commission shall 8485  
establish policy and procedure guidelines for contract documents 8486  
in conjunction with the administration of public works contracts 8487  
that the state or any institution supported in whole or in part by 8488  
the state enters into for any project subject to sections 153.01 8489  
to 153.11 of the Revised Code. 8490

(B) Notwithstanding any contract provision to the contrary, 8491  
any claim submitted under a public works contract that the state 8492  
or any institution supported in whole or in part by the state 8493  
enters into for any project subject to sections 153.01 to 153.11 8494

of the Revised Code shall be resolved within one hundred twenty 8495  
days. After the end of this one hundred twenty-day period, the 8496  
contractor shall be deemed to have exhausted all administrative 8497  
remedies for purposes of division (B) of section 153.12 of the 8498  
Revised Code. 8499

**Sec. 153.17.** (A) When in the opinion of the owner referred to 8500  
in section 153.01 of the Revised Code, the work under any contract 8501  
made under any law of the state is neglected by the contractor or 8502  
such work is not prosecuted with the diligence and force specified 8503  
or intended in the contract, such owner may make requisition upon 8504  
the contractor for such additional specific force or materials to 8505  
be brought into the work under such contract or to remove improper 8506  
materials from the grounds as in their judgment the contract and 8507  
its faithful fulfillment requires. 8508

Not less than five days' notice in writing of such action 8509  
shall be served upon the contractor or the contractor's agent in 8510  
charge of the work. If the contractor fails to comply with such 8511  
requisition within fifteen days, such owner with the written 8512  
consent of the ~~department of administrative services~~ Ohio 8513  
facilities construction commission, may employ upon the work the 8514  
additional force, or supply the special materials or such part of 8515  
either as is considered proper, and may remove improper materials 8516  
from the grounds. 8517

(B) When the original contractor has defaulted on a contract 8518  
and the surety has declined to take over the project, the owner 8519  
may contract with one or more takeover contractors to complete 8520  
work that was not finished because of the default of the original 8521  
contractor. The owner may enter into a contract with a takeover 8522  
contractor without competitive bidding or controlling board 8523  
approval. Upon execution of a takeover contract, the owner shall 8524  
notify the director of budget and management. 8525



When the owner has taken over a project after a default has  
occurred, any moneys that the owner receives from the surety as a  
settlement for completion of the project shall be deposited in the  
original fund from which the capital appropriation for the project  
was made. The executive director, without controlling board  
approval, may authorize specified additional uses for the moneys  
related to completion of the project and may increase the  
appropriation authority in the appropriation line item used to  
fund the project by an amount equal to the moneys received from  
the surety.

**Sec. 153.502.** (A) Each construction manager at risk and  
design-build firm shall establish criteria by which it will  
prequalify prospective bidders on subcontracts awarded for work to  
be performed under the construction management or design-build  
contract. The criteria established by a construction manager at  
risk or design-build firm shall be subject to the approval of the  
public authority involved in the project and shall be consistent  
with the rules adopted by the ~~department of administrative~~  
~~services~~ Ohio facilities construction commission pursuant to  
section 153.503 of the Revised Code.

(B) For each subcontract to be awarded, the construction  
manager at risk or design-build firm shall identify at least three  
prospective bidders that are prequalified to bid on that  
subcontract, except that the construction manager at risk or  
design-build firm shall identify fewer than three if the  
construction manager at risk or design-build firm establishes to  
the satisfaction of the public authority that fewer than three  
prequalified bidders are available. The public authority shall  
verify that each prospective bidder meets the prequalification  
criteria and may eliminate any bidder it determines is not  
qualified.

(C) Once the prospective bidders are prequalified and found acceptable by the public authority, the construction manager at risk or design-build firm shall solicit proposals from each of those bidders. The solicitation and selection of a subcontractor shall be conducted under an open book pricing method. As used in this division, "open book pricing method" has the same meaning as in section 9.33 of the Revised Code, in the case of a construction manager at risk, and the same meaning as in section 153.65 of the Revised Code, in the case of a design-build firm.

(D) A construction manager at risk or design-build firm shall not be required to award a subcontract to a low bidder.

**Sec. 153.503.** ~~The department of administrative services Ohio facilities construction commission,~~ pursuant to Chapter 119. of the Revised Code ~~and not later than June 30, 2012,~~ shall adopt rules to do all of the following:

(A) Prescribe the procedures and criteria for determining the best value selection of a construction manager at risk or design-build firm;

~~(B) In consultation with the state architect's office, set~~ Set forth standards to be followed by construction managers at risk and design-build firms when establishing prequalification criteria pursuant to section 153.502 of the Revised Code;

(C) Prescribe the form for the contract documents to be used by a construction manager at risk, design-build firm, or general contractor when entering into a subcontract;

(D) Prescribe the form for the contract documents to be used by a public authority when entering into a contract with a construction manager at risk or design-build firm.

**Sec. 153.53.** (A) As used in this section, "rate of inflation" has the same meaning as in section 107.032 of the Revised Code.

8587  
(B) Five years after ~~the effective date of this section~~ 8588  
September 29, 2011, and every five years thereafter, the executive 8589  
director of ~~administrative services~~ the Ohio facilities 8590  
construction commission shall evaluate the monetary threshold 8591  
specified in section 153.01 of the Revised Code and adopt rules 8592  
adjusting that amount based on the average rate of inflation 8593  
during each of the previous five years immediately preceding such 8594  
adjustment. 8595

**Sec. 154.01.** As used in this chapter: 8596

(A) "Commission" means the Ohio public facilities commission 8597  
created in section 151.02 of the Revised Code. 8598

(B) "Obligations" means bonds, notes, or other evidences of 8599  
obligation, including interest coupons pertaining thereto, issued 8600  
pursuant to Chapter 154. of the Revised Code. 8601

(C) "Bond proceedings" means the order or orders, resolution 8602  
or resolutions, trust agreement, indenture, lease, and other 8603  
agreements, amendments and supplements to the foregoing, or any 8604  
combination thereof, authorizing or providing for the terms and 8605  
conditions applicable to, or providing for the security of, 8606  
obligations issued pursuant to Chapter 154. of the Revised Code, 8607  
and the provisions contained in such obligations. 8608

(D) "State agencies" means the state of Ohio and officers, 8609  
boards, commissions, departments, divisions, or other units or 8610  
agencies of the state. 8611

(E) "Governmental agency" means state agencies, state 8612  
supported and assisted institutions of higher education, municipal 8613  
corporations, counties, townships, school districts, and any other 8614  
political subdivision or special district in this state 8615  
established pursuant to law, and, except where otherwise 8616

indicated, also means the United States or any department, 8617  
division, or agency thereof, and any agency, commission, or 8618  
authority established pursuant to an interstate compact or 8619  
agreement. 8620

(F) "Institutions of higher education" and "state supported 8621  
or state assisted institutions of higher education" means the 8622  
state universities identified in section 3345.011 of the Revised 8623  
Code, the northeast Ohio medical university, state universities or 8624  
colleges at any time created, community college districts, 8625  
university branch districts, and technical college districts at 8626  
any time established or operating under Chapter 3354., 3355., or 8627  
3357. of the Revised Code, and other institutions for education, 8628  
including technical education, beyond the high school, receiving 8629  
state support or assistance for their expenses of operation. 8630

(G) "Governing body" means: 8631

(1) In the case of institutions of higher education, the 8632  
board of trustees, board of directors, commission, or other body 8633  
vested by law with the general management, conduct, and control of 8634  
one or more institutions of higher education; 8635

(2) In the case of a county, the board of county 8636  
commissioners or other legislative body; in the case of a 8637  
municipal corporation, the council or other legislative body; in 8638  
the case of a township, the board of township trustees; in the 8639  
case of a school district, the board of education; 8640

(3) In the case of any other governmental agency, the 8641  
officer, board, commission, authority or other body having the 8642  
general management thereof or having jurisdiction or authority in 8643  
the particular circumstances. 8644

(H) "Person" means any person, firm, partnership, 8645  
association, or corporation. 8646

(I) "Bond service charges" means principal, including 8647

mandatory sinking fund requirements for retirement of obligations, 8648  
and interest, and redemption premium, if any, required to be paid 8649  
by the state on obligations. If not prohibited by the applicable 8650  
bond proceedings, bond service charges may include costs relating 8651  
to credit enhancement facilities that are related to and 8652  
represent, or are intended to provide a source of payment of or 8653  
limitation on, other bond service charges. 8654

(J) "Capital facilities" means buildings, structures, and 8655  
other improvements, and equipment, real estate, and interests in 8656  
real estate therefor, within the state, and any one, part of, or 8657  
combination of the foregoing, to serve the general purposes for 8658  
which the issuing authority is authorized to issue obligations 8659  
pursuant to Chapter 154. of the Revised Code, including, but not 8660  
limited to, drives, roadways, parking facilities, walks, lighting, 8661  
machinery, furnishings, utilities, landscaping, wharves, docks, 8662  
piers, reservoirs, dams, tunnels, bridges, retaining walls, 8663  
riprap, culverts, ditches, channels, watercourses, retention 8664  
basins, standpipes and water storage facilities, waste treatment 8665  
and disposal facilities, heating, air conditioning and 8666  
communications facilities, inns, lodges, cabins, camping sites, 8667  
golf courses, boat and bathing facilities, athletic and 8668  
recreational facilities, and site improvements. 8669

(K) "Costs of capital facilities" means the costs of 8670  
acquiring, constructing, reconstructing, rehabilitating, 8671  
remodeling, renovating, enlarging, improving, equipping, or 8672  
furnishing capital facilities, and the financing thereof, 8673  
including the cost of clearance and preparation of the site and of 8674  
any land to be used in connection with capital facilities, the 8675  
cost of any indemnity and surety bonds and premiums on insurance, 8676  
all related direct administrative expenses and allocable portions 8677  
of direct costs of the commission or issuing authority and 8678  
department of administrative services, or other designees of the 8679

commission under section 154.17 of the Revised Code, cost of 8680  
engineering and architectural services, designs, plans, 8681  
specifications, surveys, and estimates of cost, legal fees, fees 8682  
and expenses of trustees, depositories, and paying agents for the 8683  
obligations, cost of issuance of the obligations and financing 8684  
charges and fees and expenses of financial advisers and 8685  
consultants in connection therewith, interest on obligations, 8686  
including but not limited to, interest from the date ~~thereof~~ of 8687  
their issuance to the time when interest is to be covered from 8688  
sources other than proceeds of obligations, amounts necessary to 8689  
establish reserves as required by the bond proceedings, costs of 8690  
audits, the reimbursement of all moneys advanced or applied by or 8691  
borrowed from any governmental agency, whether to or by the 8692  
commission or others, from whatever source provided, for the 8693  
payment of any item or items of cost of the capital facilities, 8694  
any share of the cost undertaken by the commission pursuant to 8695  
arrangements made with governmental agencies under division (H) of 8696  
section 154.06 of the Revised Code, and all other expenses 8697  
necessary or incident to planning or determining feasibility or 8698  
practicability with respect to capital facilities, and such other 8699  
expenses as may be necessary or incident to the acquisition, 8700  
construction, reconstruction, rehabilitation, remodeling, 8701  
renovation, enlargement, improvement, equipment, and furnishing of 8702  
capital facilities, the financing thereof and the placing of the 8703  
same in use and operation, including any one, part of, or 8704  
combination of such classes of costs and expenses. 8705

(L) "Public service facilities" means inns, lodges, hotels, 8706  
cabins, camping sites, scenic trails, picnic sites, restaurants, 8707  
commissaries, golf courses, boating and bathing facilities and 8708  
other similar facilities in state parks. 8709

(M) "State parks" means: 8710

(1) State reservoirs described and identified in section 8711

1541.06 of the Revised Code; 8712

(2) All lands or interests therein of the state identified as 8713  
administered by the division of parks and recreation in the 8714  
"inventory of state owned lands administered by the department of 8715  
natural resources as of June 1, 1963," as recorded in the journal 8716  
of the director, which inventory was prepared by the real estate 8717  
section of the department and is supported by maps now on file in 8718  
said real estate section; 8719

(3) All lands or interests in lands of the state designated 8720  
after June 1, 1963, as state parks in the journal of the director 8721  
with the approval of the recreation and resources council. 8722

State parks do not include any lands or interest in lands of 8723  
the state administered jointly by two or more divisions of the 8724  
department of natural resources. The designation of lands as state 8725  
parks under divisions (M)(1) to (3) of this section is conclusive 8726  
and such lands shall be under the control of and administered by 8727  
the division of parks and recreation. No order or proceeding 8728  
designating lands as state parks or park purchase areas is subject 8729  
to any appeal or review by any officer, board, commission, or 8730  
court. 8731

(N) "Bond service fund" means the applicable fund created for 8732  
and pledged to the payment of bond service charges under section 8733  
154.20, 154.21, 154.22, or 154.23 of the Revised Code, including 8734  
all moneys and investments, and earnings from investments, 8735  
credited and to be credited thereto. 8736

(O) "Improvement fund" means the applicable fund created for 8737  
the payment of costs of capital facilities under section 154.20, 8738  
154.21, 154.22, or 3383.09 of the Revised Code, including all 8739  
moneys and investments, and earnings from investments, credited 8740  
and to be credited thereto. 8741

(P) "Special funds" or "funds" means, except where the 8742

context does not permit, the bond service funds, the improvements 8743  
funds, and any other funds for similar or different purposes 8744  
created under bond proceedings, including all moneys and 8745  
investments, and earnings from investments, credited and to be 8746  
credited thereto. 8747

(Q) "Year" unless the context indicates a different meaning 8748  
or intent, means a calendar year beginning on the first day of 8749  
January and ending on the thirty-first day of December. 8750

(R) "Fiscal year" means the period of twelve months beginning 8751  
on the first day of July and ending on the thirtieth day of June. 8752

(S) "Issuing authority" means the treasurer of state or the 8753  
officer or employee who by law performs the functions of that 8754  
office. 8755

(T) "Credit enhancement facilities" has the same meaning as 8756  
in section 133.01 of the Revised Code. 8757

(U) "Ohio cultural facility" and "Ohio sports facility" have 8758  
the same meanings as in section 3383.01 of the Revised Code. 8759

**Sec. 167.04.** (A) The regional council of governments shall 8760  
adopt by-laws, by a majority vote of its members, designating the 8761  
officers of the council and the method of their selection, 8762  
creating a governing board that may act for the council as 8763  
provided in the by-laws, and providing for the conduct of its 8764  
business. 8765

(B) The by-laws of the regional council of governments shall 8766  
provide for the appointment of a fiscal officer, who may hold any 8767  
other office or employment with the council, and who shall 8768  
receive, deposit, invest, and disburse the funds of the council in 8769  
the manner authorized by the by-laws or action by the council. 8770

(C) The by-laws of a regional council of governments the 8771  
members of which include, under sections 167.01 and 167.02 of the 8772



Revised Code, at least eight counties may include a provision 8773  
authorizing member attendance and voting at council meetings 8774  
either in person or by proxy. 8775

(D)(1) Within ten business days after forming a regional 8776  
council of governments, the officers of the council shall notify 8777  
the auditor of state of the regional council's formation and shall 8778  
provide on a form prescribed by the auditor of state the 8779  
information regarding the regional council that the auditor of 8780  
state considers necessary. 8781

(2) As used in this division, "business day" means a day of 8782  
the week, excluding Saturday, Sunday, or a legal holiday as 8783  
defined in section 1.14 of the Revised Code. 8784

Sec. 171.021. Notwithstanding division (C) of section 121.22 8785  
of the Revised Code, rules adopted by the Ohio retirement study 8786  
council regarding meetings of the council shall prohibit a member 8787  
from voting on a matter before the council except while sitting in 8788  
a meeting of the council, unless the member shall have first been 8789  
present and recorded as such during that meeting before the vote 8790  
is taken, and by motion the roll call is continued for a vote by 8791  
any member who is temporarily absent from the meeting until the 8792  
adjournment thereof, which shall be not later than twelve noon one 8793  
day following the meeting. 8794

Sec. 173.14. As used in sections 173.14 to 173.27 of the 8795  
Revised Code: 8796

(A)(1) Except as otherwise provided in division (A)(2) of 8797  
this section, "long-term care facility" includes any residential 8798  
facility that provides personal care services for more than 8799  
twenty-four hours for ~~two~~ one or more unrelated adults, including 8800  
all of the following: 8801

(a) A "nursing home," "residential care facility," or "home 8802

for the aging" as defined in section 3721.01 of the Revised Code; 8803

(b) A facility authorized to provide extended care services 8804  
under Title XVIII of the "Social Security Act," 49 Stat. 620 8805  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 8806  
care hospital that provides medical and rehabilitative care to 8807  
patients who require an average length of stay greater than 8808  
twenty-five days and is classified by the centers for medicare and 8809  
medicaid services as a long-term care hospital pursuant to 42 8810  
C.F.R. 412.23(e); 8811

(c) A county home or district home operated pursuant to 8812  
Chapter 5155. of the Revised Code; 8813

(d) ~~An "adult care~~ A residential facility ~~as defined in~~ 8814  
licensed under section 5119.70 5119.22 of the Revised Code that 8815  
provides accommodations, supervision, and personal care services 8816  
for three to sixteen unrelated adults or accommodations and 8817  
personal care services for only one or two adults who are 8818  
recipients under the residential state supplement program; 8819

(e) A facility approved by the veterans administration under 8820  
section 104(a) of the "Veterans Health Care Amendments of 1983," 8821  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 8822  
the placement and care of veterans; 8823

~~(f) An adult foster home certified under section 5119.692 of~~ 8824  
~~the Revised Code.~~ 8825

(2) "Long-term care facility" does not include a ~~"residential~~ 8826  
~~facility" as defined in section 5119.22 of the Revised Code or a~~ 8827  
~~"residential facility" as defined in~~ licensed under section 8828  
5123.19 of the Revised Code. 8829

(B) "Resident" means a resident of a long-term care facility 8830  
and, where appropriate, includes a prospective, previous, or 8831  
deceased resident of a long-term care facility. 8832

(C) "Community-based long-term care services" means health	8833
and social services provided to persons in their own homes or in	8834
community care settings, and includes any of the following:	8835
(1) Case management;	8836
(2) Home health care;	8837
(3) Homemaker services;	8838
(4) Chore services;	8839
(5) Respite care;	8840
(6) Adult day care;	8841
(7) Home-delivered meals;	8842
(8) Personal care;	8843
(9) Physical, occupational, and speech therapy;	8844
(10) Transportation;	8845
(11) Any other health and social services provided to persons	8846
that allow them to retain their independence in their own homes or	8847
in community care settings.	8848
(D) "Recipient" means a recipient of community-based	8849
long-term care services and, where appropriate, includes a	8850
prospective, previous, or deceased recipient of community-based	8851
long-term care services.	8852
(E) "Sponsor" means an adult relative, friend, or guardian	8853
who has an interest in or responsibility for the welfare of a	8854
resident or a recipient.	8855
(F) "Personal care services" has the same meaning as in	8856
section 3721.01 of the Revised Code.	8857
(G) "Regional long-term care ombudsperson program" means an	8858
entity, either public or private and nonprofit, designated as a	8859
regional long-term care ombudsperson program by the state	8860

long-term care ombudsperson. 8861

(H) "Representative of the office of the state long-term care 8862  
ombudsperson program" means the state long-term care ombudsperson 8863  
or a member of the ombudsperson's staff, or a person certified as 8864  
a representative of the office under section 173.21 of the Revised 8865  
Code. 8866

(I) "Area agency on aging" means an area agency on aging 8867  
established under the "Older Americans Act of 1965," 79 Stat. 219, 8868  
42 U.S.C.A. 3001, as amended. 8869

**Sec. 173.21.** (A) The office of the state long-term care 8870  
ombudsperson program, through the state long-term care 8871  
ombudsperson and the regional long-term care ombudsperson 8872  
programs, shall require each representative of the office to 8873  
complete a training and certification program in accordance with 8874  
this section and to meet the continuing education requirements 8875  
established under this section. 8876

(B) The department of aging shall adopt rules under Chapter 8877  
119. of the Revised Code specifying the content of training 8878  
programs for representatives of the office of the state long-term 8879  
care ombudsperson program. Training for representatives other than 8880  
those who are volunteers providing services through regional 8881  
long-term care ombudsperson programs shall include instruction 8882  
regarding federal, state, and local laws, rules, and policies on 8883  
long-term care facilities and community-based long-term care 8884  
services; investigative techniques; and other topics considered 8885  
relevant by the department and shall consist of the following: 8886

(1) A minimum of forty clock hours of basic instruction, 8887  
which shall be completed before the trainee is permitted to handle 8888  
complaints without the supervision of a representative of the 8889  
office certified under this section; 8890

(2) An additional sixty clock hours of instruction, which 8891  
shall be completed within the first fifteen months of employment; 8892

(3) An internship of twenty clock hours, which shall be 8893  
completed within the first twenty-four months of employment, 8894  
including instruction in, and observation of, basic nursing care 8895  
and long-term care provider operations and procedures. The 8896  
internship shall be performed at a site that has been approved as 8897  
an internship site by the state long-term care ombudsperson. 8898

(4) One of the following, which shall be completed within the 8899  
first twenty-four months of employment: 8900

(a) Observation of a survey conducted by the director of 8901  
health to certify a facility to receive funds under sections 8902  
5111.20 to 5111.32 of the Revised Code; 8903

(b) Observation of an inspection conducted by the director of 8904  
mental health to license ~~an adult care~~ a residential facility 8905  
under section ~~5119.73~~ 5119.22 of the Revised Code that provides 8906  
accommodations, supervision, and personal care services for three 8907  
to sixteen unrelated adults. 8908

(5) Any other training considered appropriate by the 8909  
department. 8910

(C) Persons who for a period of at least six months prior to 8911  
June 11, 1990, served as ombudsmen through the long-term care 8912  
ombudsperson program established by the department of aging under 8913  
division (M) of section 173.01 of the Revised Code shall not be 8914  
required to complete a training program. These persons and persons 8915  
who complete a training program shall take an examination 8916  
administered by the department of aging. On attainment of a 8917  
passing score, the person shall be certified by the department as 8918  
a representative of the office. The department shall issue the 8919  
person an identification card, which the representative shall show 8920  
at the request of any person with whom the representative deals 8921

while performing the representative's duties and which shall be 8922  
surrendered at the time the representative separates from the 8923  
office. 8924

(D) The state ombudsperson and each regional program shall 8925  
conduct training programs for volunteers on their respective 8926  
staffs in accordance with the rules of the department of aging 8927  
adopted under division (B) of this section. Training programs may 8928  
be conducted that train volunteers to complete some, but not all, 8929  
of the duties of a representative of the office. Each regional 8930  
office shall bear the cost of training its representatives who are 8931  
volunteers. On completion of a training program, the 8932  
representative shall take an examination administered by the 8933  
department of aging. On attainment of a passing score, a volunteer 8934  
shall be certified by the department as a representative 8935  
authorized to perform services specified in the certification. The 8936  
department shall issue an identification card, which the 8937  
representative shall show at the request of any person with whom 8938  
the representative deals while performing the representative's 8939  
duties and which shall be surrendered at the time the 8940  
representative separates from the office. Except as a supervised 8941  
part of a training program, no volunteer shall perform any duty 8942  
unless he is certified as a representative having received 8943  
appropriate training for that duty. 8944

(E) The state ombudsperson shall provide technical assistance 8945  
to regional programs conducting training programs for volunteers 8946  
and shall monitor the training programs. 8947

(F) Prior to scheduling an observation of a certification 8948  
survey or licensing inspection for purposes of division (B)(4) of 8949  
this section, the state ombudsperson shall obtain permission to 8950  
have the survey or inspection observed from both the director of 8951  
health and the long-term care facility at which the survey or 8952  
inspection is to take place. 8953

(G) The department of aging shall establish continuing education requirements for representatives of the office.

**Sec. 173.23.** (A) Representatives of the office of the state long-term care ombudsperson program are immune from civil or criminal liability for any action taken in the good faith performance of their official duties under sections 173.14 to 173.26 of the Revised Code. ~~The department of aging shall ensure that adequate legal counsel is available to the office of the state long term care ombudsperson program for advice and consultation and that legal representation is provided to any representative of the office against whom any legal action is brought in connection with the representative's official duties under sections 173.14 to 173.26 of the Revised Code.~~

(B) A person acting in good faith is immune from civil or criminal liability incident to any of the following: providing information to the office, participating in registration of a complaint with the office, participating in investigation of a complaint by the office, or participating in an administrative or judicial proceeding resulting from a complaint.

(C) No person shall knowingly register a false complaint with the office, or knowingly swear or affirm the truth of a false complaint previously registered, when the statement is made with purpose to incriminate another.

(D) The attorney general shall provide legal counsel to the office of the state long-term care ombudsperson program and to the regional long-term care ombudsperson programs. The attorney general shall represent any representative of the office and any representative of a regional program against whom any legal action is brought in connection with the representative's official duties under sections 173.14 to 173.26 of the Revised Code.

Sec. 173.26. (A) Each of the following facilities shall 8984  
annually pay to the department of aging six dollars for each bed 8985  
maintained by the facility for use by a resident during any part 8986  
of the previous year: 8987

(1) Nursing homes, residential care facilities, and homes for 8988  
the aging as defined in section 3721.01 of the Revised Code; 8989

(2) Facilities authorized to provide extended care services 8990  
under Title XVIII of the "Social Security Act," 49 Stat. 620 8991  
(1935), 42 U.S.C. 301, as amended, including a long-term acute 8992  
care hospital that provides medical and rehabilitative care to 8993  
patients who require an average length of stay greater than 8994  
twenty-five days and is classified by the centers for medicare and 8995  
medicaid services as a long-term care hospital pursuant to 42 8996  
C.F.R. 412.23(e); 8997

(3) County homes and district homes operated pursuant to 8998  
Chapter 5155. of the Revised Code; 8999

(4) ~~Adult care~~ Residential facilities ~~as defined in~~ licensed 9000  
under section ~~5119.70~~ 5119.22 of the Revised Code that provide 9001  
accommodations, supervision, and personal care services for three 9002  
to sixteen unrelated adults; 9003

(5) Facilities approved by the Veterans Administration under 9004  
Section 104(a) of the "Veterans Health Care Amendments of 1983," 9005  
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 9006  
the placement and care of veterans. 9007

The department shall, by rule adopted in accordance with 9008  
Chapter 119. of the Revised Code, establish deadlines for payments 9009  
required by this section. A facility that fails, within ninety 9010  
days after the established deadline, to pay a payment required by 9011  
this section shall be assessed at two times the original invoiced 9012  
payment. 9013



(B) All money collected under this section shall be deposited 9014  
in the state treasury to the credit of the office of the state 9015  
long-term care ombudsperson program fund, which is hereby created. 9016  
Money credited to the fund shall be used solely to pay the costs 9017  
of operating the regional long-term care ombudsperson programs. 9018

(C) The state long-term care ombudsperson and the regional 9019  
programs may solicit and receive contributions to support the 9020  
operation of the office or a regional program, except that no 9021  
contribution shall be solicited or accepted that would interfere 9022  
with the independence or objectivity of the office or program. 9023

**Sec. 173.27.** (A) As used in this section: 9024

(1) "Applicant" means a person who is under final 9025  
consideration for employment with the office of the state 9026  
long-term care ombudsperson program in a full-time, part-time, or 9027  
temporary position that involves providing ombudsperson services 9028  
to residents and recipients. "Applicant" includes, ~~but is not~~ 9029  
~~limited to,~~ a person who is under final consideration for 9030  
employment as the state long-term care ombudsperson or the head of 9031  
a regional long-term care ombudsperson program. "Applicant" does 9032  
not include a person ~~who provides~~ seeking to provide ombudsperson 9033  
services to residents and recipients as a volunteer without 9034  
receiving or expecting to receive any form of remuneration other 9035  
than reimbursement for actual expenses. 9036

(2) "Criminal records check" has the same meaning as in 9037  
section 109.572 of the Revised Code. 9038

(3) "Disqualifying offense" means any of the following: 9039

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 9040  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 9041  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 9042  
2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 9043

2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 9044  
2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 9045  
2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 9046  
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 9047  
2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 9048  
2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 9049  
2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 9050  
2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23, 9051  
2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24, 9052  
2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 9053  
2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 9054  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 9055  
2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 9056  
2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 9057

(b) Felonious sexual penetration in violation of former 9058  
section 2907.12 of the Revised Code; 9059

(c) A violation of section 2905.04 of the Revised Code as it 9060  
existed prior to July 1, 1996; 9061

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 9062  
the Revised Code when the underlying offense that is the object of 9063  
the conspiracy, attempt, or complicity is one of the offenses 9064  
listed in divisions (A)(3)(a) to (c) of this section; 9065

(e) A violation of an existing or former municipal ordinance 9066  
or law of this state, any other state, or the United States that 9067  
is substantially equivalent to any of the offenses listed in 9068  
divisions (A)(3)(a) to (d) of this section. 9069

(4) "Employee" means a person employed by the office of the 9070  
state long-term care ombudsperson program in a full-time, 9071  
part-time, or temporary position that involves providing 9072  
ombudsperson services to residents and recipients. "Employee" 9073  
includes the person employed as the state long-term care 9074

ombudsperson and a person employed as the head of a regional 9075  
long-term care ombudsperson program. "Employee" does not include a 9076  
person who provides ombudsperson services to residents and 9077  
recipients as a volunteer without receiving or expecting to 9078  
receive any form of remuneration other than reimbursement for 9079  
actual expenses. 9080

(5) "Responsible entity" means the following: 9081

(a) In the case of an applicant who is under final 9082  
consideration for employment as the state long-term care 9083  
ombudsperson or the person employed as the state long-term care 9084  
ombudsperson, the director of aging; 9085

(b) In the case of any other applicant or employee, the state 9086  
long-term care ombudsperson or the ombudsperson's designee. 9087

(B) The office of the state long-term care ombudsperson 9088  
program may not employ an applicant or continue to employ an 9089  
employee in a position that involves providing ombudsperson 9090  
services to residents and recipients if any of the following 9091  
apply: 9092

(1) A review of the databases listed in division (D) of this 9093  
section reveals any of the following: 9094

(a) That the applicant or employee is included in one or more 9095  
of the databases listed in divisions (D)(1) to (5) of this 9096  
section; 9097

(b) That there is in the state nurse aide registry 9098  
established under section 3721.32 of the Revised Code a statement 9099  
detailing findings by the director of health that the applicant or 9100  
employee neglected or abused a long-term care facility or 9101  
residential care facility resident or misappropriated property of 9102  
such a resident; 9103

(c) That the applicant or employee is included in one or more 9104

of the databases, if any, specified in rules adopted under this 9105  
section and the rules prohibit the office from employing an 9106  
applicant or continuing to employ an employee included in such a 9107  
database in a position that involves providing ombudsperson 9108  
services to residents and recipients. 9109

(2) After the applicant or employee is provided, pursuant to 9110  
division (E)(2)(a) of this section, a copy of the form prescribed 9111  
pursuant to division (C)(1) of section 109.572 of the Revised Code 9112  
and the standard impression sheet prescribed pursuant to division 9113  
(C)(2) of that section, the applicant or employee fails to 9114  
complete the form or provide the applicant's or employee's 9115  
fingerprint impressions on the standard impression sheet. 9116

(3) Except as provided in rules adopted under this section, 9117  
the applicant or employee is found by a criminal records check 9118  
required by this section to have been convicted of, pleaded guilty 9119  
to, or been found eligible for intervention in lieu of conviction 9120  
for a disqualifying offense. 9121

(C) The responsible entity shall inform each applicant of 9122  
both of the following at the time of the applicant's initial 9123  
application for employment in a position that involves providing 9124  
ombudsperson services to residents and recipients: 9125

(1) That a review of the databases listed in division (D) of 9126  
this section will be conducted to determine whether the office of 9127  
the state long-term care ombudsperson program is prohibited by 9128  
division (B)(1) of this section from employing the applicant in 9129  
the position; 9130

(2) That, unless the database review reveals that the 9131  
applicant may not be employed in the position, a criminal records 9132  
check of the applicant will be conducted and the applicant is 9133  
required to provide a set of the applicant's fingerprint 9134  
impressions as part of the criminal records check. 9135

(D) As a condition of any applicant's being employed by the office of the state long-term care ombudsperson program in a position that involves providing ombudsperson services to residents and recipients, the responsible entity 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 responsible entity shall conduct a database review of an employee in accordance with the rules as a condition of the office's continuing to employ the employee in a position that involves providing ombudsperson services to residents and recipients. 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. 9167

~~(E)(1) The state long term care ombudsperson or the~~ 9168  
~~ombudsperson's designee~~ As a condition of any applicant's being 9169  
employed by the office of the state long-term care ombudsperson 9170  
program in a position that involves providing ombudsperson 9171  
services to residents and recipients, the responsible entity shall 9172  
request that the superintendent of the bureau of criminal 9173  
identification and investigation conduct a criminal records check 9174  
~~with respect to each~~ of the applicant. If rules adopted under this 9175  
section so require, the responsible entity shall request that the 9176  
superintendent conduct a criminal records check of an employee at 9177  
times specified in the rules as a condition of the office's 9178  
continuing to employ the employee in a position that involves 9179  
providing ombudsperson services to residents and recipients. 9180  
~~However, if the applicant is under final consideration for~~ 9181  
~~employment as the state long term care ombudsperson, the director~~ 9182  
~~of aging shall request that the superintendent conduct the~~ 9183  
~~criminal records check~~ the responsible entity is not required to 9184  
request the criminal records check of the applicant or employee if 9185  
the office is prohibited by division (B)(1) of this section from 9186  
employing the applicant or continuing to employ the employee in a 9187  
position that involves providing ombudsperson services to 9188  
residents and recipients. If an applicant or employee for whom a 9189  
criminal records check request is required ~~under~~ by this ~~division~~ 9190  
section does not present proof of having been a resident of this 9191  
state for the five-year period immediately prior to the date the 9192  
criminal records check is requested or provide evidence that 9193  
within that five-year period the superintendent has requested 9194  
information about the applicant or employee from the federal 9195  
~~ombudsperson, designee, or director~~ responsible entity shall 9196  
request that the superintendent obtain information from the 9197  
federal bureau of investigation as part of the criminal records 9198  
9199

check of the applicant. Even if an applicant or employee for whom 9200  
a criminal records check request is required ~~under by~~ this 9201  
~~division section~~ presents proof of having been a resident of this 9202  
state for the five-year period, the ~~ombudsperson, designee, or~~ 9203  
~~director~~ responsible entity may request that the superintendent 9204  
include information from the federal bureau of investigation in 9205  
the criminal records check. 9206

(2) ~~A person required by division (B)(1) of this section to~~ 9207  
~~request a criminal records check~~ The responsible entity shall do 9208  
~~both~~ all of the following: 9209

(a) Provide to each applicant and employee for whom a 9210  
criminal records check request is required ~~under that division by~~ 9211  
this section a copy of the form prescribed pursuant to division 9212  
(C)(1) of section 109.572 of the Revised Code and a standard 9213  
~~fingerprint~~ impression sheet prescribed pursuant to division 9214  
(C)(2) of that section, ~~and obtain;~~ 9215

(b) Obtain the completed form and standard impression sheet 9216  
from the applicant or employee; 9217

~~(b)(c)~~ (c) Forward the completed form and standard impression 9218  
sheet to the superintendent ~~of the bureau of criminal~~ 9219  
~~identification and investigation.~~ 9220

(3) ~~An applicant provided the form and fingerprint impression~~ 9221  
~~sheet under division (B)(2)(a) of this section who fails to~~ 9222  
~~complete the form or provide fingerprint impressions shall not be~~ 9223  
~~employed in any position for which a criminal records check is~~ 9224  
~~required by this section.~~ 9225

~~(C)(1) Except as provided in rules adopted by the director of~~ 9226  
~~aging in accordance with division (F) of this section and subject~~ 9227  
~~to division (C)(2) of this section, the office of the state~~ 9228  
~~long term care ombudsperson may not employ a person in a position~~ 9229  
~~that involves providing ombudsperson services to residents and~~ 9230

~~recipients if the person has been convicted of or pleaded guilty~~ 9231  
~~to any of the following:~~ 9232

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 9233  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 9234  
~~2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,~~ 9235  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,~~ 9236  
~~2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,~~ 9237  
~~2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,~~ 9238  
~~2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,~~ 9239  
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,~~ 9240  
~~2925.22, 2925.23, or 3716.11 of the Revised Code.~~ 9241

~~(b) A violation of an existing or former law of this state,~~ 9242  
~~any other state, or the United States that is substantially~~ 9243  
~~equivalent to any of the offenses listed in division (C)(1)(a) of~~ 9244  
~~this section.~~ 9245

~~(2)(a) The office of the state long-term care ombudsperson~~ 9246  
~~program shall pay to the bureau of criminal identification and~~ 9247  
~~investigation the fee prescribed pursuant to division (C)(3) of~~ 9248  
~~section 109.572 of the Revised Code for each criminal records~~ 9249  
~~check the responsible entity requests under this section. The~~ 9250  
~~office may charge an applicant a fee not exceeding the amount the~~ 9251  
~~office pays to the bureau under this section if the responsible~~ 9252  
~~entity notifies the applicant at the time of initial application~~ 9253  
~~for employment of the amount of the fee.~~ 9254

~~(F)(1) The office of the state long-term care ombudsperson~~ 9255  
~~program may employ conditionally an applicant for whom a criminal~~ 9256  
~~records check request is required under division (B) of by this~~ 9257  
~~section prior to obtaining the results of a the criminal records~~ 9258  
~~check regarding the individual, provided that the state long term~~ 9259  
~~care ombudsperson, ombudsperson's designee, or director of aging~~ 9260  
~~shall request a if the office is not prohibited by division (B)(1)~~ 9261  
~~of this section from employing the applicant in a position that~~ 9262



involves providing ombudsperson services to residents and 9263  
recipients and the responsible entity requests the criminal 9264  
records check regarding the individual in accordance with division 9265  
~~(B)(1)(E)~~ of this section not later than five business days after 9266  
the individual applicant begins conditional employment. 9267

~~(b)(2)~~ The office of the state long-term care ombudsperson 9268  
program shall terminate the employment of an individual applicant 9269  
employed conditionally under division ~~(C)(2)(a)(F)(1)~~ of this 9270  
section if the results of the criminal records check ~~request under~~ 9271  
~~division (B) of this section~~, other than the results of any 9272  
request for information from the federal bureau of investigation, 9273  
are not obtained within the period ending sixty days after the 9274  
date the request for the criminal records check is made. 9275  
Regardless of when the results of the criminal records check are 9276  
obtained, if the results indicate that the individual applicant 9277  
has been convicted of ~~or~~ pleaded guilty to any of the offenses 9278  
listed or described in division (C)(1) of this section, or been 9279  
found eligible for intervention in lieu of conviction for a 9280  
disqualifying offense, the office shall terminate the individual's 9281  
applicant's employment unless circumstances specified in rules 9282  
adopted under this section that permit the office to employ the 9283  
applicant exist and the office chooses to employ the individual 9284  
pursuant to division (F) of this section applicant. Termination of 9285  
employment under this division shall be considered just cause for 9286  
discharge for purposes of division (D)(2) of section 4141.29 of 9287  
the Revised Code if the individual applicant makes any attempt to 9288  
deceive the office about the individual's applicant's criminal 9289  
record. 9290

~~(D)(1)~~ The office of the state long term care ombudsperson 9291  
program shall pay to the bureau of criminal identification and 9292  
investigation the fee prescribed pursuant to division ~~(C)(3)~~ of 9293  
section 109.572 of the Revised Code for each criminal records 9294

~~check conducted pursuant to a request made under division (B) of  
this section.~~ 9295  
9296

~~(2) The office of the state long term care ombudsperson  
program may charge an applicant a fee not exceeding the amount the  
office pays under division (D)(1) of this section. The office may  
collect a fee only if the office notifies the applicant at the  
time of initial application for employment of the amount of the  
fee.~~ 9297  
9298  
9299  
9300  
9301  
9302

~~(E)(G)~~ The report of any criminal records check conducted 9303  
pursuant to a request made under this section is not a public 9304  
record for the purposes of section 149.43 of the Revised Code and 9305  
shall not be made available to any person other than the 9306  
following: 9307

(1) The ~~individual~~ applicant or employee who is the subject 9308  
of the criminal records check or the ~~individual's~~ applicant's or 9309  
employee's representative; 9310

(2) The ~~state long term care ombudsperson, ombudsperson's~~ 9311  
~~designee, director of aging,~~ responsible entity or the 9312  
~~ombudsperson, designee, or director's~~ responsible entity's 9313  
representative; 9314

(3) If the state long-term care ombudsperson designates the 9315  
head or other employee of a regional long-term care ombudsperson 9316  
program to request a criminal records check under this section, a 9317  
representative of the office of the state long-term care 9318  
ombudsperson program who is responsible for monitoring the 9319  
regional program's compliance with this section; 9320

(4) A court, hearing officer, or other necessary individual 9321  
involved in a case dealing with a any of the following: 9322

(a) A denial of employment of the applicant or ~~dealing with~~ 9323  
~~employment~~ employee; 9324

(b) Employment or unemployment benefits of the applicant or 9325  
employee; 9326

(c) A civil or criminal action regarding the medicaid program 9327  
or a program the department of aging administers. 9328

~~(F) The director of aging shall adopt rules in accordance 9329  
with Chapter 119. of the Revised Code to implement this section. 9330  
The rules shall specify circumstances under which the office of 9331  
the state long term care ombudsperson program may employ a person 9332  
who has been convicted of or pleaded guilty to an offense listed 9333  
or described in division (C)(1) of this section but meets personal 9334  
character standards set by the director. 9335~~

~~(G) The office of the state long term care ombudsperson 9336  
program shall inform each person, at the time of initial 9337  
application for a position that involves providing ombudsperson 9338  
services to residents and recipients, that the person is required 9339  
to provide a set of fingerprint impressions and that a criminal 9340  
records check is required to be conducted if the person comes 9341  
under final consideration for employment. 9342~~

(H) In a tort or other civil action for damages that is 9343  
brought as the result of an injury, death, or loss to person or 9344  
property caused by an ~~individual~~ applicant or employee who the 9345  
office of the state long-term care ombudsperson program employs in 9346  
a position that involves providing ombudsperson services to 9347  
residents and recipients, all of the following shall apply: 9348

(1) If the office employed the ~~individual~~ applicant or 9349  
employee in good faith and reasonable reliance on the report of a 9350  
criminal records check requested under this section, the office 9351  
shall not be found negligent solely because of its reliance on the 9352  
report, even if the information in the report is determined later 9353  
to have been incomplete or inaccurate. 9354

(2) If the office employed the ~~individual~~ applicant in good 9355

faith on a conditional basis pursuant to division ~~(C)(2)(F)~~ of 9356  
this section, the office shall not be found negligent solely 9357  
because it employed the ~~individual~~ applicant prior to receiving 9358  
the report of a criminal records check requested under this 9359  
section. 9360

(3) If the office in good faith employed the ~~individual~~ 9361  
applicant or employee according to the personal character 9362  
standards established in rules adopted under ~~division (F)~~ of this 9363  
section, the office shall not be found negligent solely because 9364  
the ~~individual prior to being employed had~~ applicant or employee 9365  
has been convicted of or, pleaded guilty to an offense listed or 9366  
described in division (C)(1) of this section, or been found 9367  
eligible for intervention in lieu of conviction for a 9368  
disqualifying offense. 9369

(I) The director of aging shall adopt rules in accordance 9370  
with Chapter 119. of the Revised Code to implement this section. 9371

(1) The rules may do the following: 9372

(a) Require employees to undergo database reviews and 9373  
criminal records checks under this section; 9374

(b) If the rules require employees to undergo database 9375  
reviews and criminal records checks under this section, exempt one 9376  
or more classes of employees from the requirements; 9377

(c) For the purpose of division (D)(7) of this section, 9378  
specify other databases that are to be checked as part of a 9379  
database review conducted under this section. 9380

(2) The rules shall specify all of the following: 9381

(a) The procedures for conducting database reviews under this 9382  
section; 9383

(b) If the rules require employees to undergo database 9384  
reviews and criminal records checks under this section, the times 9385

at which the database reviews and criminal records checks are to 9386  
be conducted; 9387

(c) If the rules specify other databases to be checked as 9388  
part of the database reviews, the circumstances under which the 9389  
office of the state long-term care ombudsperson program is 9390  
prohibited from employing an applicant or continuing to employ an 9391  
employee who is found by a database review to be included in one 9392  
or more of those databases; 9393

(d) Circumstances under which the office of the state 9394  
long-term care ombudsperson program may employ an applicant or 9395  
employee who is found by a criminal records check required by this 9396  
section to have been convicted of, pleaded guilty to, or been 9397  
found eligible for intervention in lieu of conviction for a 9398  
disqualifying offense but meets personal character standards. 9399

**Sec. 173.391.** (A) The department of aging or its designee 9400  
shall do all of the following in accordance with Chapter 119. of 9401  
the Revised Code: 9402

(1) Certify a person or government entity to provide 9403  
community-based long-term care services under a program the 9404  
department administers if the person or government entity 9405  
satisfies the requirements for certification established by rules 9406  
adopted under division (B) of this section and pays the fee, if 9407  
any, established by rules adopted under division (G) of this 9408  
section; 9409

(2) When required to do so by rules adopted under division 9410  
(B) of this section, take one or more of the following 9411  
disciplinary actions against a person or government entity 9412  
certified under division (A)(1) of this section: 9413

(a) Issue a written warning; 9414

(b) Require the submission of a plan of correction or 9415

evidence of compliance with requirements identified by the	9416
department;	9417
(c) Suspend referrals;	9418
(d) Remove clients;	9419
(e) Impose a fiscal sanction such as a civil monetary penalty	9420
or an order that unearned funds be repaid;	9421
(f) Suspend the certification;	9422
(g) Revoke the certification;	9423
(h) Impose another sanction.	9424
(3) Except as provided in division (E) of this section, hold	9425
hearings when there is a dispute between the department or its	9426
designee and a person or government entity concerning actions the	9427
department or its designee takes regarding a decision not to	9428
certify the person or government entity under division (A)(1) of	9429
this section or a disciplinary action under <del>division</del> <u>divisions</u>	9430
(A)(2)(e) to (h) of this section.	9431
(B) The director of aging shall adopt rules in accordance	9432
with Chapter 119. of the Revised Code establishing certification	9433
requirements and standards for determining which type of	9434
disciplinary action to take under division (A)(2) of this section	9435
in individual situations. The rules shall establish procedures for	9436
all of the following:	9437
(1) Ensuring that community-based long-term care agencies	9438
comply with section 173.394 of the Revised Code;	9439
(2) Evaluating the services provided by the agencies to	9440
ensure that the services are provided in a quality manner	9441
advantageous to the individual receiving the services;	9442
(3) Determining when to take disciplinary action under	9443
division (A)(2) of this section and which disciplinary action to	9444
take;	9445

(4) Determining what constitutes another sanction for 9446  
purposes of division (A)(2)(h) of this section. 9447

(C) The procedures established in rules adopted under 9448  
division (B)(2) of this section shall require that all of the 9449  
following be considered as part of an evaluation described in 9450  
division (B)(2) of this section: 9451

(1) The community-based long-term care agency's experience 9452  
and financial responsibility; 9453

(2) The agency's ability to comply with standards for the 9454  
community-based long-term care services that the agency provides 9455  
under a program the department administers; 9456

(3) The agency's ability to meet the needs of the individuals 9457  
served; 9458

(4) Any other factor the director considers relevant. 9459

(D) The rules adopted under division (B)(3) of this section 9460  
shall specify that the reasons disciplinary action may be taken 9461  
under division (A)(2) of this section include good cause, 9462  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 9463  
or neglect, financial irresponsibility, or other conduct the 9464  
director determines is injurious, or poses a threat, to the health 9465  
or safety of individuals being served. 9466

(E) Subject to division (F) of this section, the department 9467  
is not required to hold hearings under division (A)(3) of this 9468  
section if any of the following conditions apply: 9469

(1) Rules adopted by the director of aging pursuant to this 9470  
chapter require the community-based long-term care agency to be a 9471  
party to a provider agreement; hold a license, certificate, or 9472  
permit; or maintain a certification, any of which is required or 9473  
issued by a state or federal government entity other than the 9474  
department of aging, and either of the following is the case: 9475

(a) The provider agreement has not been entered into or the license, certificate, permit, or certification has not been obtained or maintained.

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The agency's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a community-based long-term care agency: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the agency has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The agency or a principal owner or manager of the agency who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) The agency or a principal owner or manager of the agency who provides direct care has entered a guilty plea for, ~~or~~ been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed in ~~division (C)(1)(a)~~ divisions (A)(3)(a) to (d) of section 173.394 of the Revised Code, but only if none of the personal character standards established by the ~~department~~ director in rules adopted under ~~division (F) of that~~ section 173.394 ~~of the Revised Code~~ apply.

(d) The United States department of health and human services has taken adverse action against the agency and that action impacts the agency's participation in the medicaid program.



(e) The agency has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the agency is certified to provide services.

(f) The agency has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(g) The agency denied or failed to provide the department or its designee access to the agency's facilities during the agency's normal business hours for purposes of conducting an audit or structural compliance review.

(h) The agency has ceased doing business.

(i) The agency has voluntarily relinquished its certification for any reason.

(3) The agency's provider agreement with the department of job and family services has been suspended under division (C) of section 5111.031 of the Revised Code.

(4) The agency's provider agreement with the department of job and family services is denied or revoked because the agency or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5111.031 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department may send a notice to the agency describing a decision not to certify the agency under division (A)(1) of this section or the disciplinary action the department proposes to take under division (A)(2)(e) to (h) of this section. The notice shall be sent to the agency's address that is on record with the department

and may be sent by regular mail. 9538

(G) The director of aging may adopt rules in accordance with 9539  
Chapter 119. of the Revised Code establishing a fee to be charged 9540  
by the department of aging or its designee for certification 9541  
issued under this section. 9542

All fees collected by the department or its designee under 9543  
this section shall be deposited in the state treasury to the 9544  
credit of the provider certification fund, which is hereby 9545  
created. Money credited to the fund shall be used to pay for 9546  
community-based long-term care services, administrative costs 9547  
associated with community-based long-term care agency 9548  
certification under this section, and administrative costs related 9549  
to the publication of the Ohio long-term care consumer guide. 9550

**Sec. 173.394.** (A) As used in this section: 9551

(1) "Applicant" means a person who is under final 9552  
consideration for employment with a community-based long-term care 9553  
agency in a full-time, part-time, or temporary position that 9554  
involves providing direct care to an individual or is referred to 9555  
a community-based long-term care agency by an employment service 9556  
for such a position. "Applicant" does not include a person who 9557  
provides direct care to an individual as a volunteer without 9558  
receiving or expecting to receive any form of remuneration other 9559  
than reimbursement for actual expenses. 9560

(2) "Criminal records check" has the same meaning as in 9561  
section 109.572 of the Revised Code. 9562

(3) "Disqualifying offense" means any of the following: 9563

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 9564  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 9565  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 9566  
2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 9567

<u>2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22,</u>	9568
<u>2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,</u>	9569
<u>2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23,</u>	9570
<u>2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02,</u>	9571
<u>2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32,</u>	9572
<u>2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45,</u>	9573
<u>2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02,</u>	9574
<u>2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23,</u>	9575
<u>2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24,</u>	9576
<u>2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122,</u>	9577
<u>2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42,</u>	9578
<u>2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09,</u>	9579
<u>2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	9580
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	9581
<u>(b) Felonious sexual penetration in violation of former</u>	9582
<u>section 2907.12 of the Revised Code;</u>	9583
<u>(c) A violation of section 2905.04 of the Revised Code as it</u>	9584
<u>existed prior to July 1, 1996;</u>	9585
<u>(d) A violation of section 2923.01, 2923.02, or 2923.03 of</u>	9586
<u>the Revised Code when the underlying offense that is the object of</u>	9587
<u>the conspiracy, attempt, or complicity is one of the offenses</u>	9588
<u>listed in divisions (A)(3)(a) to (c) of this section;</u>	9589
<u>(e) A violation of an existing or former municipal ordinance</u>	9590
<u>or law of this state, any other state, or the United States that</u>	9591
<u>is substantially equivalent to any of the offenses listed in</u>	9592
<u>divisions (A)(3)(a) to (d) of this section.</u>	9593
<u>(4) "Employee" means a person employed by a community-based</u>	9594
<u>long-term care agency in a full-time, part-time, or temporary</u>	9595
<u>position that involves providing direct care to an individual and</u>	9596
<u>a person who works in such a position due to being referred to a</u>	9597
<u>community-based long-term care agency by an employment service.</u>	9598

"Employee" does not include a person who provides direct care to an individual as a volunteer without receiving or expecting to receive any form of remuneration other than reimbursement for actual expenses.

(B) No community-based long-term care 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:

(1) A review of the databases listed in division (D) of this section reveals any of the following:

(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;

(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;

(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.

(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. 9630

(3) Except as provided in rules adopted under this section, 9631  
the applicant or employee is found by a criminal records check 9632  
required by this section to have been convicted of, pleaded guilty 9633  
to, or been found eligible for intervention in lieu of conviction 9634  
for a disqualifying offense. 9635

(C) Except as provided by division (F) of this section, the 9636  
chief administrator of a community-based long-term care agency 9637  
shall inform each applicant of both of the following at the time 9638  
of the applicant's initial application for employment or referral 9639  
to the agency by an employment service for a position that 9640  
involves providing direct care to an individual: 9641

(1) That a review of the databases listed in division (D) of 9642  
this section will be conducted to determine whether the agency is 9643  
prohibited by division (B)(1) of this section from employing the 9644  
applicant in the position; 9645

(2) That, unless the database review reveals that the 9646  
applicant may not be employed in the position, a criminal records 9647  
check of the applicant will be conducted and the applicant is 9648  
required to provide a set of the applicant's fingerprint 9649  
impressions as part of the criminal records check. 9650

(D) As a condition of employing any applicant in a position 9651  
that involves providing direct care to an individual, the chief 9652  
administrator of a community-based long-term care agency shall 9653  
conduct a database review of the applicant in accordance with 9654  
rules adopted under this section. If rules adopted under this 9655  
section so require, the chief administrator of a community-based 9656  
long-term care agency shall conduct a database review of an 9657  
employee in accordance with the rules as a condition of continuing 9658  
to employ the employee in a position that involves providing 9659  
direct care to an individual. However, a chief administrator is 9660

not required to conduct a database review of an applicant or 9661  
employee if division (F) of this section applies. A database 9662  
review shall determine whether the applicant or employee is 9663  
included in any of the following: 9664

(1) The excluded parties list system maintained by the United 9665  
States general services administration pursuant to subpart 9.4 of 9666  
the federal acquisition regulation; 9667

(2) The list of excluded individuals and entities maintained 9668  
by the office of inspector general in the United States department 9669  
of health and human services pursuant to section 1128 of the 9670  
"Social Security Act," 94 Stat. 2619 (1980), 42 U.S.C. 1320a-7, as 9671  
amended, and section 1156 of the "Social Security Act," 96 Stat. 9672  
388 (1982), 42 U.S.C. 1320c-5, as amended; 9673

(3) The registry of MR/DD employees established under section 9674  
5123.52 of the Revised Code; 9675

(4) The internet-based sex offender and child-victim offender 9676  
database established under division (A)(11) of section 2950.13 of 9677  
the Revised Code; 9678

(5) The internet-based database of inmates established under 9679  
section 5120.66 of the Revised Code; 9680

(6) The state nurse aide registry established under section 9681  
3721.32 of the Revised Code; 9682

(7) Any other database, if any, specified in rules adopted 9683  
under this section. 9684

(E)(1) ~~Except as provided in division (I) of this section~~ As 9685  
a condition of employing any applicant in a position that involves 9686  
providing direct care to an individual, the chief administrator of 9687  
a community-based long-term care agency shall request that the 9688  
superintendent of the bureau of criminal identification and 9689  
investigation conduct a criminal records check ~~with respect to~~ 9690

each of the applicant. If rules adopted under this section so 9691  
require, the chief administrator of a community-based long-term 9692  
care agency shall request that the superintendent conduct a 9693  
criminal records check of an employee at times specified in the 9694  
rules as a condition of continuing to employ the employee in a 9695  
position that involves providing direct care to an individual. 9696  
However, the chief administrator is not required to request the 9697  
criminal records check of the applicant or employee if division 9698  
(F) of this section applies or the agency is prohibited by 9699  
division (B)(1) of this section from employing the applicant or 9700  
continuing to employ the employee in a position that involves 9701  
providing direct care to an individual. If an applicant or 9702  
employee for whom a criminal records check request is required 9703  
under by this ~~division~~ section does not present proof of having 9704  
been a resident of this state for the five-year period immediately 9705  
prior to the date the criminal records check is requested or 9706  
provide evidence that within that five-year period the 9707  
superintendent has requested information about the applicant or 9708  
employee from the federal bureau of investigation in a criminal 9709  
records check, the chief administrator shall request that the 9710  
superintendent obtain information from the federal bureau of 9711  
investigation as part of the criminal records check ~~of the~~ 9712  
~~applicant~~. Even if an applicant or employee for whom a criminal 9713  
records check request is required ~~under by this division section~~ 9714  
presents proof of having been a resident of this state for the 9715  
five-year period, the chief administrator may request that the 9716  
superintendent include information from the federal bureau of 9717  
investigation in the criminal records check. 9718

(2) ~~A person required by division (B)(1) of this section to~~ 9719  
~~request a criminal records check~~ The chief administrator shall do 9720  
~~both~~ all of the following: 9721

(a) Provide to each applicant and employee for whom a 9722

criminal records check request is required ~~under that division by~~ 9723  
~~this section~~ a copy of the form prescribed pursuant to division 9724  
(C)(1) of section 109.572 of the Revised Code and a standard 9725  
~~fingerprint~~ impression sheet prescribed pursuant to division 9726  
(C)(2) of that section, ~~and obtain;~~ 9727

(b) Obtain the completed form and standard impression sheet 9728  
from the applicant or employee; 9729

~~(b)(c)~~ Forward the completed form and standard impression 9730  
sheet to the superintendent ~~of the bureau of criminal~~ 9731  
~~identification and investigation.~~ 9732

(3) ~~An applicant provided the form and fingerprint impression~~ 9733  
~~sheet under division (B)(2)(a) of this section who fails to~~ 9734  
~~complete the form or provide fingerprint impressions shall not be~~ 9735  
~~employed in any position for which a criminal records check is~~ 9736  
~~required by this section.~~ 9737

~~(C)(1) Except as provided in rules adopted by the department~~ 9738  
~~of aging in accordance with division (F) of this section and~~ 9739  
~~subject to division (C)(2) of this section, no community based~~ 9740  
~~long term care agency shall employ a person in a position that~~ 9741  
~~involves providing direct care to an individual if the person has~~ 9742  
~~been convicted of or pleaded guilty to any of the following:~~ 9743

~~(a) A violation of section 2903.01, 2903.02, 2903.03,~~ 9744  
~~2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,~~ 9745  
~~2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05,~~ 9746  
~~2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31,~~ 9747  
~~2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11,~~ 9748  
~~2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21,~~ 9749  
~~2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36,~~ 9750  
~~2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13,~~ 9751  
~~2925.22, 2925.23, or 3716.11 of the Revised Code.~~ 9752

~~(b) A violation of an existing or former law of this state,~~ 9753



~~any other state, or the United States that is substantially~~ 9754  
~~equivalent to any of the offenses listed in division (C)(1)(a) of~~ 9755  
~~this section.~~ 9756

(2)(a) A community-based long-term care agency shall pay to 9757  
the bureau of criminal identification and investigation the fee 9758  
prescribed pursuant to division (C)(3) of section 109.572 of the 9759  
Revised Code for each criminal records check the agency requests 9760  
under this section. An agency may charge an applicant a fee not 9761  
exceeding the amount the agency pays to the bureau under this 9762  
section if both of the following apply: 9763

(a) The agency notifies the applicant at the time of initial 9764  
application for employment of the amount of the fee and that, 9765  
unless the fee is paid, the applicant will not be considered for 9766  
employment. 9767

(b) The medicaid program established under Chapter 5111. of 9768  
the Revised Code does not reimburse the agency for the fee it pays 9769  
to the bureau under this section. 9770

(F) Divisions (C) to (E) of this section do not apply with 9771  
regard to an applicant or employee if the applicant or employee is 9772  
referred to a community-based long-term agency by an employment 9773  
service that supplies full-time, part-time, or temporary staff for 9774  
positions that involve providing direct care to an individual and 9775  
both of the following apply: 9776

(1) The chief administrator of the agency receives from the 9777  
employment service confirmation that a review of the databases 9778  
listed in division (D) of this section was conducted of the 9779  
applicant or employee. 9780

(2) The chief administrator of the agency receives from the 9781  
employment service, applicant, or employee a report of the results 9782  
of a criminal records check of the applicant or employee that has 9783  
been conducted by the superintendent within the one-year period 9784

immediately preceding the following: 9785

(a) In the case of an applicant, the date of the applicant's 9786  
referral by the employment service to the agency; 9787

(b) In the case of an employee, the date by which the agency 9788  
would otherwise have to request a criminal records check of the 9789  
employee under division (E) of this section. 9790

(G)(1) A community-based long-term care agency may employ 9791  
conditionally an applicant for whom a criminal records check 9792  
request is required ~~under division (B) of~~ by this section prior to 9793  
obtaining the results of a ~~the~~ criminal records check ~~regarding~~ 9794  
~~the individual, provided that~~ if the agency is not prohibited by 9795  
division (B)(1) of this section from employing the applicant in a 9796  
position that involves providing direct care to an individual and 9797  
either of the following applies: 9798

(a) The chief administrator of the agency ~~shall request a~~ 9799  
requests ~~the~~ criminal records check ~~regarding the individual~~ in 9800  
accordance with division ~~(B)(1)~~(E) of this section not later than 9801  
five business days after the ~~individual~~ applicant begins 9802  
conditional employment. 9803

(b) The applicant is referred to the agency by an employment 9804  
service, the employment service or the applicant provides the 9805  
chief administrator of the agency a letter that is on the 9806  
letterhead of the employment service, the letter is dated and 9807  
signed by a supervisor or another designated official of the 9808  
employment service, and the letter states all of the following: 9809

(i) That the employment service has requested the 9810  
superintendent to conduct a criminal records check regarding the 9811  
applicant; 9812

(ii) That the requested criminal records check is to include 9813  
a determination of whether the applicant has been convicted of, 9814  
pleaded guilty to, or been found eligible for intervention in lieu 9815

of conviction for a disqualifying offense; 9816

(iii) That the employment service has not received the 9817  
results of the criminal records check as of the date set forth on 9818  
the letter; 9819

(iv) That the employment service promptly will send a copy of 9820  
the results of the criminal records check to the chief 9821  
administrator of the agency when the employment service receives 9822  
the results. In the circumstances described in division (I)(2) of 9823  
this section, a community based long term care agency may employ 9824  
conditionally an applicant who has been referred to the agency by 9825  
an employment service that supplies full time, part time, or 9826  
temporary staff for positions involving the direct care of 9827  
individuals and for whom, pursuant to that division, a criminal 9828  
records check is not required under division (B) of this section. 9829

(b)(2) If a community-based long-term care agency employs an 9830  
applicant conditionally pursuant to division (G)(1)(b) of this 9831  
section, the employment service, on its receipt of the results of 9832  
the criminal records check, promptly shall send a copy of the 9833  
results to the chief administrator of the agency. 9834

(3) A community-based long-term care agency that employs an 9835  
individual applicant conditionally under authority of pursuant to 9836  
division (C)(2)(a)(G)(1)(a) or (b) of this section shall terminate 9837  
the individual's applicant's employment if the results of the 9838  
criminal records check request under division (B) of this section 9839  
or described in division (I)(2) of this section, other than the 9840  
results of any request for information from the federal bureau of 9841  
investigation, are not obtained within the period ending sixty 9842  
days after the date the request for the criminal records check is 9843  
made. Regardless of when the results of the criminal records check 9844  
are obtained, if the results indicate that the individual 9845  
applicant has been convicted of ~~or~~, pleaded guilty to any of the 9846  
offenses listed or described in division (C)(1) of this section, 9847

or been found eligible for intervention in lieu of conviction for 9848  
a disqualifying offense, the agency shall terminate the 9849  
~~individual's~~ applicant's employment unless circumstances specified 9850  
in rules adopted under this section that permit the agency to 9851  
employ the applicant exist and the agency chooses to employ the 9852  
~~individual pursuant to division (F) of this section~~ applicant. 9853  
Termination of employment under this division shall be considered 9854  
just cause for discharge for purposes of division (D)(2) of 9855  
section 4141.29 of the Revised Code if the ~~individual~~ applicant 9856  
makes any attempt to deceive the agency about the ~~individual's~~ 9857  
applicant's criminal record. 9858

~~(D)(1) Each community based long term care agency shall pay~~ 9859  
~~to the bureau of criminal identification and investigation the fee~~ 9860  
~~prescribed pursuant to division (C)(3) of section 109.572 of the~~ 9861  
~~Revised Code for each criminal records check conducted pursuant to~~ 9862  
~~a request made under division (B) of this section.~~ 9863

~~(2) A community based long term care agency may charge an~~ 9864  
~~applicant a fee not exceeding the amount the agency pays under~~ 9865  
~~division (D)(1) of this section. An agency may collect a fee only~~ 9866  
~~if both of the following apply:~~ 9867

~~(a) The agency notifies the person at the time of initial~~ 9868  
~~application for employment of the amount of the fee and that,~~ 9869  
~~unless the fee is paid, the person will not be considered for~~ 9870  
~~employment;~~ 9871

~~(b) The medicaid program established under Chapter 5111. of~~ 9872  
~~the Revised Code does not reimburse the agency the fee it pays~~ 9873  
~~under division (D)(1) of this section.~~ 9874

~~(E)(H)~~ (H) The report of any criminal records check conducted 9875  
pursuant to a request made under this section is not a public 9876  
record for the purposes of section 149.43 of the Revised Code and 9877  
shall not be made available to any person other than the 9878

following: 9879

(1) The ~~individual~~ applicant or employee who is the subject 9880  
of the criminal records check or the ~~individual's~~ applicant's or 9881  
employee's representative; 9882

(2) The chief administrator of the community-based long-term 9883  
care agency requesting the criminal records check or the 9884  
administrator's representative; 9885

(3) The administrator of any other facility, agency, or 9886  
program that provides direct care to individuals that is owned or 9887  
operated by the same entity that owns or operates the 9888  
community-based long-term care agency that requested the criminal 9889  
records check; 9890

(4) The employment service that requested the criminal 9891  
records check; 9892

(5) The director of aging or a person authorized by the 9893  
director to monitor a community-based long-term care agency's 9894  
compliance with this section; 9895

~~(5)~~ (6) A court, hearing officer, or other necessary 9896  
individual involved in a case dealing with ~~a~~ any of the following: 9897

(a) A denial of employment of the applicant or ~~dealing with~~ 9898  
~~employment~~ employee; 9899

(b) Employment or unemployment benefits of the applicant or 9900  
employee; 9901

~~(6)~~ ~~Any person to whom the report is provided pursuant to,~~ 9902  
~~and in accordance with, division (I)(1) or (2) of this section~~ (c) 9903  
A civil or criminal action regarding the medicaid program or a 9904  
program the department of aging administers. 9905

~~(F)~~ ~~The department of aging shall adopt rules in accordance~~ 9906  
~~with Chapter 119. of the Revised Code to implement this section.~~ 9907  
~~The rules shall specify circumstances under which a~~ 9908

~~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~~ 9940  
section, the agency shall not be found negligent solely because 9941  
the ~~individual prior to being employed had~~ applicant or employee 9942  
has been convicted of or, pleaded guilty to an offense listed or 9943  
described in division (C)(1) of this section, or been found 9944  
eligible for intervention in lieu of conviction for a 9945  
disqualifying offense. 9946

~~(I)(1) The chief administrator of a community based long term~~ 9947  
~~care agency is not required to request that the superintendent of~~ 9948  
~~the bureau of criminal identification and investigation conduct a~~ 9949  
~~criminal records check of an applicant if the applicant has been~~ 9950  
~~referred to the agency by an employment service that supplies~~ 9951  
~~full time, part time, or temporary staff for positions involving~~ 9952  
~~the direct care of individuals and both of the following apply:~~ 9953

~~(a) The chief administrator receives from the employment~~ 9954  
~~service or the applicant a report of the results of a criminal~~ 9955  
~~records check regarding the applicant that has been conducted by~~ 9956  
~~the superintendent within the one year period immediately~~ 9957  
~~preceding the applicant's referral;~~ 9958

~~(b) The report of the criminal records check demonstrates~~ 9959  
~~that the person has not been convicted of or pleaded guilty to an~~ 9960  
~~offense listed or described in division (C)(1) of this section, or~~ 9961  
~~the report demonstrates that the person has been convicted of or~~ 9962  
~~pleaded guilty to one or more of those offenses, but the~~ 9963  
~~community based long term care agency chooses to employ the~~ 9964  
~~individual pursuant to division (F) of this section.~~ 9965

~~(2) The chief administrator of a community based long term~~ 9966  
~~care agency is not required to request that the superintendent of~~ 9967  
~~the bureau of criminal identification and investigation conduct a~~ 9968  
~~criminal records check of an applicant and may employ the~~ 9969  
~~applicant conditionally as described in this division, if the~~ 9970  
~~applicant has been referred to the agency by an employment service~~ 9971

~~that supplies full time, part time, or temporary staff for 9972  
positions involving the direct care of individuals and if the 9973  
chief administrator receives from the employment service or the 9974  
applicant a letter from the employment service that is on the 9975  
letterhead of the employment service, dated, and signed by a 9976  
supervisor or another designated official of the employment 9977  
service and that states that the employment service has requested 9978  
the superintendent to conduct a criminal records check regarding 9979  
the applicant, that the requested criminal records check will 9980  
include a determination of whether the applicant has been 9981  
convicted of or pleaded guilty to any offense listed or described 9982  
in division (C)(1) of this section, that, as of the date set forth 9983  
on the letter, the employment service had not received the results 9984  
of the criminal records check, and that, when the employment 9985  
service receives the results of the criminal records check, it 9986  
promptly will send a copy of the results to the community based 9987  
long term care agency. If a community based long term care agency 9988  
employs an applicant conditionally in accordance with this 9989  
division, the employment service, upon its receipt of the results 9990  
of the criminal records check, promptly shall send a copy of the 9991  
results to the community based long term care agency, and division 9992  
(C)(2)(b) of this section applies regarding the conditional 9993  
employment. 9994~~

(J) The director of aging shall adopt rules in accordance 9995  
with Chapter 119. of the Revised Code to implement this section. 9996

(1) The rules may do the following: 9997

(a) Require employees to undergo database reviews and 9998  
criminal records checks under this section; 9999

(b) If the rules require employees to undergo database 10000  
reviews and criminal records checks under this section, exempt one 10001  
or more classes of employees from the requirements; 10002



<u>(c) For the purpose of division (D)(7) of this section,</u>	10003
<u>specify other databases that are to be checked as part of a</u>	10004
<u>database review conducted under this section.</u>	10005
<u>(2) The rules shall specify all of the following:</u>	10006
<u>(a) The procedures for conducting database reviews under this</u>	10007
<u>section;</u>	10008
<u>(b) If the rules require employees to undergo database</u>	10009
<u>reviews and criminal records checks under this section, the times</u>	10010
<u>at which the database reviews and criminal records checks are to</u>	10011
<u>be conducted;</u>	10012
<u>(c) If the rules specify other databases to be checked as</u>	10013
<u>part of the database reviews, the circumstances under which a</u>	10014
<u>community-based long-term care agency is prohibited from employing</u>	10015
<u>an applicant or continuing to employ an employee who is found by a</u>	10016
<u>database review to be included in one or more of those databases;</u>	10017
<u>(d) Circumstances under which a community-based long-term</u>	10018
<u>care agency may employ an applicant or employee who is found by a</u>	10019
<u>criminal records check required by this section to have been</u>	10020
<u>convicted of, pleaded guilty to, or been found eligible for</u>	10021
<u>intervention in lieu of conviction for a disqualifying offense but</u>	10022
<u>meets personal character standards.</u>	10023
<b>Sec. 173.40.</b> (A) As used in sections 173.40 to 173.402 of the	10024
Revised Code:	10025
"Medicaid waiver component" has the same meaning as in	10026
section 5111.85 of the Revised Code.	10027
"PASSPORT program" means the program created under this	10028
section.	10029
"PASSPORT waiver" means the federal medicaid waiver granted	10030
by the United States secretary of health and human services that	10031
authorizes the medicaid-funded component of the PASSPORT program.	10032

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code. 10033  
10034  
10035

(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 as an alternative to nursing facility placement for individuals who are aged and disabled and meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid-funded component and a state-funded component. 10036  
10037  
10038  
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10043

(C)(1) Unless the medicaid-funded component of the PASSPORT program is terminated under division (C)(2) of this section, all of the following apply: 10044  
10045  
10046

(a) The department of aging shall administer the medicaid-funded component through a contract entered into with the department of job and family services under section 5111.91 of the Revised Code. 10047  
10048  
10049  
10050

(b) The medicaid-funded component shall be operated as a separate medicaid waiver component. 10051  
10052

(c) For an individual to be eligible for the medicaid-funded component, the individual must be a medicaid recipient and meet the additional eligibility requirements applicable to the individual established in rules adopted under division (C)(1)(d) of this section. 10053  
10054  
10055  
10056  
10057

(d) The director of job and family services shall adopt rules under section 5111.85 of the Revised Code and the director of aging shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the medicaid-funded component. 10058  
10059  
10060  
10061

(2) If the unified long-term services and support medicaid waiver component is created, the departments of aging and job and 10062  
10063

family services shall work together to determine whether the 10064  
medicaid-funded component of the PASSPORT program should continue 10065  
to operate as a separate medicaid waiver component or be 10066  
terminated. If the departments determine that the medicaid-funded 10067  
component of the PASSPORT program should be terminated, the 10068  
medicaid-funded component shall cease to exist on a date the 10069  
departments shall specify. 10070

(D)(1) The department of aging shall administer the 10071  
state-funded component of the PASSPORT program. The state-funded 10072  
component shall not be administered as part of the medicaid 10073  
program. 10074

(2) For an individual to be eligible for the state-funded 10075  
component, the individual must meet one of the following 10076  
requirements and meet the additional eligibility requirements 10077  
applicable to the individual established in rules adopted under 10078  
division (D)(4) of this section: 10079

(a) The individual must have been enrolled in the 10080  
state-funded component on September 1, 1991, (as the state-funded 10081  
component was authorized by uncodified law in effect at that time) 10082  
and have had one or more applications for enrollment in the 10083  
medicaid-funded component (or, if the medicaid-funded component is 10084  
terminated under division (C)(2) of this section, the unified 10085  
long-term services and support medicaid waiver component) denied. 10086

(b) The individual must have had the individual's enrollment 10087  
in the medicaid-funded component (or, if the medicaid-funded 10088  
component is terminated under division (C)(2) of this section, the 10089  
unified long-term services and support medicaid waiver component) 10090  
terminated and the individual must still need the home and 10091  
community-based services provided under the PASSPORT program to 10092  
protect the individual's health and safety. 10093

(c) The individual must have an application for the 10094

medicaid-funded component (or, if the medicaid-funded component is 10095  
terminated under division (C)(2) of this section, the unified 10096  
long-term services and support medicaid waiver component) pending 10097  
and the department or the department's designee must have 10098  
determined that the individual meets the nonfinancial eligibility 10099  
requirements of the medicaid-funded component (or, if the 10100  
medicaid-funded component is terminated under division (C)(2) of 10101  
this section, the unified long-term services and support medicaid 10102  
waiver component) and not have reason to doubt that the individual 10103  
meets the financial eligibility requirements of the 10104  
medicaid-funded component (or, if the medicaid-funded component is 10105  
terminated under division (C)(2) of this section, the unified 10106  
long-term services and support medicaid waiver component). 10107

(3) An individual who is eligible for the state-funded 10108  
component because the individual meets the requirement of division 10109  
(D)(2)(c) of this section may participate in the component on that 10110  
basis for not more than ~~three months~~ ninety days. 10111

(4) The director of aging shall adopt rules in accordance 10112  
with section 111.15 of the Revised Code to implement the 10113  
state-funded component. The additional eligibility requirements 10114  
established in the rules may vary for the different groups of 10115  
individuals specified in divisions (D)(2)(a), (b), and (c) of this 10116  
section. 10117

**Sec. 173.42.** (A) As used in sections 173.42 to 173.434 of the 10118  
Revised Code: 10119

(1) "Area agency on aging" means a public or private 10120  
nonprofit entity designated under section 173.011 of the Revised 10121  
Code to administer programs on behalf of the department of aging. 10122

(2) "Department of aging-administered medicaid waiver 10123  
component" means each of the following: 10124

(a) The medicaid-funded component of the PASSPORT program created under section 173.40 of the Revised Code;	10125 10126
(b) The choices program created under section 173.403 of the Revised Code;	10127 10128
(c) The medicaid-funded component of the assisted living program created under section 5111.89 of the Revised Code;	10129 10130
(d) Any other medicaid waiver component, as defined in section 5111.85 of the Revised Code, that the department of aging administers pursuant to an interagency agreement with the department of job and family services under section 5111.91 of the Revised Code.	10131 10132 10133 10134 10135
(3) "Home and community-based services covered by medicaid components the department of aging administers" means all of the following:	10136 10137 10138
(a) Medicaid waiver services available to a participant in a department of aging-administered medicaid waiver component;	10139 10140
(b) The following medicaid state plan services available to a participant in a department of aging-administered medicaid waiver component as specified in rules adopted under section 5111.02 of the Revised Code:	10141 10142 10143 10144
(i) Home health services;	10145
(ii) Private duty nursing services;	10146
(iii) Durable medical equipment;	10147
(iv) Services of a clinical nurse specialist;	10148
(v) Services of a certified nurse practitioner.	10149
(c) Services available to a participant of the PACE program.	10150
(4) "Long-term care consultation" or "consultation" means the consultation service made available by the department of aging or a program administrator through the long-term care consultation	10151 10152 10153

program established pursuant to this section. 10154

(5) "Medicaid" means the medical assistance program 10155  
established under Chapter 5111. of the Revised Code. 10156

(6) "Nursing facility" has the same meaning as in section 10157  
5111.20 of the Revised Code. 10158

(7) "PACE program" means the component of the medicaid 10159  
program the department of aging administers pursuant to section 10160  
173.50 of the Revised Code. 10161

(8) "PASSPORT administrative agency" means an entity under 10162  
contract with the department of aging to provide administrative 10163  
services regarding the PASSPORT program. 10164

(9) "Program administrator" means an area agency on aging or 10165  
other entity under contract with the department of aging to 10166  
administer the long-term care consultation program in a geographic 10167  
region specified in the contract. 10168

(10) "Representative" means a person acting on behalf of an 10169  
individual specified in division (G) of this section. A 10170  
representative may be a family member, attorney, hospital social 10171  
worker, or any other person chosen to act on behalf of the 10172  
individual. 10173

(B) The department of aging shall develop a long-term care 10174  
consultation program whereby individuals or their representatives 10175  
are provided with long-term care consultations and receive through 10176  
these professional consultations information about options 10177  
available to meet long-term care needs and information about 10178  
factors to consider in making long-term care decisions. The 10179  
long-term care consultations provided under the program may be 10180  
provided at any appropriate time, as permitted or required under 10181  
this section and the rules adopted under it, including either 10182  
prior to or after the individual who is the subject of a 10183  
consultation has been admitted to a nursing facility or granted 10184

assistance in receiving home and community-based services covered 10185  
by medicaid components the department of aging administers. 10186

(C) The long-term care consultation program shall be 10187  
administered by the department of aging, except that the 10188  
department may have the program administered on a regional basis 10189  
by one or more program administrators. The department and each 10190  
program administrator shall administer the program in such a 10191  
manner that all of the following are included: 10192

(1) Coordination and collaboration with respect to all 10193  
available funding sources for long-term care services; 10194

(2) Assessments of individuals regarding their long-term care 10195  
service needs; 10196

(3) Assessments of individuals regarding their on-going 10197  
eligibility for long-term care services; 10198

(4) Procedures for assisting individuals in obtaining access 10199  
to, and coordination of, health and supportive services, including 10200  
department of aging-administered medicaid waiver components; 10201

(5) Priorities for using available resources efficiently and 10202  
effectively. 10203

(D) The program's long-term care consultations shall be 10204  
provided by individuals certified by the department under section 10205  
173.422 of the Revised Code. 10206

(E) The information provided through a long-term care 10207  
consultation shall be appropriate to the individual's needs and 10208  
situation and shall address all of the following: 10209

(1) The availability of any long-term care options open to 10210  
the individual; 10211

(2) Sources and methods of both public and private payment 10212  
for long-term care services; 10213

(3) Factors to consider when choosing among the available 10214

programs, services, and benefits;	10215
(4) Opportunities and methods for maximizing independence and self-reliance, including support services provided by the individual's family, friends, and community.	10216 10217 10218
(F) An individual's long-term care consultation may include an assessment of the individual's functional capabilities. The consultation may incorporate portions of the determinations required under sections 5111.202, 5119.061, and 5123.021 of the Revised Code and may be provided concurrently with the assessment required under section 5111.204 of the Revised Code.	10219 10220 10221 10222 10223 10224
(G)(1) Unless an exemption specified in division (I) of this section is applicable, each of the following shall be provided with a long-term care consultation:	10225 10226 10227
(a) An individual who applies or indicates an intention to apply for admission to a nursing facility, regardless of the source of payment to be used for the individual's care in a nursing facility;	10228 10229 10230 10231
(b) An individual who requests a long-term care consultation;	10232
(c) An individual identified by the department or a program administrator as being likely to benefit from a long-term care consultation.	10233 10234 10235
(2) In addition to the individuals specified in division (G)(1) of this section, a long-term care consultation may be provided to a nursing facility resident regardless of the source of payment being used for the resident's care in the nursing facility.	10236 10237 10238 10239 10240
(H)(1) Except as provided in division (H)(2) or (3) of this section, a long-term care consultation provided pursuant to division (G) of this section shall be provided as follows:	10241 10242 10243
(a) If the individual for whom the consultation is being	10244



provided has applied for medicaid and the consultation is being 10245  
provided concurrently with the assessment required under section 10246  
5111.204 of the Revised Code, the consultation shall be completed 10247  
in accordance with the applicable time frames specified in that 10248  
section for providing a level of care determination based on the 10249  
assessment. 10250

(b) In all other cases, the consultation shall be provided 10251  
not later than five calendar days after the department or program 10252  
administrator receives notice of the reason for which the 10253  
consultation is to be provided pursuant to division (G) of this 10254  
section. 10255

(2) An individual or the individual's representative may 10256  
request that a long-term care consultation be provided on a date 10257  
that is later than the date required under division (H)(1)(a) or 10258  
(b) of this section. 10259

(3) If a long-term care consultation cannot be completed 10260  
within the number of days required by division (H)(1) or (2) of 10261  
this section, the department or program administrator may do any 10262  
of the following: 10263

(a) In the case of an individual specified in division (G)(1) 10264  
of this section, exempt the individual from the consultation 10265  
pursuant to rules that may be adopted under division (L) of this 10266  
section; 10267

(b) In the case of an applicant for admission to a nursing 10268  
facility, provide the consultation after the individual is 10269  
admitted to the nursing facility; 10270

(c) In the case of a resident of a nursing facility, provide 10271  
the consultation as soon as practicable. 10272

(I) An individual is not required to be provided a long-term 10273  
care consultation under division (G)(1) of this section if any of 10274  
the following apply: 10275

(1) The department or program administrator has attempted to provide the consultation, but the individual or the individual's representative refuses to cooperate;

(2) The individual is to receive care in a nursing facility under a contract for continuing care as defined in section 173.13 of the Revised Code;

(3) The individual has a contractual right to admission to a nursing facility operated as part of a system of continuing care in conjunction with one or more facilities that provide a less intensive level of services, including a residential care facility licensed under Chapter 3721. of the Revised Code, an adult care a residential facility licensed under sections 5119.70 to 5119.88 section 5119.22 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults, or an independent living arrangement;

(4) The individual is to receive continual care in a home for the aged exempt from taxation under section 5701.13 of the Revised Code;

(5) The individual is seeking admission to a facility that is not a nursing facility with a provider agreement under section 5111.22, 5111.671, or 5111.672 of the Revised Code;

(6) The individual is exempted from the long-term care consultation requirement by the department or the program administrator pursuant to rules that may be adopted under division (L) of this section.

(J) As part of the long-term care consultation program, the department or program administrator shall assist an individual or individual's representative in accessing all sources of care and services that are appropriate for the individual and for which the individual is eligible, including all available home and community-based services covered by medicaid components the

department of aging administers. The assistance shall include 10307  
providing for the conduct of assessments or other evaluations and 10308  
the development of individualized plans of care or services under 10309  
section 173.424 of the Revised Code. 10310

(K) No nursing facility for which an operator has a provider 10311  
agreement under section 5111.22, 5111.671, or 5111.672 of the 10312  
Revised Code shall admit any individual as a resident, unless the 10313  
nursing facility has received evidence that a long-term care 10314  
consultation has been completed for the individual or division (I) 10315  
of this section is applicable to the individual. 10316

(L) The director of aging may adopt any rules the director 10317  
considers necessary for the implementation and administration of 10318  
this section. The rules shall be adopted in accordance with 10319  
Chapter 119. of the Revised Code and may specify any or all of the 10320  
following: 10321

(1) Procedures for providing long-term care consultations 10322  
pursuant to this section; 10323

(2) Information to be provided through long-term care 10324  
consultations regarding long-term care services that are 10325  
available; 10326

(3) Criteria and procedures to be used to identify and 10327  
recommend appropriate service options for an individual receiving 10328  
a long-term care consultation; 10329

(4) Criteria for exempting individuals from the long-term 10330  
care consultation requirement; 10331

(5) Circumstances under which it may be appropriate to 10332  
provide an individual's long-term care consultation after the 10333  
individual's admission to a nursing facility rather than before 10334  
admission; 10335

(6) Criteria for identifying nursing facility residents who 10336

would benefit from the provision of a long-term care consultation; 10337

(7) A description of the types of information from a nursing 10338  
facility that is needed under the long-term care consultation 10339  
program to assist a resident with relocation from the facility; 10340

(8) Standards to prevent conflicts of interest relative to 10341  
the referrals made by a person who performs a long-term care 10342  
consultation, including standards that prohibit the person from 10343  
being employed by a provider of long-term care services; 10344

(9) Procedures for providing notice and an opportunity for a 10345  
hearing under division (N) of this section. 10346

(M) To assist the department and each program administrator 10347  
with identifying individuals who are likely to benefit from a 10348  
long-term care consultation, the department and program 10349  
administrator may ask to be given access to nursing facility 10350  
resident assessment data collected through the use of the resident 10351  
assessment instrument specified in rules adopted under section 10352  
5111.02 of the Revised Code for purposes of the medicaid program. 10353  
Except when prohibited by state or federal law, the department of 10354  
health, department of job and family services, or nursing facility 10355  
holding the data shall grant access to the data on receipt of the 10356  
request from the department of aging or program administrator. 10357

(N)(1) The director of aging, after providing notice and an 10358  
opportunity for a hearing, may fine a nursing facility an amount 10359  
determined by rules the director shall adopt in accordance with 10360  
Chapter 119. of the Revised Code for any of the following reasons: 10361

(a) The nursing facility admits an individual, without 10362  
evidence that a long-term care consultation has been provided, as 10363  
required by this section; 10364

(b) The nursing facility denies a person attempting to 10365  
provide a long-term care consultation access to the facility or a 10366  
resident of the facility; 10367

(c) The nursing facility denies the department of aging or program administrator access to the facility or a resident of the facility, as the department or administrator considers necessary to administer the program.

(2) In accordance with section 5111.62 of the Revised Code, all fines collected under division (N)(1) of this section shall be deposited into the state treasury to the credit of the residents protection fund.

**Sec. 173.45.** As used in this section and in sections 173.46 to 173.49 of the Revised Code:

(A) "~~Adult care Residential~~ facility" ~~has the same meaning as in~~ means a residential facility 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.

(B) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(C) "Long-term care facility" means a nursing home or residential care facility.

(D) "Nursing home" and "residential care facility" have the same meanings as in section 3721.01 of the Revised Code.

(E) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

**Sec. 173.46.** (A) The department of aging shall develop and publish a guide to long-term care facilities for use by individuals considering long-term care facility admission and their families, friends, and advisors. The guide, which shall be titled the Ohio long-term care consumer guide, may be published in printed form or in electronic form for distribution over the

internet. The guide may be developed as a continuation or 10397  
modification of the guide published by the department prior to 10398  
September 29, 2005, under rules adopted under section 173.02 of 10399  
the Revised Code. 10400

(B) The Ohio long-term care consumer guide shall include 10401  
information on each long-term care facility in this state. For 10402  
each facility, the guide shall include the following information, 10403  
as applicable to the facility: 10404

(1) Information regarding the facility's compliance with 10405  
state statutes and rules and federal statutes and regulations; 10406

(2) Information generated by the centers for medicare and 10407  
medicaid services of the United States department of health and 10408  
human services from the quality measures developed as part of its 10409  
nursing home quality initiative; 10410

(3) Results of the customer satisfaction surveys conducted 10411  
under section 173.47 of the Revised Code; 10412

(4) Any other information the department specifies in rules 10413  
adopted under section 173.49 of the Revised Code. 10414

(C) The Ohio long-term care consumer guide may include 10415  
information on ~~adult care~~ residential facilities and providers of 10416  
community-based long-term care services. The department may adopt 10417  
rules under section 173.49 of the Revised Code to specify the 10418  
information to be included in the guide pursuant to this division. 10419

**Sec. 189.04.** (A) The local government innovation council 10420  
shall award loans to a qualified political subdivision or a 10421  
qualified group of political subdivisions to be used for the 10422  
purchase of equipment, facilities, or systems or for 10423  
implementation costs. 10424

Loans made under division (A) of this section shall be repaid 10425

by recipients using savings achieved from the innovation project 10426  
or surplus money in a fund described in section 5709.43, 5709.75, 10427  
or 5709.80 of the Revised Code. 10428

(B) Up to twenty per cent of the funds in the local 10429  
government innovation fund, established in section 189.05 of the 10430  
Revised Code, may be awarded by the council as grants to political 10431  
subdivisions for use in process improvement or implementation of 10432  
innovation project awards, except for local government performance 10433  
measurement grants awarded under section 189.041 of the Revised 10434  
Code. 10435

(C) In every two fiscal years, the council may award one 10436  
million dollars from the local government innovation fund, 10437  
established in section 189.05 of the Revised Code, as local 10438  
government performance measurement grants under section 189.041 of 10439  
the Revised Code. 10440

(D) The council shall award not more than one hundred 10441  
thousand dollars in total grants and not more than one hundred 10442  
thousand dollars in total loans to an individual political 10443  
subdivision per innovation project under this section, excluding 10444  
local government performance measurement grants awarded under 10445  
section 189.041 of the Revised Code. For an innovation project 10446  
involving a qualified group of political subdivisions, the council 10447  
shall award, in total grants and loans, not more than five hundred 10448  
thousand dollars, and the average amount per political subdivision 10449  
shall not exceed one hundred thousand dollars. 10450

**Sec. 189.041.** (A) The local government innovation council 10451  
shall award local government performance measurement grants to 10452  
political subdivisions to pay the necessary expenses of 10453  
participation in the center for performance measurement program of 10454  
the international city/county management association. A political 10455  
subdivision may use moneys awarded under this section only for the 10456

following purposes: 10457

(1) To pay the fee to the international city/county management association to enroll the political subdivision in the program; 10458  
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(2) To pay employees of the political subdivision for the hours of work required to receive training to participate in the program and to gather and submit data to the center for performance measurement for the purpose of participation in the program; 10461  
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(3) To pay an independent contractor to receive training to participate in the program and to gather and submit data to the center for performance measurement for the purpose of participation in the program; and 10466  
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(4) To pay for necessary equipment, including computer equipment and software, for the political subdivision to receive training to participate in the program and to gather and submit data to the center for performance measurement for the purpose of participation in the program, if the political subdivision does not already possess such equipment. 10470  
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(B)(1) All political subdivisions of the state are eligible to apply for a grant under this section. A political subdivision shall submit an application for a local government performance measurement grant to the council on a form specified by the council. The form shall require the political subdivision to provide a detailed estimate of the necessary expenses for the political subdivision to participate in the program. 10476  
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(2) A political subdivision that is awarded funds under this section shall not be required to contribute matching funds toward the cost of participation in the program. 10483  
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(3) The council shall award grants under this section in the order in which the council receives each properly completed 10486  
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application form, and in the amount reasonably requested in the 10488  
application. 10489

(C)(1) The council shall award not more than ten thousand 10490  
dollars in every two fiscal years to a political subdivision under 10491  
this section. 10492

(2) After the end of each fiscal year in which a political 10493  
subdivision has been awarded a grant under this section, the 10494  
political subdivision shall do both of the following: 10495

(a) Prepare and submit to the council, on a form prescribed 10496  
by the council, an itemized statement of the grant moneys that 10497  
were expended and the purposes for which those moneys were 10498  
expended. 10499

(b) Submit to the council any grant moneys awarded under this 10500  
section that remain unexpended. The council shall deposit all 10501  
unexpended moneys in the state treasury to the credit of the local 10502  
government innovation fund created in section 189.05 of the 10503  
Revised Code. 10504

**Sec. 189.05.** Funds for awards made by the local government 10505  
innovation council shall be made from the local government 10506  
innovation fund, which is hereby created in the state treasury. 10507  
The fund shall consist of moneys appropriated to it, repayments of 10508  
principal and interest on loans made from the fund, unexpended 10509  
grant moneys submitted to the council under division (C)(2)(a) of 10510  
section 189.041 of the Revised Code, and any grants or donations 10511  
received from nonpublic entities. Interest earned on the money in 10512  
the fund shall be credited to the fund. 10513

**Sec. 189.06.** (A) All political subdivisions of the state are 10514  
eligible to apply for awards under the local government innovation 10515  
program. ~~Applications~~ Except for applications submitted for a 10516  
local government performance measurement grant under section 10517

189.041 of the Revised Code, applications shall be submitted to 10518  
the department of development on a form specified by the director 10519  
of development. The department shall provide the application to 10520  
the local government innovation council for evaluation and 10521  
selection. 10522

The Except as provided in section 189.041 of the Revised 10523  
Code, the local government innovation council shall award loans 10524  
and grants under the program in accordance with a competitive 10525  
process to be developed by the council. 10526

(B) Not later than December 31, 2011, the council shall 10527  
establish criteria for evaluating proposals and making awards to 10528  
political subdivisions, other than awards made under section 10529  
189.041 of the Revised Code. The criteria shall be developed in 10530  
consultation with nonpublic entities involved in local government 10531  
issues, state institutions of higher education, and the department 10532  
of development, as determined by the council. The criteria shall 10533  
include a requirement that at least one of the political 10534  
subdivisions that is a party to the proposal provide matching 10535  
funds. The matching funds may be provided by a nonpublic entity or 10536  
may be paid using surplus money in a fund described in section 10537  
5709.43, 5709.75, or 5709.80 of the Revised Code. The criteria for 10538  
evaluating proposals may include the following provisions: 10539

(1) The expected return on investment, based on the ratio of 10540  
expected savings; 10541

(2) The number of participating entities in the proposal; 10542

(3) The probability of the proposal's success; 10543

(4) The percentage of local matching funds available; 10544

(5) The ability to replicate the proposal in other political 10545  
subdivisions; 10546

(6) Whether the proposal is part of a larger consolidation 10547

effort by the applicant or applicants; 10548

(7) Whether the proposal is to implement performance audit or 10549  
other audit recommendations under Chapter 117. of the Revised 10550  
Code; 10551

(8) Whether the applicant has successfully completed an 10552  
innovation project in the past. 10553

**Sec. 189.08.** (A) Starting not later than March 1, 2012, the 10554  
local government innovation council shall begin evaluating 10555  
applications and proposals received under section 189.041 of the 10556  
Revised Code and from the department of development for awards to 10557  
political subdivisions. Not later than July 1, 2012, the council 10558  
shall make its first round of awards to the political 10559  
subdivisions. 10560

(B) After making the first round of awards, the council shall 10561  
evaluate proposals and make awards on a quarterly basis, or on 10562  
another schedule determined by the council, with the council 10563  
determining the funding levels for each round of awards. 10564

(C) When making awards from the local government innovation 10565  
fund created in section 189.05 of the Revised Code, except for 10566  
grants awarded under section 189.041 of the Revised Code, the 10567  
funds awarded across all rounds shall be allocated as follows: 10568

(1) At least thirty per cent to political subdivisions that 10569  
are not counties and have a population of less than 20,000 10570  
residents as determined in the decennial census conducted in 2010 10571  
or counties with a population of less than 235,000 residents as 10572  
determined in the decennial census conducted in 2010; 10573

(2) At least thirty per cent to political subdivisions that 10574  
are not counties and have a population of 20,000 residents or more 10575  
as determined in the decennial census conducted in 2010 or 10576  
counties with a population of 235,000 residents or more as 10577

determined in the decennial census conducted in 2010. 10578

If a proposal includes participants from both divisions 10579  
(C)(1) and (2) of this section, the award may be drawn from either 10580  
or both tiers in the local government innovation fund. 10581

Sec. 191.01. As used in this chapter: 10582

(A) "Administrative safeguards," "availability," 10583  
"confidentiality," "integrity," "physical safeguards," and 10584  
"technical safeguards" have the same meanings as in 45 C.F.R. 10585  
164.304. 10586

(B) "Business associate," "covered entity," "health plan," 10587  
"individually identifiable health information," and "protected 10588  
health information" have the same meanings as in 45 C.F.R. 10589  
160.103. 10590

(C) "Executive director of the office of health 10591  
transformation" or "executive director" means the executive 10592  
director of the office of health transformation or the chief 10593  
administrative officer of a successor governmental entity 10594  
responsible for health system oversight in this state. 10595

(D) "Government program providing public benefits" means any 10596  
program administered by a state agency that has been identified, 10597  
pursuant to section 191.02 of the Revised Code, by the executive 10598  
director of the office of health transformation in consultation 10599  
with the individuals specified in that section. 10600

(E) "Office of health transformation" means the office of 10601  
health transformation created by executive order 2011-02K. 10602

(F) "Operating protocol" means a protocol adopted by the 10603  
executive director of the office of health transformation or the 10604  
executive director's designee under division (D) of section 191.06 10605  
of the Revised Code. 10606

(G) "Participating agency" means a state agency that 10607

participates in a health transformation initiative as specified in 10608  
the one or more operating protocols adopted for the initiative 10609  
under division (D) of section 191.06 of the Revised Code. 10610

(H) "Personally identifiable information" means information 10611  
that meets both of the following criteria: 10612

(1) It identifies an individual or there is a reasonable 10613  
basis to believe that it may be used to identify an individual; 10614

(2) It relates to an individual's eligibility for, 10615  
application for, or receipt of public benefits from a government 10616  
program providing public benefits. 10617

(I) "State agency" means each of the following: 10618

(1) The department of aging; 10619

(2) The department of alcohol and drug addiction services; 10620

(3) The department of development; 10621

(4) The department of developmental disabilities; 10622

(5) The department of education; 10623

(6) The department of health; 10624

(7) The department of insurance; 10625

(8) The department of job and family services; 10626

(9) The department of mental health; 10627

(10) The department of rehabilitation and correction; 10628

(11) The department of taxation; 10629

(12) The department of veterans services; 10630

(13) The department of youth services. 10631

(J) "Unsecured" has the same meaning as in 16 C.F.R. 318.2. 10632

Sec. 191.02. The executive director of the office of health 10633  
transformation, in consultation with all of the following 10634

<u>individuals, shall identify each government program administered</u>	10635
<u>by a state agency that is to be considered a government program</u>	10636
<u>providing public benefits for purposes of section 191.04 of the</u>	10637
<u>Revised Code:</u>	10638
<u>(A) The director of aging;</u>	10639
<u>(B) The director of alcohol and drug addiction services;</u>	10640
<u>(C) The director of development;</u>	10641
<u>(D) The director of developmental disabilities;</u>	10642
<u>(E) The director of health;</u>	10643
<u>(F) The director job and family services;</u>	10644
<u>(G) The director of mental health;</u>	10645
<u>(H) The director of rehabilitation and correction;</u>	10646
<u>(I) The director of veterans services;</u>	10647
<u>(J) The director of youth services;</u>	10648
<u>(K) The administrator of the rehabilitation services</u>	10649
<u>commission;</u>	10650
<u>(L) The administrator of workers' compensation;</u>	10651
<u>(M) The superintendent of insurance;</u>	10652
<u>(N) The superintendent of public instruction;</u>	10653
<u>(O) The tax commissioner.</u>	10654
<u><b>Sec. 191.04.</b> (A) In accordance with federal laws governing</u>	10655
<u>the confidentiality of individually identifiable health</u>	10656
<u>information, including the "Health Insurance Portability and</u>	10657
<u>Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021,</u>	10658
<u>42 U.S.C. 1320d et seq., as amended, and regulations promulgated</u>	10659
<u>by the United States department of health and human services to</u>	10660
<u>implement the act, a state agency may exchange protected health</u>	10661

information with another state agency relating to eligibility for 10662  
or enrollment in a health plan or relating to participation in a 10663  
government program providing public benefits if the exchange of 10664  
information is necessary for either or both of the following: 10665

(1) Operating a health plan; 10666

(2) Coordinating, or improving the administration or 10667  
management of, the health care-related functions of at least one 10668  
government program providing public benefits. 10669

(B) For fiscal year 2013 only, a state agency also may 10670  
exchange personally identifiable information with another state 10671  
agency for purposes related to and in support of a health 10672  
transformation initiative identified by the executive director of 10673  
the office of health transformation pursuant to division (C) of 10674  
section 191.06 of the Revised Code. 10675

(C) With respect to a state agency that uses or discloses 10676  
personally identifiable information, all of the following 10677  
conditions apply: 10678

(1) The state agency shall use or disclose the information 10679  
only as permitted or required by state and federal law. In 10680  
addition, if the information is obtained during fiscal year 2013 10681  
from an exchange of personally identifiable information permitted 10682  
under division (B) of this section, the agency shall also use or 10683  
disclose the information in accordance with all operating 10684  
protocols that apply to the use or disclosure. 10685

(2) If the state agency is a state agency other than the 10686  
department of job and family services and it uses or discloses 10687  
protected health information that is related to a medicaid 10688  
recipient and obtained from the department of job and family 10689  
services or another agency operating a component of the medicaid 10690  
program, the state agency shall comply with all state and federal 10691

laws that apply to the department of job and family services when 10692  
that department, as the state's single state agency to supervise 10693  
the medicaid program as specified in section 5111.01 of the 10694  
Revised Code, uses or discloses protected health information. 10695

(3) A state agency shall implement administrative, physical, 10696  
and technical safeguards for the purpose of protecting the 10697  
confidentiality, integrity, and availability of personally 10698  
identifiable information the creation, receipt, maintenance, or 10699  
transmittal of which is affected or governed by this section. 10700

(4) If a state agency discovers an unauthorized use or 10701  
disclosure of unsecured protected health information or unsecured 10702  
individually identifiable health information, the state agency 10703  
shall, not later than seventy-two hours after the discovery, do 10704  
all of the following: 10705

(a) Identify the individuals who are the subject of the 10706  
protected health information or individually identifiable health 10707  
information; 10708

(b) Report the discovery and the names of all individuals 10709  
identified pursuant to division (C)(4)(a) of this section to all 10710  
other state agencies and the executive director of the office of 10711  
health transformation or the executive director's designee; 10712

(c) Mitigate, to the extent reasonably possible, any 10713  
potential adverse effects of the unauthorized use or disclosure. 10714

(5) A state agency shall make available to the executive 10715  
director of the office of health transformation or the executive 10716  
director's designee, and to any other state or federal 10717  
governmental entity required by law to have access on that 10718  
entity's request, all internal practices, records, and 10719  
documentation relating to personally identifiable information it 10720  
receives, uses, or discloses that is affected or governed by this 10721  
section. 10722



(6) On termination or expiration of an operating protocol and if feasible, a state agency shall return or destroy all personally identifiable information received directly from or received on behalf of another state agency. If the personally identifiable information is not returned or destroyed, the state agency maintaining the information shall extend the protections set forth in this section for as long as it is maintained. 10723  
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(7) If a state agency enters into a subcontract or, when required by 45 C.F.R. 164.502(e)(2), a business associate agreement, the subcontract or business associate agreement shall require the subcontractor or business associate to comply with the terms of this section as if the subcontractor or business associate were a state agency. 10730  
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Sec. 191.06. (A) The provisions of this section shall apply only for fiscal year 2013. 10736  
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(B) The executive director of the office of health transformation or the executive director's designee may facilitate the coordination of operations and exchange of information between state agencies. The purpose of the executive director's authority under this section is to support agency collaboration for health transformation purposes, including modernization of the medicaid program, streamlining of health and human services programs in this state, and improving the quality, continuity, and efficiency of health care and health care support systems in this state. 10738  
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(C) In furtherance of the authority of the executive director of the office of health transformation under division (B) of this section, the executive director or the executive director's designee shall identify each health transformation initiative in this state that involves the participation of two or more state agencies and that permits or requires an interagency agreement to be entered into for purposes of specifying each participating 10747  
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agency's role in coordinating, operating, or funding the 10754  
initiative, or facilitating the exchange of data or other 10755  
information for the initiative. The executive director shall 10756  
publish a list of the identified health transformation initiatives 10757  
on the internet web site maintained by the office of health 10758  
transformation. 10759

(D) For each health transformation initiative that is 10760  
identified under division (C) of this section, the executive 10761  
director or the executive director's designee shall, in 10762  
consultation with each participating agency, adopt one or more 10763  
operating protocols. Notwithstanding any law enacted by the 10764  
general assembly or rule adopted by a state agency, the provisions 10765  
in a protocol shall supersede any provisions in an interagency 10766  
agreement, including an interagency agreement entered into under 10767  
section 5101.10 or 5111.91 of the Revised Code, that differ from 10768  
the provisions of the protocol. 10769

(E)(1) An operating protocol adopted under division (D) of 10770  
this section shall include both of the following: 10771

(a) All terms necessary to meet the requirements of "other 10772  
arrangements" between a covered entity and a business associate 10773  
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 10774

(b) If known, the date on which the protocol will terminate 10775  
or expire. 10776

(2) In addition, a protocol may specify the extent to which 10777  
each participating agency is responsible and accountable for 10778  
completing the tasks necessary for successful completion of the 10779  
initiative, including tasks relating to the following components 10780  
of the initiative: 10781

(a) Workflow; 10782

(b) Funding; 10783

(c) Exchange of data or other information that is 10784  
confidential pursuant to state or federal law. 10785

(F) An operating protocol adopted under division (D) of this 10786  
section shall have the same force and effect as an interagency 10787  
agreement or data sharing agreement, and each participating agency 10788  
shall comply with it. 10789

(G) The director of job and family services shall determine 10790  
whether a waiver of federal medicaid requirements or a medicaid 10791  
state plan amendment is necessary to fulfill the requirements of 10792  
this section. If the director determines a waiver or medicaid 10793  
state plan amendment is necessary, the director shall apply to the 10794  
United States secretary of health and human services for the 10795  
waiver or amendment. 10796

**Sec. 306.04.** (A) Except as otherwise provided in division (B) 10797  
of this section, employees of a county transit board or a board of 10798  
county commissioners operating a transit system are employees of 10799  
the county. If the system is operated by the board of county 10800  
commissioners, the board shall appoint an executive director, who 10801  
shall be in the unclassified service. 10802

(B) Any county transit board that established its own civil 10803  
service organization and procedure prior to ~~the effective date of~~ 10804  
~~this amendment~~ October 25, 1995, shall continue to operate under 10805  
that organization. Appointments and promotions in that system 10806  
shall be made, as far as practicable, by competitive examination. 10807

A board that established its own civil service organization 10808  
prior to ~~the effective date of this amendment~~ October 25, 1995, 10809  
shall establish by rule the seniority provisions relating to 10810  
street railway and motor bus employees in effect at the time of 10811  
the acquisition of the transit system by the county. The vacation, 10812  
holiday, and sick leave privileges shall not be regulated by other 10813  
provisions of law relating to public employees of the state or 10814

county, except that the transit board, its officers and employees, 10815  
shall be subject to the public employees retirement system of the 10816  
state and the transit board shall assume any pension obligations 10817  
which have been assumed by any publicly owned transit system which 10818  
the county may acquire. 10819

(C) A county transit board or board of county commissioners 10820  
operating a transit system may: 10821

(1) Acquire in its name by gift, grant, purchase, or 10822  
condemnation and hold and operate real estate and interests 10823  
therein and personal property suitable for its purposes; 10824

(2) In its name purchase, acquire, construct, enlarge, 10825  
improve, equip, repair, maintain, sell, exchange, lease as lessee 10826  
or lessor, receive a right of use of, and manage, control, and 10827  
operate, in or out of the county, a county transit system 10828  
consisting of all real estate and interests therein, personal 10829  
property, and a combination thereof, for or related to the 10830  
movement of persons including but not limited to street railway, 10831  
tramline, subways, rapid transits, monorails, and passenger bus 10832  
systems but excluding therefrom trucks, the movement of property 10833  
by truck, and facilities designed for use in the movement of 10834  
property by truck for hire; 10835

(3) Issue, with the approval of the county commissioners when 10836  
the issuance is made by the transit board, revenue bonds of the 10837  
county as provided in division (B) of section 306.09 of the 10838  
Revised Code, to secure funds to accomplish its purposes. The 10839  
principal of and interest on such bonds, together with all other 10840  
payments required to be made by the trust agreement or indenture 10841  
securing such bonds, shall be paid solely from revenues or other 10842  
income accruing to the board from facilities of the county transit 10843  
system designated in said agreement or indenture. 10844

(4) Enter into contracts in the exercise of the rights, 10845

powers, and duties conferred upon it, and execute all instruments 10846  
necessary in the conduct of its business; 10847

(5) Fix, alter, and charge rates and other charges for the 10848  
use of its real estate and interests therein, personal property, 10849  
and combinations thereof; 10850

(6) Employ such financial consultants, accountants, 10851  
appraisers, consulting engineers, architects, construction 10852  
experts, attorneys-at-law, managers and other supervisory 10853  
personnel, and other officers, employees, and agents as it 10854  
determines necessary to conduct its business, and fix their 10855  
compensation and duties; 10856

(7) Pledge, hypothecate, or otherwise encumber its revenues 10857  
and other income as security for its obligations and enter into 10858  
trust agreements or indentures for the benefit of revenue 10859  
bondholders; 10860

(8) Borrow money or accept or contract to accept advances, 10861  
loans, gifts, grants, devises, or bequests from and enter into 10862  
contracts or agreements with any federal, state, or other 10863  
governmental or private source and hold and apply advances, loans, 10864  
gifts, grants, devises, or bequests according to the terms thereof 10865  
including provisions which are required by such federal, state, or 10866  
other governmental or private source to protect the interest of 10867  
employees affected by such advances, loans, gifts, grants, 10868  
devises, or bequests. Such advances, loans, gifts, grants, or 10869  
devises may be subject to any reasonable reservation and any gift, 10870  
grant, or devise or real estate may be in fee simple or any lesser 10871  
estate. Any advances or loans received from any federal, state, or 10872  
other governmental or private source may be repaid in accordance 10873  
with the terms of such advance or loan. 10874

(9) Conduct investigations and surveys into the needs of the 10875  
public within or without the county for transportation services to 10876

provide for the movement of persons within, into, or from the area	10877
serviced or to be serviced by the county transit system;	10878
(10) Enter into lawful arrangements with the appropriate	10879
federal or state department or agency, county, township, municipal	10880
corporation, or other political subdivision or public agency for	10881
the planning and installation of any public facilities which are	10882
determined necessary in the conduct of its business;	10883
(11) Purchase fire, extended coverage, and liability	10884
insurance for the real estate and interests therein, personal	10885
property and any combination thereof, used by or in connection	10886
with the county transit system and insurance covering the board	10887
and the county transit system and its officers and employees for	10888
liability for damage or injury to persons or property;	10889
(12) Procure and pay all or any part of the cost of group	10890
hospitalization, surgical, major medical, or sickness and accident	10891
insurance, or a combination thereof, for the officers and	10892
employees of the county transit system and their immediate	10893
dependents, issued by an insurance company, duly authorized to do	10894
business in this state;	10895
(13) Sell, lease, release, or otherwise dispose of real	10896
estate or interests therein or personal property owned by it and	10897
grant such easements across its real estate and interests therein	10898
as will not interfere with its use by the county transit system;	10899
(14) Establish rules for the use and operation of the county	10900
transit system including the real estate or interests therein,	10901
personal property or a combination of the foregoing used by or in	10902
connection with such system;	10903
(15) Exercise the power of eminent domain to appropriate any	10904
real estate or interests therein, personal property, franchises,	10905
or any combination thereof, within or without the county,	10906
necessary or proper in the exercise of its powers provided in	10907

sections 306.01 to 306.13 of the Revised Code, as provided in 10908  
sections 163.01 to 163.22 of the Revised Code, and subject to 10909  
divisions (15)(a), (b), and (c) of this section, provided that a 10910  
county transit board or a board of county commissioners operating 10911  
a transit system shall not proceed to so appropriate real property 10912  
outside its territorial boundaries, until it has served at the 10913  
office of the county commissioners of the county in which it is 10914  
proposed to appropriate real property, a notice describing the 10915  
real property to be taken and the purpose for which it is proposed 10916  
to be taken, and such county commissioners have entered on their 10917  
journal within thirty days after such service a resolution 10918  
approving such appropriation; 10919

(a) Nothing contained in this division authorizes a county 10920  
transit board or a board of county commissioners to appropriate 10921  
any land, rights, rights-of-way, franchises, or easements 10922  
belonging to the state or to a municipal corporation without the 10923  
consent of the state or of the municipal corporation, and no 10924  
county transit board or board of county commissioners shall 10925  
exercise the right of eminent domain to acquire any certificate of 10926  
public convenience and necessity, or any part thereof, issued to a 10927  
for-hire motor transportation company carrier by the public 10928  
utilities commission of Ohio or by the ~~interstate commerce~~ 10929  
~~commission~~ federal motor carrier safety administration of the 10930  
United States, or to take or disturb other real estate or 10931  
interests therein, personal property, or any combination thereof 10932  
belonging to any municipal corporation without the consent of the 10933  
legislative authority of such municipal corporation, or take or 10934  
disturb real estate or interests therein, personal property, or 10935  
any combination thereof belonging to any other political 10936  
subdivision, public corporation, public utility, or common 10937  
carrier, which is necessary and convenient in the operation of 10938  
such political subdivision, public corporation, public utility, or 10939  
common carrier unless provision is made for the restoration, 10940

relocation, or duplication of that taken or upon the election of 10941  
such political subdivision, public corporation, public utility, or 10942  
common carrier for the payment of compensation, if any, at the 10943  
sole cost of the county transit system. 10944

(b) If any restoration or duplication proposed to be made 10945  
under this division involves a relocation, the new location shall 10946  
have at least comparable utilitarian value and effectiveness, and 10947  
such relocation shall not impair the ability of the public utility 10948  
or common carrier to compete in its original area of operation. 10949

(c) If such restoration or duplication proposed to be made 10950  
under this division involves a relocation, the county transit 10951  
board or board of county commissioners shall acquire no interest 10952  
or right in or to the appropriated property or facility until the 10953  
relocated property or facility is available for use and until 10954  
marketable title thereto has been transferred to the political 10955  
subdivision, public corporation, public utility, or common 10956  
carrier. Nothing in this division shall require any board of 10957  
county commissioners or county transit board operating a county 10958  
transit system to so restore, relocate, or duplicate, if all of 10959  
the real estate and interests therein, personal property, and any 10960  
combination of the foregoing which is owned by a public utility or 10961  
common carrier and used by it or in connection with the movement 10962  
of persons, is acquired by exercise of the power of eminent 10963  
domain. 10964

(16) When real property is acquired that is located outside 10965  
the county and is removed from the tax duplicate, the county 10966  
transit board or board of county commissioners operating a transit 10967  
system shall pay annually to the county treasurer of the county in 10968  
which that property is located, commencing with the first tax year 10969  
in which that property is removed from the tax duplicate, an 10970  
amount of money in lieu of taxes equal to the smaller of the 10971  
following: 10972



(a) The last annual installment of taxes due from the	10973
acquired property before removal from the tax duplicate;	10974
(b) An amount equal to the difference between the combined	10975
revenue from real estate taxes of all the taxing districts in	10976
which the property is located in the tax year immediately prior to	10977
the removal of the acquired property from the tax duplicate, and	10978
either:	10979
(i) The total revenue which would be produced by the tax rate	10980
of each such taxing district in the tax year immediately prior to	10981
the removal of the acquired property from the tax duplicate,	10982
applied to the real estate tax duplicate of each of such taxing	10983
districts in each tax year subsequent to the year of removal; or	10984
(ii) The combined revenue from real estate taxes of all such	10985
taxing districts in each tax year subsequent to the year of	10986
removal, whichever is the greater.	10987
The county transit board or board of county commissioners may	10988
be exempted from such payment by agreement of the affected taxing	10989
district or districts in the county in which the property is	10990
located.	10991
The county auditor of the county in which that property is	10992
located shall apportion each such annual payment to each taxing	10993
district as if the annual payment had been levied and collected as	10994
a tax.	10995
Those annual payments shall never again be made after they	10996
have ceased.	10997
(17) Sue or be sued, plead or be impleaded, and be held	10998
liable in any court of proper jurisdiction for damages received by	10999
reason of negligence, in the same manner and to the same extent as	11000
if the county transit system were privately operated, provided,	11001
that no funds of a county other than those of the county transit	11002
board or, if the transit system is operated by the board of county	11003

commissioners, other than those in the account for the county transit system created under division (C) of section 306.01 of the Revised Code, shall be available for the satisfaction of judgments rendered against that system;

(18) Annually prepare and make available for public inspection a report in condensed form showing the financial results of the operation of the county transit system. For systems operated by a county transit board, copies of this report shall be furnished to the county commissioners as well as a monthly summary statement of revenues and expenses for the preceding month sufficient to show the exact financial condition of the county transit system as of the last day of the preceding month.

(19) With the approval of the county commissioners when the action is taken by the transit board, and without competitive bidding, sell, lease, or grant the right of use of all or a portion of the county transit system to any other political subdivision, taxing district, or other public body or agency having the power to operate a transit system;

(20) Enter into and supervise franchise agreements for the operation of a county transit system;

(21) Accept the assignment of and then supervise an existing franchise agreement for the operation of a county transit system.

**Sec. 306.36.** (A) The board of trustees of a regional transit authority may exercise the power of eminent domain to appropriate any land, rights, rights-of-way, franchise, power lines, easements, or other property, within or without the territorial boundaries of the regional transit authority, necessary or proper for the construction or efficient operation of any transit facility or access thereto under its jurisdiction pursuant to the procedure provided in sections 163.01 to 163.22, inclusive, of the Revised Code, and subject to division (B) of this section,

provided that a regional transit authority shall not proceed to so appropriate real property outside its territorial boundaries, until it has served at the office of the county commissioners of the county in which it is proposed to appropriate real property, a notice describing the real property to be taken and the purpose for which it is proposed to be taken, and such county commissioners have entered on their journal within thirty days after such service a resolution approving such appropriation.

(B) Nothing contained in sections 306.30 to 306.53, inclusive, of the Revised Code authorizes a regional transit authority to appropriate any land, rights, rights-of-way, franchises, or easements belonging to the state or a municipal corporation without the consent of the state or municipal corporation, and no regional transit authority shall exercise the right of eminent domain to acquire any certificate of public convenience and necessity, or any part thereof, issued to a for-hire motor transportation company carrier by the public utilities commission of Ohio or by the ~~interstate commerce commission of the United States~~ federal motor carrier safety administration, or to take or disturb other property or facilities belonging to any political subdivision, public corporation, public utility, or common carrier, which property or facility is necessary and convenient in the operation of such political subdivision, public corporation, public utility, or common carrier, unless provision is made for the restoration, relocation, or duplication of such property or facility, or upon the election of such political subdivision, public corporation, public utility, or common carrier, for the payment of compensation, if any, at the sole cost of the regional transit authority, provided:

(1) If any restoration or duplication of any property or facility proposed to be made under this division involves a relocation of such property or facility the new facility and

location thereof shall be of at least comparable utilitarian value 11067  
and effectiveness and such relocation shall not impair the ability 11068  
of the public utility or common carrier to compete in its original 11069  
area of operation. 11070

(2) If any restoration or duplication of any property or 11071  
facility proposed to be made under this division involves a 11072  
relocation of such property or facility, the regional transit 11073  
authority shall acquire no interest or right in or to the 11074  
appropriated property or facility until the relocated property or 11075  
facility is available for use and until marketable title thereto 11076  
has been transferred to the public utility or common carrier. 11077

(C) When real property is acquired which is located outside 11078  
the territorial boundaries of the regional transit authority and 11079  
which is removed from the tax duplicate, the regional transit 11080  
authority shall pay annually to the county treasurer of the county 11081  
in which such property is located, commencing with the first tax 11082  
year in which such property is removed from the tax duplicate, an 11083  
amount of money in lieu of taxes equal to the smaller of the 11084  
following: 11085

(1) The last annual installment of taxes due from the 11086  
acquired property before removal from the tax duplicate; 11087

(2) An amount equal to the difference between the combined 11088  
revenue from real estate taxes of all the taxing districts in 11089  
which such property is located in the tax year immediately prior 11090  
to the removal of such acquired property from the tax duplicate, 11091  
and either: 11092

(a) The total revenue which would be produced by the tax rate 11093  
of each such taxing district in the tax year immediately prior to 11094  
the removal of such acquired property from the tax duplicate, 11095  
applied to the real estate tax duplicate of each of such taxing 11096  
districts in each tax year subsequent to the year of removal; or 11097

(b) The combined revenue from real estate taxes of all such 11098  
taxing districts in each tax year subsequent to the year of 11099  
removal, whichever is the greater. 11100

The county auditor of each county in which such property is 11101  
located shall apportion each such annual payment to each taxing 11102  
district as if such annual payment has been levied and collected 11103  
as a tax. 11104

Such annual payments shall never again be made after they 11105  
have ceased. 11106

The regional transit authority may be exempted from such 11107  
payment by agreement of the affected taxing district or districts 11108  
in the county in which such property is located. 11109

**Sec. 306.55.** Beginning July 1, 2011 and until November 5, 11110  
2013, the legislative authority of any municipal corporation or 11111  
the board of township trustees of any township that has created or 11112  
joined a regional transit authority that levies a property tax and 11113  
that includes in its membership political subdivisions that are 11114  
located in a county having a population of at least four hundred 11115  
thousand according to the most recent federal census, may withdraw 11116  
the municipal corporation or the unincorporated territory of the 11117  
township from the regional transit authority in the manner 11118  
provided in this section. The legislative authority ~~of the~~ 11119  
~~municipal corporation~~ or board of township trustees ~~of the~~ 11120  
~~township~~ proposing to withdraw shall adopt a resolution to submit 11121  
the question of withdrawing from the regional transit authority to 11122  
the electors of the ~~territory~~ municipal corporation or the 11123  
unincorporated area of the township to be withdrawn and shall 11124  
certify the proposal to the board of elections for the purpose of 11125  
having the proposal placed on the ballot at the next general 11126  
election or at a special election conducted on the day of the next 11127  
primary election that occurs not less than ninety days after the 11128

resolution is certified to the board of elections. 11129

Upon certification of a proposal to the board of elections 11130  
pursuant to this section, the board of elections shall make the 11131  
necessary arrangements for the submission of the question to the 11132  
electors of the territory to be withdrawn from the regional 11133  
transit authority qualified to vote on the question, ~~and the~~. For 11134  
a municipal corporation, the election shall be held, canvassed, 11135  
and certified in the same manner as regular elections for the 11136  
election of officers of the ~~subdivision~~ municipal corporation 11137  
proposing to withdraw from the regional transit authority, except 11138  
that the question appearing on the ballot of a municipal 11139  
corporation shall read: 11140

"Shall the territory within the ..... 11141  
(~~Name~~ name of ~~political subdivision~~ municipal corporation to be 11142  
withdrawn) be withdrawn from ..... 11143  
(~~Name~~ name of) regional transit authority)?" 11144

For the unincorporated area of a township, the election shall 11145  
be held, canvassed, and certified in the same manner as regular 11146  
elections for the election of officers of the township, except 11147  
that question shall only be presented to electors of the 11148  
unincorporated area of the township and the question appearing on 11149  
the ballot of the unincorporated area of the township shall read: 11150

"Shall the territory of the unincorporated area of ..... 11151  
(name of township to be withdrawn) be withdrawn from ..... (name 11152  
of regional transit authority)?" 11153

The legislative authority of a municipal corporation or board 11154  
of trustees of a township, by vote of two-thirds of all members of 11155  
the legislative authority or board, may adopt a resolution and 11156  
certify that resolution to the board of elections for the combined 11157  
purpose of withdrawing from a regional transit authority as 11158  
provided in this section and levying a property tax pursuant to 11159

division (XX) of section 5705.19 of the Revised Code for a 11160  
municipal corporation and section 5705.72 of the Revised Code for 11161  
a township. If the questions are combined, the question appearing 11162  
on the ballot shall be as provided in section 5705.252 of the 11163  
Revised Code. 11164

~~If the question is approved by at least a majority of the~~ 11165  
~~electors voting on the question, the withdrawal is effective six~~ 11166  
~~months from the date of the certification of its passage.~~ 11167

The board of elections to which the resolution was certified 11168  
shall certify the results of the election to the board or 11169  
legislative authority of the subdivision that submitted the 11170  
resolution to withdraw and to the board of trustees of the 11171  
regional transit authority from which the subdivision proposed to 11172  
withdraw. If the question is approved by at least a majority of 11173  
the electors voting on the question, the municipal corporation's 11174  
or unincorporated area of the township's membership in the 11175  
regional transit authority terminates on the thirty-first day of 11176  
December of the calendar year in which the election is held. 11177

If the question of withdrawing from the regional transit 11178  
authority is approved, the power of the regional transit authority 11179  
to levy a tax on taxable property in the affected area of the 11180  
withdrawing subdivision terminates beginning with the tax year in 11181  
which the election is held, and no taxes from the levy may be 11182  
charged for collection against such property for that tax year. 11183

**Sec. 307.05.** As used in this section, "emergency medical 11184  
service organization" has the same meaning as in section 4765.01 11185  
of the Revised Code. 11186

A board of county commissioners may operate an ambulance 11187  
service organization or emergency medical service organization, 11188  
or, in counties with a population of forty thousand or less, may 11189  
operate a nonemergency patient transport service organization, or 11190

may enter into a contract with one or more counties, townships, 11191  
municipal corporations, nonprofit corporations, joint emergency 11192  
medical services districts, fire and ambulance districts, or 11193  
private ambulance owners, regardless of whether such counties, 11194  
townships, municipal corporations, nonprofit corporations, joint 11195  
emergency medical services districts, fire and ambulance 11196  
districts, or private ambulance owners are located within or 11197  
without the state, in order to furnish or obtain the services of 11198  
ambulance service organizations, to furnish or obtain additional 11199  
services from ambulance service organizations in times of 11200  
emergency, to furnish or obtain the services of emergency medical 11201  
service organizations, or, in counties with a population of forty 11202  
thousand or less, to furnish or obtain services of nonemergency 11203  
patient transport service organizations, or may enter into a 11204  
contract with any such entity to furnish or obtain the interchange 11205  
of services from ambulance or emergency medical service 11206  
organizations, or, within counties with a population of forty 11207  
thousand or less, to furnish or obtain the interchange of services 11208  
from nonemergency patient transport service organizations, within 11209  
the territories of the contracting subdivisions. Except in the 11210  
case of a contract with a joint emergency medical services 11211  
district to obtain the services of emergency medical service 11212  
organizations, such contracts shall not be entered into with a 11213  
public agency or nonprofit corporation that receives more than 11214  
half of its operating funds from governmental entities with the 11215  
intention of directly competing with the operation of other 11216  
ambulance service organizations, nonemergency patient transport 11217  
service organizations, or emergency medical service organizations 11218  
in the county unless the public agency or nonprofit corporation is 11219  
awarded the contract after submitting the lowest and best bid to 11220  
the board of county commissioners. Any county wishing to commence 11221  
operation of a nonemergency patient transport service organization 11222  
or wishing to enter into a contract for the first time to furnish 11223



or obtain services from a nonemergency patient transport service 11224  
organization on or after March 1, 1993, including a county in 11225  
which a private provider has been providing the service, shall 11226  
demonstrate the need for public funding for the service to, and 11227  
obtain approval from, the state board of emergency medical, fire, 11228  
and transportation services or its immediate successor board prior 11229  
to operating or funding the organization. 11230

When such an organization is operated by the board, the 11231  
organization may be administered by the board, by the county 11232  
sheriff, or by another county officer or employee designated by 11233  
the board. All rules, including the determining of reasonable 11234  
rates, necessary for the establishment, operation, and maintenance 11235  
of such an organization shall be adopted by the board. 11236

A contract for services of an ambulance service, nonemergency 11237  
patient transport service, or emergency medical service 11238  
organization shall include the terms, conditions, and stipulations 11239  
as agreed to by the parties to the contract. It may provide for a 11240  
fixed annual charge to be paid at the times agreed upon and 11241  
stipulated in the contract, or for compensation based upon a 11242  
stipulated price for each run, call, or emergency or the number of 11243  
persons or pieces of apparatus employed, or the elapsed time of 11244  
service required in such run, call, or emergency, or any 11245  
combination thereof. 11246

**Sec. 307.051.** As used in this section, "emergency medical 11247  
service organization" has the same meaning as in section 4766.01 11248  
of the Revised Code. 11249

A board of county commissioners, by adoption of an 11250  
appropriate resolution, may choose to have the ~~Ohio~~ state board of 11251  
emergency medical, fire, and transportation board services license 11252  
any emergency medical service organization it operates. If a board 11253  
adopts such a resolution, Chapter 4766. of the Revised Code, 11254

except for sections 4766.06 and 4766.99 of the Revised Code, 11255  
applies to the county emergency medical service organization. All 11256  
rules adopted under the applicable sections of that chapter also 11257  
apply to the organization. A board, by adoption of an appropriate 11258  
resolution, may remove its emergency medical service organization 11259  
from the jurisdiction of the ~~Ohio~~ state board of emergency 11260  
medical, fire, and transportation board services. 11261

**Sec. 307.055.** (A) Subject to the terms and conditions of the 11262  
joint resolution creating it, each joint emergency medical 11263  
services district may furnish ambulance services and emergency 11264  
medical services by one of the following methods: 11265

(1) By operating an emergency medical service organization as 11266  
defined in section 4765.01 of the Revised Code; 11267

(2) By contracting for the operation of one or more 11268  
facilities pursuant to division (C) or (D) of this section; 11269

(3) By providing necessary services and equipment to the 11270  
district either directly or under a contract entered into pursuant 11271  
to division (B) of this section; 11272

(4) By providing service through any combination of methods 11273  
described in divisions (A)(1) to (3) of this section. 11274

(B) In order to obtain ambulance service, to obtain 11275  
additional ambulance service in times of emergency, or to obtain 11276  
emergency medical services, a joint emergency medical services 11277  
district may enter into a contract, for a period not to exceed 11278  
three years, with one or more counties, townships, municipal 11279  
corporations, joint fire districts, other governmental units that 11280  
provide ambulance service or emergency medical services, nonprofit 11281  
corporations, or private ambulance owners, regardless of whether 11282  
the entities contracted with are located within or outside this 11283  
state, upon such terms as are agreed to, to furnish or receive 11284

ambulance services or the interchange of ambulance services or 11285  
emergency medical services within the several territories of the 11286  
contracting subdivisions, if the contract is first authorized by 11287  
all boards of trustees and legislative authorities in the 11288  
territories to be served. 11289

Such a contract may provide for a fixed annual charge to be 11290  
paid at the times agreed upon and stipulated in the contract; or 11291  
for compensation based on a stipulated price for each run, call, 11292  
or emergency or based on the elapsed time of service required for 11293  
each run, call, or emergency, or based on any combination of 11294  
these. 11295

Expenditures of a district for ambulance service or emergency 11296  
medical service, whether pursuant to contract or otherwise, are 11297  
lawful expenditures, regardless of whether the district or the 11298  
party with which it contracts charges an additional fee to users 11299  
of the service. 11300

(C) The board of trustees may enter into a contract with any 11301  
person, municipal corporation, township, or other political 11302  
subdivision, and any political subdivision may contract with the 11303  
board, for the operation and maintenance of emergency medical 11304  
services facilities regardless of whether the facilities used are 11305  
owned or leased by the district, by another political subdivision, 11306  
or by the contractor. 11307

(D) The district may purchase, lease, and maintain all 11308  
materials, buildings, land, and equipment, including vehicles, the 11309  
board considers necessary for the district. 11310

When the board finds, by resolution, that the district has 11311  
personal property that is not needed for public use, or is 11312  
obsolete or unfit for the use for which it was acquired, the board 11313  
may dispose of the property in the same manner as provided in 11314  
section 307.12 of the Revised Code. 11315

(E) Except in the case of a contract with a board of county commissioners for the provision of services of an emergency medical service organization, any contract entered into by a joint emergency medical services district shall conform to the same bidding requirements that apply to county contracts under sections 307.86 to 307.92 of the Revised Code.

(F) A county participating in a joint district may contribute any of its rights or interests in real or personal property, including money, and may contribute services to the district. Any such contributions shall be made by a written agreement between the contributing county and the district, specifying the contribution as well as the rights of the participating counties in the contributed property. Written agreements shall also be prepared specifying the rights of participating counties in property acquired by the district other than by contribution of a participating county. Written agreements required by this division may be amended only by written agreement of all parties to the original agreement.

(G) A district's board of trustees, by adoption of an appropriate resolution, may choose to have the ~~Ohio~~ state board of emergency medical, fire, and transportation board services license any emergency medical service organization the district operates. If a board adopts such a resolution, Chapter 4766. of the Revised Code, except for sections 4766.06 and 4766.99 of the Revised Code, applies to the district emergency medical service organization. All rules adopted under the applicable sections of that chapter also apply to the organization. A board, by adoption of an appropriate resolution, may remove the district emergency medical service organization from the jurisdiction of the ~~Ohio~~ state board of emergency medical, fire, and transportation board services.

**Sec. 313.121.** (A) As used in this section, "parent" means

either parent, except that if one parent has been designated the residential parent and legal custodian of the child, "parent" means the designated residential parent and legal custodian, and if a person other than a parent is the child's legal guardian, "parent" means the legal guardian.

(B) If a child under two years of age dies suddenly when in apparent good health, the death shall be reported immediately to the coroner of the county in which the death occurred, as required by section 313.12 of the Revised Code. Except as provided in division (C) of this section, the coroner or deputy coroner shall perform an autopsy on the child. The autopsy shall be performed in accordance with ~~public health council~~ rules adopted by the director of health under section 313.122 of the Revised Code. The coroner or deputy coroner may perform research procedures and tests when performing the autopsy.

(C) A coroner or deputy coroner is not required to perform an autopsy if the coroner of the county in which the death occurred or a court with jurisdiction over the deceased body determines under section 313.131 of the Revised Code that an autopsy is contrary to the religious beliefs of the child. If the coroner or the court makes such a determination, the coroner shall notify the health district or department of health with jurisdiction in the area in which the child's parent resides. For purposes of this division, the religious beliefs of the parents of a child shall be considered to be the religious beliefs of the child.

(D) If the child's parent makes a written or verbal request for the preliminary results of the autopsy after the results are available, the coroner, or a person designated by ~~him~~ the coroner, shall give the parent an oral statement of the preliminary results.

The coroner, within a reasonable time after the final results of the autopsy are reported, shall send written notice of the

results to the state department of health, the health district or 11379  
department with jurisdiction in the area in which the child's 11380  
parent resides, and, upon the request of a parent of the child, to 11381  
the child's attending physician. Upon the written request of a 11382  
parent of the child and the payment of the transcript fee required 11383  
by section 313.10 of the Revised Code, the coroner shall send 11384  
written notice of the final results to that parent. The notice 11385  
sent to the state department of health shall include all of the 11386  
information specified ~~by rule of the public health council in~~ in 11387  
rules adopted under section 313.122 of the Revised Code. 11388

(E) On the occurrence of any of the following, the health 11389  
district or department with jurisdiction in the area in which the 11390  
child's parent resides shall offer the parent any counseling or 11391  
other supportive services it has available: 11392

(1) When it learns through any source that an autopsy is 11393  
being performed on a child under two years of age who died 11394  
suddenly when in apparent good health; 11395

(2) When it receives notice that the final result of an 11396  
autopsy performed pursuant to this section concluded that the 11397  
child died of sudden infant death syndrome; 11398

(3) When it is notified by the coroner that, pursuant to 11399  
division (C) of this section, an autopsy was not performed. 11400

(F) When a health district or department receives notice that 11401  
the final result of an autopsy performed pursuant to this section 11402  
concluded that the child died of sudden infant death syndrome or 11403  
that, pursuant to division (C) of this section, an autopsy was not 11404  
performed but sudden infant death syndrome may have been the cause 11405  
of death, it shall offer the child's parent information about 11406  
sudden infant death syndrome. The state department of health shall 11407  
ensure that current information on sudden infant death syndrome is 11408  
available for distribution by health districts and departments. 11409

**Sec. 313.122.** The ~~public~~ director of health council, after 11410  
reviewing and considering any recommendations made by the Ohio 11411  
state coroners association, shall adopt rules in accordance with 11412  
Chapter 119. of the Revised Code establishing a protocol governing 11413  
the performance of autopsies under section 313.121 of the Revised 11414  
Code. The rules shall specify the information derived from an 11415  
autopsy that a coroner is required to report to the state 11416  
department of health. The ~~public health council~~ director shall not 11417  
amend the rules adopted under this section unless it notifies the 11418  
Ohio state coroners association of the proposed changes and 11419  
consults with the association. 11420

**Sec. 313.16.** In counties where no coroner's laboratory has 11421  
been established or where the coroner's laboratory does not have 11422  
the equipment or personnel to follow the protocol established ~~by~~ 11423  
~~rule of~~ in rules adopted by the ~~public~~ director of health council 11424  
~~adopted~~ under section 313.122 of the Revised Code, the coroner may 11425  
request a coroner of a county in which such a laboratory is 11426  
established or that has a laboratory able to follow the ~~public~~ 11427  
~~health council's~~ director's protocol to perform necessary 11428  
laboratory examinations, the cost of which shall be no greater 11429  
than the actual value of the services of technicians and the 11430  
materials used in performing such examination. Money derived from 11431  
the fees paid for these examinations shall be kept in a special 11432  
fund, for the use of the coroner's laboratory, from which fund 11433  
replacements can be made. Such funds shall be used to purchase 11434  
necessary supplies and equipment for the laboratory and to pay any 11435  
associated costs incurred in the administration of this section at 11436  
the coroner's discretion. 11437

**Sec. 329.01.** In each county, except as provided in section 11438  
329.40 of the Revised Code, there shall be a county department of 11439

job and family services which, when so established, shall be 11440  
governed by this chapter. The department shall consist of a county 11441  
director of job and family services appointed by the board of 11442  
county commissioners, and such assistants and other employees as 11443  
are necessary for the efficient performance of the functions of 11444  
the county department. Before entering upon the discharge of the 11445  
director's official duties, the director shall give a bond, 11446  
conditioned for the faithful performance of those official duties, 11447  
in such sum as fixed by the board. The director may require any 11448  
assistant or employee under the director's jurisdiction to give a 11449  
bond in such sum as determined by the board. All bonds given under 11450  
this section shall be with a surety or bonding company authorized 11451  
to do business in this state, conditioned for the faithful 11452  
performance of the duties of such director, assistant, or 11453  
employee. The expense or premium for any bond required by this 11454  
section shall be paid from the appropriation for administrative 11455  
expenses of the department. Such bond shall be deposited with the 11456  
county treasurer and kept in the treasurer's office. 11457

As used in the Revised Code: 11458

(A) "County department of job and family services" means the 11459  
county department of job and family services established under 11460  
this section, including an entity designated a county department 11461  
of job and family services under section 307.981 of the Revised 11462  
Code, or ~~the~~ a joint county department of job and family services 11463  
established under section 329.40 of the Revised Code. 11464

(B) "County director of job and family services" means the 11465  
county director of job and family services appointed under this 11466  
section or under section 329.41 of the Revised Code. 11467

**Sec. 329.40.** (A)(1) The boards of county commissioners of ~~the~~ 11468  
any two or more counties ~~of Hoeking, Ross, and Vinton,~~ by entering 11469  
into a written agreement, may form a joint county department of 11470



job and family services to perform the duties, provide the 11471  
services, and operate the programs required under this chapter. 11472  
~~The formation of this joint county department of job and family~~ 11473  
~~services is a pilot project.~~ The agreement shall be ratified by 11474  
resolution of the board of county commissioners of each county 11475  
that entered into the agreement. Each board of county 11476  
commissioners that enters into ~~the~~ an agreement shall give notice 11477  
of the agreement to the Ohio department of job and family services 11478  
at least ninety days before the agreement's effective date. The 11479  
agreement shall take effect not earlier than the first day of the 11480  
calendar quarter following the ninety-day notice period. The 11481  
director of job and family services shall adopt, as an internal 11482  
management rule under section 111.15 of the Revised Code, the form 11483  
in which the notice shall be given. 11484

(2) The boards of county commissioners of the counties 11485  
forming ~~the~~ a joint county department shall constitute, 11486  
collectively, the board of directors of the joint county 11487  
department of job and family services. On the effective date of 11488  
the agreement, the board of directors shall take control of and 11489  
manage the joint county department subject to this chapter and all 11490  
other sections of the Revised Code that govern the authority and 11491  
responsibilities of a single board of county commissioners in the 11492  
operation of a single county department of job and family 11493  
services. 11494

(B)(1) ~~The~~ An agreement to establish ~~the~~ a joint county 11495  
department shall specify all of the following: 11496

(a) The obligations of each board of county commissioners in 11497  
operating the joint county department, including requiring each 11498  
board to provide state, federal, and county funds to the operation 11499  
of the joint county department and the schedule for provision of 11500  
those funds; 11501

(b) How and which facilities, equipment, and personnel will be shared; 11502  
11503

(c) Procedures for the division of resources and obligations ~~should a county~~ if one or more counties withdraw from the joint county department, or ~~should~~ the department ~~cease~~ ceases to exist; 11504  
11505  
11506

(d) Any contributions of participating counties establishing the joint county department and the rights of those counties in lands or personal property, or rights or interests therein, contributed to or otherwise acquired by the joint county department. 11507  
11508  
11509  
11510  
11511

(2) ~~The~~ An agreement to establish ~~the~~ a joint county department may set forth any or all of the following: 11512  
11513

(a) Quality, timeliness, and other standards to be met by each county; 11514  
11515

(b) Which family service programs and functions are to be included in the joint county department; 11516  
11517

(c) Procedures for the operation of the board of directors, including procedures governing the frequency of meetings and the number of members of the board required to constitute a quorum to take action; 11518  
11519  
11520  
11521

(d) Any other procedures or standards necessary for the joint county department to perform its duties and operate efficiently. 11522  
11523

(C) ~~The~~ An agreement may be amended by a majority vote of the board of directors of the joint county department, but no amendment shall divest a participating county of any right or interest in lands or personal property without its consent. 11524  
11525  
11526  
11527

(D) Costs incurred in operating ~~the~~ a joint county department shall be paid from a joint general fund created by the board of directors, except as may be otherwise provided in the agreement. 11528  
11529  
11530

Sec. 329.41. (A) The board of directors of ~~the~~ a joint county 11531  
department of job and family services formed under section 329.40 11532  
of the Revised Code shall appoint and fix the compensation of a 11533  
the director of the department. The director shall serve at the 11534  
pleasure of the board of directors. Under the direction and 11535  
control of the board, the director shall have full charge of the 11536  
department as set forth in section 329.02 of the Revised Code for 11537  
the director of a single county department of job and family 11538  
services. 11539

(B) The board of directors may appoint up to three 11540  
administrators to oversee services provided by the joint county 11541  
department. Administrators shall be in the unclassified service. 11542

(C) Employees of ~~the~~ a joint county department of job and 11543  
family services shall be appointed by the director of the joint 11544  
county department and, except as provided in this section, shall 11545  
be in the classified service. The employees of ~~the~~ a joint county 11546  
department shall be considered county employees for the purposes 11547  
of Chapter 124. of the Revised Code and other provisions of state 11548  
law applicable to county employees. Instead of or in addition to 11549  
appointing these employees, ~~the~~ a board of directors may agree to 11550  
use the employees of one or more of the counties that formed ~~the~~ a 11551  
joint county department in the service of the joint county 11552  
department and to share in their compensation in any manner that 11553  
may be agreed upon. 11554

(D) Notwithstanding any other section of the Revised Code, if 11555  
an employee's separation from county service occurs in connection 11556  
with a county joining or withdrawing from ~~the~~ a joint county 11557  
department of job and family services, the board of county 11558  
commissioners that initially appointed the employee shall have no 11559  
obligation to pay any compensation with respect to unused vacation 11560  
or sick leave accrued to the credit of the employee if the 11561

employee accepts employment with the joint county department or a withdrawing county. At the effective time of separation from county service, the joint county department or the withdrawing county, as the case may be, shall assume such unused vacation and sick leave accrued to the employee's credit.

**Sec. 329.42.** The county auditor of the county with the largest population that formed ~~the~~ a joint county department of job and family services under section 329.40 of the Revised Code shall serve as the fiscal officer of the joint county department, and the county treasurer of that county shall serve as the treasurer of the joint county department, unless the counties that formed the joint county department agree to appoint the county auditor and county treasurer of another county that formed the department. In either case, these county officers shall perform any applicable duties for the joint county department as each typically performs for the county of which the individual is an officer. The board of directors of the joint county department may pay to that county any amount agreed upon by the board of directors and the board of county commissioners of that county to reimburse the county for the costs that are properly allocable to the service of its officers as fiscal officer and treasurer of the joint county department.

**Sec. 329.43.** (A) The prosecuting attorney of the county with the largest population that formed ~~the~~ a joint county department of job and family services under section 329.40 of the Revised Code shall serve as the legal advisor of the board of directors of the joint county department, unless the counties that formed the joint county department agree to appoint the prosecuting attorney of another county that formed the joint county department as legal advisor of the board. The board of directors may pay to the county of the prosecuting attorney who is the legal advisor of the board

any amount agreed upon by the board of directors and the board of 11593  
county commissioners of that county to reimburse that county for 11594  
the costs that are properly allocable to the service of its 11595  
prosecuting attorney as the legal advisor of the board of 11596  
directors. 11597

(B) The prosecuting attorney shall provide such services to 11598  
the board of directors as are required or authorized to be 11599  
provided to other county boards under Chapter 309. of the Revised 11600  
Code. 11601

(C)(1) If the board of directors of ~~the~~ a joint county 11602  
department wishes to employ other legal counsel on an annual basis 11603  
to serve as the board's legal advisor in place of the prosecuting 11604  
attorney, the board may do so with the agreement of the 11605  
prosecuting attorney. If the prosecuting attorney does not agree, 11606  
the board of directors may apply to the court of common pleas of 11607  
the county with the largest population that formed the joint 11608  
county department for authority to employ other legal counsel on 11609  
an annual basis. 11610

(2) If the board of directors of ~~the~~ a joint county 11611  
department wishes to employ other legal counsel to represent or 11612  
advise the board on a particular matter in place of the 11613  
prosecuting attorney, the board may do so with the agreement of 11614  
the prosecuting attorney. If the prosecuting attorney does not 11615  
agree, the board of directors may apply to the court of common 11616  
pleas of the county with the largest population that formed the 11617  
joint county department for authority to employ other legal 11618  
counsel for that particular matter. 11619

(3) The prosecuting attorney who is the legal advisor of the 11620  
board of directors shall be given notice of an application filed 11621  
under division (C)(1) or (2) of this section and shall be afforded 11622  
an opportunity to be heard. After the hearing, the court may 11623

authorize the board of directors to employ other legal counsel on 11624  
an annual basis or for a particular matter only if it finds that 11625  
the prosecuting attorney refuses or is unable to provide the legal 11626  
services that the board requires. If the board of directors 11627  
employs other legal counsel on an annual basis or for a particular 11628  
matter, the board may not require the prosecuting attorney to 11629  
provide legal advice, opinions, or other legal services during the 11630  
period or to the extent that the board employs the other legal 11631  
counsel. 11632

**Sec. 329.44.** (A) ~~A~~ The board of directors of ~~the~~ a joint 11633  
county department of job and family services formed under section 11634  
329.40 of the Revised Code may acquire, by purchase or lease, real 11635  
property, equipment, and systems to improve, maintain, or operate 11636  
family service programs within the territory served by the joint 11637  
county department. A board of county commissioners may acquire, 11638  
within its county, real property or any estate, interest, or right 11639  
therein, by appropriation or any other method, for use by the 11640  
joint county department in connection with its provision of 11641  
services. Appropriation proceedings shall be conducted in 11642  
accordance with Chapter 163. of the Revised Code. 11643

(B) A board of county commissioners that formed ~~the~~ a joint 11644  
county department may contribute lands or rights or interests 11645  
therein, money, other personal property or rights or interests 11646  
therein, or services to the joint county department. The board of 11647  
county commissioners may issue bonds or bond anticipation notes of 11648  
the county to pay the cost of acquiring real property and of 11649  
constructing, modifying, or upgrading a facility to house 11650  
employees of the joint county department. The board of directors 11651  
of ~~the~~ a joint county department may reimburse the county for the 11652  
use of such a facility if it is required to do so under the 11653  
agreement entered into under section 329.40 of the Revised Code. 11654

Sec. 329.45. (A)(1) A board of county commissioners that has 11655  
entered into an agreement under section 329.40 of the Revised Code 11656  
establishing a joint county department of job and family services 11657  
may ~~pass~~ adopt a resolution requesting to withdraw from the 11658  
agreement ~~establishing the joint county department of job and~~ 11659  
~~family services formed under section 329.40 of the Revised Code.~~ 11660  
Upon adopting such a resolution, the board of county commissioners 11661  
shall deliver a copy of the resolution to the board of directors 11662  
of the joint county department. Upon receiving the resolution, the 11663  
board of directors shall deliver written notice of the requested 11664  
withdrawal to the boards of county commissioners of the other 11665  
county or counties that formed the joint county department. ~~Within~~ 11666  
Not later than thirty days after receiving the notice, each of 11667  
those boards of county commissioners shall adopt a resolution 11668  
either accepting the withdrawal or objecting to the withdrawal, 11669  
and shall deliver a copy of the resolution to the board of 11670  
directors. 11671

(2) If any of the boards of county commissioners that formed 11672  
~~the~~ a joint county department adopts a resolution objecting to the 11673  
requested withdrawal, the board of directors shall deliver written 11674  
notice of the objection to each other board of county 11675  
commissioners of the counties that formed the joint county 11676  
department, including the board of county commissioners of the 11677  
county proposing withdrawal, ~~and shall schedule.~~ Not later than 11678  
thirty days after sending the notice, the board of directors shall 11679  
hold a meeting ~~of the board of directors to be held within thirty~~ 11680  
~~days~~ to discuss the objection. After the meeting, the board of 11681  
directors shall determine whether the county requesting withdrawal 11682  
desires to proceed with the withdrawal and, if the county does, 11683  
the board of directors shall accept the withdrawal. Not later than 11684  
thirty days after the determination was made, the board of 11685  
directors shall deliver written notice of the withdrawal to the 11686

boards of county commissioners that formed the joint county 11687  
department and to the board of county commissioners that requested 11688  
withdrawal, and shall commence the withdrawal process under this 11689  
section. 11690

(3) If all of the boards of county commissioners that formed 11691  
~~the a~~ joint county department, except for the board of county 11692  
commissioners requesting the withdrawal, each adopt a resolution 11693  
accepting the withdrawal, the board of directors shall declare the 11694  
withdrawal to be accepted. Not later than thirty days after the 11695  
declaration, the board of directors shall deliver written notice 11696  
of the withdrawal to all of the boards of county commissioners 11697  
that formed the joint county department, including the board of 11698  
county commissioners of the county requesting withdrawal, and 11699  
shall commence the withdrawal process under this section. 11700

(4) The board of directors shall give notice to the Ohio 11701  
department of job and family services of the withdrawal of a 11702  
county under this section at least ninety days before the 11703  
withdrawal becomes final. The director of job and family services 11704  
shall adopt, as an internal management rule under section 111.15 11705  
of the Revised Code, the form in which the notice shall be given. 11706

(5) If a county requesting to withdraw decides to remain as a 11707  
party to the agreement establishing ~~the a~~ joint county department, 11708  
the board of county commissioners of that county shall rescind its 11709  
original resolution requesting withdrawal and shall deliver a copy 11710  
of the rescission to the board of directors of the joint county 11711  
department ~~within~~ not later than thirty days after adopting the 11712  
rescission. 11713

(B) If a county withdraws from ~~the an~~ agreement under this 11714  
section, the board of directors shall ascertain, apportion, and 11715  
order a division of the funds on hand, credits, and real and 11716  
personal property of the joint county department, either in money 11717  
or in kind, on an equitable basis between the joint county 11718



department and the withdrawing county according to the agreement 11719  
entered into under section 329.40 of the Revised Code and 11720  
consistent with any prior contributions of the withdrawing county 11721  
to the joint county department. Any debt incurred individually 11722  
shall remain the responsibility of that county, unless otherwise 11723  
specified in the agreement establishing the joint county 11724  
department. 11725

(C) A withdrawal becomes final not earlier than the first day 11726  
of the calendar quarter following the ninety-day notice period 11727  
required by division (A)(4) of this section. On and after that 11728  
day, the withdrawing county ceases to be a part of the joint 11729  
county department, and its members of the board of directors shall 11730  
cease to be members of that board. 11731

(D) If the withdrawal of one or more counties would leave 11732  
only one county participating in ~~the~~ a joint county department, 11733  
the board of directors shall ascertain, apportion, and order a 11734  
final division of the funds on hand, credits, and real and 11735  
personal property of the joint county department. On and after the 11736  
day on which the latest withdrawal of a county becomes final, the 11737  
joint county department is dissolved. When ~~the~~ a joint county 11738  
department is dissolved and any indebtedness remains unpaid, the 11739  
boards of county commissioners that formed the joint county 11740  
department shall pay the indebtedness of the joint county 11741  
department in the amounts established by the agreement at the time 11742  
the indebtedness was incurred. 11743

**Sec. 329.46.** (A) A board of county commissioners that formed 11744  
~~the~~ a joint county department of job and family services under 11745  
section 329.40 of the Revised Code, by adopting a resolution, may 11746  
propose the removal of another county that formed the joint county 11747  
department. The board of county commissioners shall send a copy of 11748  
such a resolution to the board of directors of the joint county 11749

department. ~~Within~~ Not later than ten days after receiving the 11750  
copy of the resolution, the board of directors shall send a copy 11751  
of the resolution to each board of county commissioners that 11752  
formed the joint county department, except the board of county 11753  
commissioners proposing removal. ~~Within~~ Not later than thirty days 11754  
after sending a copy of the resolution, the board of directors 11755  
shall hold a hearing at which any county commissioner whose county 11756  
formed the joint county department may present arguments for or 11757  
against the removal. At the hearing, approval or disapproval of 11758  
the removal shall be determined by a two-thirds vote of the county 11759  
commissioners of the counties that formed the joint county 11760  
department, with the exception of the county commissioners of the 11761  
county proposed for removal. 11762

(B) The board of directors of ~~the~~ a joint county department 11763  
of job and family services, by adopting a resolution by a majority 11764  
vote of the members of the board, may propose removal of a county 11765  
that formed the joint county department. ~~Within~~ Not later than ten 11766  
days after adopting such a resolution, the board of directors 11767  
shall send a copy of the resolution to the board of county 11768  
commissioners of each county that formed the joint county 11769  
department, including the board of county commissioners of the 11770  
county proposed for removal. ~~Within~~ Not later than thirty days 11771  
after sending the copy of the resolution, the board of directors 11772  
shall hold a hearing at which any member of the board may present 11773  
arguments for or against the removal. At this hearing, approval or 11774  
disapproval of the resolution proposing removal shall be 11775  
determined by a two-thirds vote of the members of the board of 11776  
directors, with the exception of the board members who represent 11777  
the county proposed for removal. 11778

(C) If removal of a county is approved under this section, 11779  
the board of directors shall give written notice of the approval 11780  
to the Ohio department of job and family services at least ninety 11781

days before the removal takes effect. The director of job and family services shall adopt, as an internal management rule under section 111.15 of the Revised Code, the form in which the notice shall be given.

(D) Removal of a county under this section shall take effect not earlier than the first day of the calendar quarter following the ninety-day notice period required by division (C) of this section.

(E) If, at any time, the county proposed for removal under division (A) or (B) of this section notifies the board of directors, by a majority vote of that county's board of county commissioners, that it chooses to withdraw from the joint county department, the withdrawal procedure established under section 329.45 of the Revised Code shall be put immediately into motion.

**Sec. 330.04.** If, for the purpose of Chapter 6301. of the Revised Code, a county is the type of local area defined in division (A)(2) of section 6301.01 of the Revised Code, the board of county commissioners serving the county shall adopt a resolution establishing or designating a workforce development agency to provide workforce development activities for the county. The board shall adopt the resolution not later than July 1, 2000.

The board may establish or designate any of the following as the workforce development agency:

(A) The county department of job and family services;

(B) A separate agency under the direct control of the board and administered by an official appointed by the board;

(C) An entity serving the county on ~~the effective date of this section~~ March 14, 2000, in a capacity similar to the capacity in which a workforce development agency is to serve the county on and after ~~the effective date of this section~~ March 14, 2000;

(D) An entity located in or outside the county that provides workforce development activities in the county on ~~the effective date of this section~~ March 14, 2000;

(E) Any private or government entity designated under section 307.981 of the Revised Code;

(F) ~~The~~ A joint county department of job and family services established under section 329.40 of the Revised Code.

**Sec. 339.091.** Before the board of county commissioners, board of county hospital trustees, or county hospital commission may enter into an initial agreement for the acquisition, operation, or lease under section 140.03, 140.05, 339.09, or 339.14 of the Revised Code of a county hospital operated by a board of county hospital trustees under section 339.06 of the Revised Code, the board of county commissioners shall review the agreement. If it finds that the agreement will meet the needs of the residents of the county for hospital service, the board of county commissioners may adopt a resolution authorizing the board of county commissioners, board of county hospital trustees, or county hospital commission to enter into the agreement. On adoption of the resolution, the board of county commissioners, board of county hospital trustees, or county hospital commission may enter into the agreement.

The requirements of this section do not apply to an agreement if one or more hospitals classified as general hospitals by the ~~public director of health council~~ under section 3701.07 of the Revised Code are operating in the same county as the county hospital.

**Sec. 340.03.** (A) Subject to rules issued by the director of mental health after consultation with relevant constituencies as required by division (L) of section 5119.06 of the Revised Code,

with regard to mental health services, the board of alcohol, drug 11842  
addiction, and mental health services shall: 11843

(1) Serve as the community mental health planning agency for 11844  
the county or counties under its jurisdiction, and in so doing it 11845  
shall: 11846

(a) Evaluate the need for facilities and community mental 11847  
health services; 11848

(b) In cooperation with other local and regional planning and 11849  
funding bodies and with relevant ethnic organizations, assess the 11850  
community mental health needs, set priorities, and develop plans 11851  
for the operation of facilities and community mental health 11852  
services; 11853

(c) In accordance with guidelines issued by the director of 11854  
mental health after consultation with board representatives, 11855  
annually develop and submit to the department of mental health a 11856  
community mental health plan listing community mental health 11857  
needs, including the needs of all residents of the district now 11858  
residing in state mental institutions and severely mentally 11859  
disabled adults, children, and adolescents; all children subject 11860  
to a determination made pursuant to section 121.38 of the Revised 11861  
Code; and all the facilities and community mental health services 11862  
that are or will be in operation or provided during the period for 11863  
which the plan will be in operation in the service district to 11864  
meet such needs. 11865

The plan shall include, but not be limited to, a statement of 11866  
which of the services listed in section 340.09 of the Revised Code 11867  
the board intends to make available. The board must include crisis 11868  
intervention services for individuals in an emergency situation in 11869  
the plan and explain how the board intends to make such services 11870  
available. The plan must also include a statement of the inpatient 11871  
and community-based services the board proposes that the 11872

department operate, an assessment of the number and types of 11873  
residential facilities needed, such other information as the 11874  
department requests, and a budget for moneys the board expects to 11875  
receive. The department shall approve or disapprove the plan, in 11876  
whole or in part, according to the criteria developed pursuant to 11877  
section 5119.61 of the Revised Code. The department's statement of 11878  
approval or disapproval shall specify the inpatient and the 11879  
community-based services that the department will operate for the 11880  
board. Eligibility for state and federal funding shall be 11881  
contingent upon an approved plan or relevant part of a plan. 11882

If a board determines that it is necessary to amend a plan or 11883  
an allocation request that has been approved under division 11884  
(A)(1)(c) of this section, the board shall submit a proposed 11885  
amendment to the director. The director may approve or disapprove 11886  
all or part of the amendment. The director shall inform the board 11887  
of the reasons for disapproval of all or part of an amendment and 11888  
of the criteria that must be met before the amendment may be 11889  
approved. The director shall provide the board an opportunity to 11890  
present its case on behalf of the amendment. The director shall 11891  
give the board a reasonable time in which to meet the criteria, 11892  
and shall offer the board technical assistance to help it meet the 11893  
criteria. 11894

The board shall implement the plan approved by the 11895  
department. 11896

(d) Promote, arrange, and implement working agreements with 11897  
social agencies, both public and private, and with judicial 11898  
agencies. 11899

(2) Investigate, or request another agency to investigate, 11900  
any complaint alleging abuse or neglect of any person receiving 11901  
services from a community mental health agency as defined in 11902  
section 5122.01 of the Revised Code, ~~or from~~ alleging abuse or 11903  
neglect of a person with mental illness or severe mental 11904

disability residing in a residential facility licensed under 11905  
section 5119.22 of the Revised Code. If the investigation 11906  
substantiates the charge of abuse or neglect, the board shall take 11907  
whatever action it determines is necessary to correct the 11908  
situation, including notification of the appropriate authorities. 11909  
Upon request, the board shall provide information about such 11910  
investigations to the department. 11911

(3) For the purpose of section 5119.611 of the Revised Code, 11912  
cooperate with the director of mental health in visiting and 11913  
evaluating whether the services of a community mental health 11914  
agency satisfy the certification standards established by rules 11915  
adopted under that section; 11916

(4) In accordance with criteria established under division 11917  
(E) of section 5119.61 of the Revised Code, review and evaluate 11918  
the quality, effectiveness, and efficiency of services provided 11919  
through its community mental health plan and submit its findings 11920  
and recommendations to the department of mental health; 11921

(5) In accordance with section 5119.22 of the Revised Code, 11922  
review ~~applications~~ an application for a residential facility 11923  
~~licenses~~ license and ~~recommend~~ provide to the department of mental 11924  
health ~~approval or disapproval of applications~~ any information 11925  
about the applicant or facility that the board would like the 11926  
department to consider in reviewing the application; 11927

(6) Audit, in accordance with rules adopted by the auditor of 11928  
state pursuant to section 117.20 of the Revised Code, at least 11929  
annually all programs and services provided under contract with 11930  
the board. In so doing, the board may contract for or employ the 11931  
services of private auditors. A copy of the fiscal audit report 11932  
shall be provided to the director of mental health, the auditor of 11933  
state, and the county auditor of each county in the board's 11934  
district. 11935

(7) Recruit and promote local financial support for mental health programs from private and public sources; 11936  
11937

(8)(a) Enter into contracts with public and private facilities for the operation of facility services included in the board's community mental health plan and enter into contracts with public and private community mental health agencies for the provision of community mental health services that are listed in section 340.09 of the Revised Code and included in the board's community mental health plan. The board may not contract with a community mental health agency to provide community mental health services included in the board's community mental health plan unless the services are certified by the director of mental health under section 5119.611 of the Revised Code. Section 307.86 of the Revised Code does not apply to contracts entered into under this division. In contracting with a community mental health agency, a board shall consider the cost effectiveness of services provided by that agency and the quality and continuity of care, and may review cost elements, including salary costs, of the services to be provided. A utilization review process shall be established as part of the contract for services entered into between a board and a community mental health agency. The board may establish this process in a way that is most effective and efficient in meeting local needs. Until July 1, 2012, a contract with a community mental health agency or facility, as defined in section 5111.023 of the Revised Code, to provide services listed in division (B) of that section shall provide for the agency or facility to be paid in accordance 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 any rules adopted under division (A) of section 5119.61 of the Revised Code. 11938  
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If either the board or a facility or community mental health agency with which the board contracts under division (A)(8)(a) of 11966  
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this section proposes not to renew the contract or proposes 11968  
substantial changes in contract terms, the other party shall be 11969  
given written notice at least one hundred twenty days before the 11970  
expiration date of the contract. During the first sixty days of 11971  
this one hundred twenty-day period, both parties shall attempt to 11972  
resolve any dispute through good faith collaboration and 11973  
negotiation in order to continue to provide services to persons in 11974  
need. If the dispute has not been resolved sixty days before the 11975  
expiration date of the contract, either party may ~~request that~~ 11976  
notify the department of mental health of the unresolved dispute. 11977  
The director may require both parties to submit the dispute to a 11978  
third party with the cost to be shared by the board and the 11979  
facility or community mental health agency. The third party shall 11980  
issue to the board ~~and, the~~ facility or agency, and the department 11981  
recommendations on how the dispute may be resolved twenty days 11982  
prior to the expiration date of the contract, unless both parties 11983  
agree to a time extension. The director shall adopt rules 11984  
establishing the procedures of this dispute resolution process. 11985

(b) With the prior approval of the director of mental health, 11986  
a board may operate a facility or provide a community mental 11987  
health service as follows, if there is no other qualified private 11988  
or public facility or community mental health agency that is 11989  
immediately available and willing to operate such a facility or 11990  
provide the service: 11991

(i) In an emergency situation, any board may operate a 11992  
facility or provide a community mental health service in order to 11993  
provide essential services for the duration of the emergency; 11994

(ii) In a service district with a population of at least one 11995  
hundred thousand but less than five hundred thousand, a board may 11996  
operate a facility or provide a community mental health service 11997  
for no longer than one year; 11998

(iii) In a service district with a population of less than 11999

one hundred thousand, a board may operate a facility or provide a 12000  
community mental health service for no longer than one year, 12001  
except that such a board may operate a facility or provide a 12002  
community mental health service for more than one year with the 12003  
prior approval of the director and the prior approval of the board 12004  
of county commissioners, or of a majority of the boards of county 12005  
commissioners if the district is a joint-county district. 12006

The director shall not give a board approval to operate a 12007  
facility or provide a community mental health service under 12008  
division (A)(8)(b)(ii) or (iii) of this section unless the 12009  
director determines that it is not feasible to have the department 12010  
operate the facility or provide the service. 12011

The director shall not give a board approval to operate a 12012  
facility or provide a community mental health service under 12013  
division (A)(8)(b)(iii) of this section unless the director 12014  
determines that the board will provide greater administrative 12015  
efficiency and more or better services than would be available if 12016  
the board contracted with a private or public facility or 12017  
community mental health agency. 12018

The director shall not give a board approval to operate a 12019  
facility previously operated by a person or other government 12020  
entity unless the board has established to the director's 12021  
satisfaction that the person or other government entity cannot 12022  
effectively operate the facility or that the person or other 12023  
government entity has requested the board to take over operation 12024  
of the facility. The director shall not give a board approval to 12025  
provide a community mental health service previously provided by a 12026  
community mental health agency unless the board has established to 12027  
the director's satisfaction that the agency cannot effectively 12028  
provide the service or that the agency has requested the board 12029  
take over providing the service. 12030

The director shall review and evaluate a board's operation of 12031

a facility and provision of community mental health service under 12032  
division (A)(8)(b) of this section. 12033

Nothing in division (A)(8)(b) of this section authorizes a 12034  
board to administer or direct the daily operation of any facility 12035  
or community mental health agency, but a facility or agency may 12036  
contract with a board to receive administrative services or staff 12037  
direction from the board under the direction of the governing body 12038  
of the facility or agency. 12039

(9) Approve fee schedules and related charges or adopt a unit 12040  
cost schedule or other methods of payment for contract services 12041  
provided by community mental health agencies in accordance with 12042  
guidelines issued by the department as necessary to comply with 12043  
state and federal laws pertaining to financial assistance; 12044

(10) Submit to the director and the county commissioners of 12045  
the county or counties served by the board, and make available to 12046  
the public, an annual report of the programs under the 12047  
jurisdiction of the board, including a fiscal accounting; 12048

(11) Establish, to the extent resources are available, a 12049  
community support system, which provides for treatment, support, 12050  
and rehabilitation services and opportunities. The essential 12051  
elements of the system include, but are not limited to, the 12052  
following components in accordance with section 5119.06 of the 12053  
Revised Code: 12054

(a) To locate persons in need of mental health services to 12055  
inform them of available services and benefits mechanisms; 12056

(b) Assistance for clients to obtain services necessary to 12057  
meet basic human needs for food, clothing, shelter, medical care, 12058  
personal safety, and income; 12059

(c) Mental health care, including, but not limited to, 12060  
outpatient, partial hospitalization, and, where appropriate, 12061  
inpatient care; 12062

(d) Emergency services and crisis intervention;	12063
(e) Assistance for clients to obtain vocational services and opportunities for jobs;	12064 12065
(f) The provision of services designed to develop social, community, and personal living skills;	12066 12067
(g) Access to a wide range of housing and the provision of residential treatment and support;	12068 12069
(h) Support, assistance, consultation, and education for families, friends, consumers of mental health services, and others;	12070 12071 12072
(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and meaningful employment as natural supports for consumers of mental health services;	12073 12074 12075 12076 12077
(j) Grievance procedures and protection of the rights of consumers of mental health services;	12078 12079
(k) Case management, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured.	12080 12081 12082
(12) Designate the treatment program, agency, or facility for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code and authorize payment for such treatment. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily committed to it and shall assure that the services listed in section 340.09 of the Revised Code are available to severely mentally disabled persons residing within its service district. The board shall establish the procedure for authorizing payment for services, which may include prior authorization in	12083 12084 12085 12086 12087 12088 12089 12090 12091 12092

appropriate circumstances. The board may provide for services 12093  
directly to a severely mentally disabled person when life or 12094  
safety is endangered and when no community mental health agency is 12095  
available to provide the service. 12096

(13) Establish a method for evaluating referrals for 12097  
involuntary commitment and affidavits filed pursuant to section 12098  
5122.11 of the Revised Code in order to assist the probate 12099  
division of the court of common pleas in determining whether there 12100  
is probable cause that a respondent is subject to involuntary 12101  
hospitalization and what alternative treatment is available and 12102  
appropriate, if any; 12103

(14) Ensure that apartments or rooms built, subsidized, 12104  
renovated, rented, owned, or leased by the board or a community 12105  
mental health agency have been approved as meeting minimum fire 12106  
safety standards and that persons residing in the rooms or 12107  
apartments are receiving appropriate and necessary services, 12108  
including culturally relevant services, from a community mental 12109  
health agency. This division does not apply to residential 12110  
facilities licensed pursuant to section 5119.22 of the Revised 12111  
Code. 12112

(15) Establish a mechanism for involvement of consumer 12113  
recommendation and advice on matters pertaining to mental health 12114  
services in the alcohol, drug addiction, and mental health service 12115  
district; 12116

(16) Perform the duties ~~under section 5119.88 of the Revised~~ 12117  
~~Code~~ required by rules adopted under section 5119.61 of the 12118  
Revised Code regarding referrals by the board or mental health 12119  
agencies under contract with the board of individuals with mental 12120  
illness or severe mental disability to ~~adult care~~ residential 12121  
facilities as defined in division (A)(9)(b) of section 5119.22 of 12122  
the Revised Code and effective arrangements for ongoing mental 12123  
health services for the individuals. The board is accountable in 12124

the manner specified in the rules for ensuring that the ongoing 12125  
mental health services are effectively arranged for the 12126  
individuals. 12127

(B) The board shall establish such rules, operating 12128  
procedures, standards, and bylaws, and perform such other duties 12129  
as may be necessary or proper to carry out the purposes of this 12130  
chapter. 12131

(C) A board of alcohol, drug addiction, and mental health 12132  
services may receive by gift, grant, devise, or bequest any 12133  
moneys, lands, or property for the benefit of the purposes for 12134  
which the board is established, and may hold and apply it 12135  
according to the terms of the gift, grant, or bequest. All money 12136  
received, including accrued interest, by gift, grant, or bequest 12137  
shall be deposited in the treasury of the county, the treasurer of 12138  
which is custodian of the alcohol, drug addiction, and mental 12139  
health services funds to the credit of the board and shall be 12140  
available for use by the board for purposes stated by the donor or 12141  
grantor. 12142

(D) No board member or employee of a board of alcohol, drug 12143  
addiction, and mental health services shall be liable for injury 12144  
or damages caused by any action or inaction taken within the scope 12145  
of the board member's official duties or the employee's 12146  
employment, whether or not such action or inaction is expressly 12147  
authorized by this section, section 340.033, or any other section 12148  
of the Revised Code, unless such action or inaction constitutes 12149  
willful or wanton misconduct. Chapter 2744. of the Revised Code 12150  
applies to any action or inaction by a board member or employee of 12151  
a board taken within the scope of the board member's official 12152  
duties or employee's employment. For the purposes of this 12153  
division, the conduct of a board member or employee shall not be 12154  
considered willful or wanton misconduct if the board member or 12155  
employee acted in good faith and in a manner that the board member 12156

or employee reasonably believed was in or was not opposed to the 12157  
best interests of the board and, with respect to any criminal 12158  
action or proceeding, had no reasonable cause to believe the 12159  
conduct was unlawful. 12160

(E) The meetings held by any committee established by a board 12161  
of alcohol, drug addiction, and mental health services shall be 12162  
considered to be meetings of a public body subject to section 12163  
121.22 of the Revised Code. 12164

**Sec. 340.05.** A community mental health agency that receives a 12165  
complaint ~~under section 5119.87 of the Revised Code~~ alleging abuse 12166  
or neglect of an individual with mental illness or severe mental 12167  
disability who resides in ~~an adult care~~ a residential facility as 12168  
defined in division (A)(9)(b) of section 5119.22 of the Revised 12169  
Code shall report the complaint to the board of alcohol, drug 12170  
addiction, and mental health services serving the alcohol, drug 12171  
addiction, and mental health service district in which the ~~adult~~ 12172  
~~care~~ residential facility is located. A board of alcohol, drug 12173  
addiction, and mental health services that receives such a 12174  
complaint or a report from a community mental health agency of 12175  
such a complaint shall report the complaint to the director of 12176  
mental health for the purpose of the director conducting an 12177  
investigation under ~~section 5119.87~~ 5119.22 of the Revised Code. 12178  
The board may enter the ~~adult care~~ facility with or without the 12179  
director and, if the health and safety of a resident is in 12180  
immediate danger, take any necessary action to protect the 12181  
resident. The board's action shall not violate any resident's 12182  
rights ~~under section 5119.81 of the Revised Code and specified in~~ 12183  
rules adopted by the department of mental health under ~~sections~~ 12184  
~~5119.70 to 5119.88~~ section 5119.22 of the Revised Code. The board 12185  
shall immediately report to the director regarding the board's 12186  
actions under this section. 12187

**Sec. 340.091.** Each board of alcohol, drug addiction, and 12188  
mental health services shall contract with a community mental 12189  
health agency under division (A)(7)(a) of section 340.03 of the 12190  
Revised Code for the agency to do all of the following in 12191  
accordance with rules adopted under section 5119.61 of the Revised 12192  
Code for an individual referred to the agency under division 12193  
~~(C)~~(D)(2) of section 5119.69 of the Revised Code: 12194

(A) Assess the individual ~~to determine whether to recommend~~ 12195  
~~that a residential state supplement administrative agency~~ 12196  
~~designated under section 5119.69 of the Revised Code determine~~ 12197  
and, if the agency determines that the environment in which the 12198  
individual will be living while receiving residential state 12199  
supplement payments is appropriate for the individual's needs ~~and,~~ 12200  
~~if it determines the environment is appropriate,~~ issue the a 12201  
recommendation to the referring residential state supplement 12202  
administrative agency that the referring agency should conclude 12203  
that the living environment is appropriate when it makes its 12204  
determination regarding the appropriateness of the environment; 12205

(B) Provide ongoing monitoring to ensure that services 12206  
provided under section 340.09 of the Revised Code are available to 12207  
the individual; 12208

(C) Provide discharge planning to ensure the individual's 12209  
earliest possible transition to a less restrictive environment. 12210

**Sec. 505.37.** (A) The board of township trustees may establish 12211  
all necessary rules to guard against the occurrence of fires and 12212  
to protect the property and lives of the citizens against damage 12213  
and accidents, and may, with the approval of the specifications by 12214  
the prosecuting attorney or, if the township has adopted limited 12215  
home rule government under Chapter 504. of the Revised Code, with 12216  
the approval of the specifications by the township's law director, 12217



purchase, lease, lease with an option to purchase, or otherwise 12218  
provide any fire apparatus, mechanical resuscitators, or other 12219  
equipment, appliances, materials, fire hydrants, and water supply 12220  
for fire-fighting purposes that seems advisable to the board. The 12221  
board shall provide for the care and maintenance of fire 12222  
equipment, and, for these purposes, may purchase, lease, lease 12223  
with an option to purchase, or construct and maintain necessary 12224  
buildings, and it may establish and maintain lines of fire-alarm 12225  
communications within the limits of the township. The board may 12226  
employ one or more persons to maintain and operate fire-fighting 12227  
equipment, or it may enter into an agreement with a volunteer fire 12228  
company for the use and operation of fire-fighting equipment. The 12229  
board may compensate the members of a volunteer fire company on 12230  
any basis and in any amount that it considers equitable. 12231

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When the estimated cost to purchase fire apparatus, 12233  
mechanical resuscitators, other equipment, appliances, materials, 12234  
fire hydrants, buildings, or fire-alarm communications equipment 12235  
or services exceeds fifty thousand dollars, the contract shall be 12236  
let by competitive bidding. When competitive bidding is required, 12237  
the board shall advertise once a week for not less than two 12238  
consecutive weeks in a newspaper of general circulation within the 12239  
township. The board may also cause notice to be inserted in trade 12240  
papers or other publications designated by it or to be distributed 12241  
by electronic means, including posting the notice on the board's 12242  
internet web site. If the board posts the notice on its web site, 12243  
it may eliminate the second notice otherwise required to be 12244  
published in a newspaper of general circulation within the 12245  
township, provided that the first notice published in such 12246  
newspaper meets all of the following requirements: 12247

(1) It is published at least two weeks before the opening of 12248  
bids. 12249

(2) It includes a statement that the notice is posted on the board's internet web site. 12250  
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(3) It includes the internet address of the board's internet web site. 12252  
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(4) It includes instructions describing how the notice may be accessed on the board's internet web site. 12254  
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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. 12256  
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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. 12268  
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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 12277  
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occurrence, create a fire district of any portions of the township 12281  
that it considers necessary. The board may purchase, lease, lease 12282  
with an option to purchase, or otherwise provide any fire 12283  
apparatus, appliances, materials, fire hydrants, and water supply 12284  
for fire-fighting purposes, or may contract for the fire 12285  
protection for the fire district as provided in section 9.60 of 12286  
the Revised Code. The fire district so created shall be given a 12287  
separate name by which it shall be known. 12288

Additional unincorporated territory of the township may be 12289  
added to a fire district upon the board's adoption of a resolution 12290  
authorizing the addition. A municipal corporation that is within 12291  
or adjoining the township may be added to a fire district upon the 12292  
board's adoption of a resolution authorizing the addition and the 12293  
municipal legislative authority's adoption of a resolution or 12294  
ordinance requesting the addition of the municipal corporation to 12295  
the fire district. 12296

If the township fire district imposes a tax, additional 12297  
unincorporated territory of the township or a municipal 12298  
corporation that is within or adjoining the township shall become 12299  
part of the fire district only after all of the following have 12300  
occurred: 12301

(1) Adoption by the board of township trustees of a 12302  
resolution approving the expansion of the territorial limits of 12303  
the district and, if the resolution proposes to add a municipal 12304  
corporation, adoption by the municipal legislative authority of a 12305  
resolution or ordinance requesting the addition of the municipal 12306  
corporation to the district; 12307

(2) Adoption by the board of township trustees of a 12308  
resolution recommending the extension of the tax to the additional 12309  
territory; 12310

(3) Approval of the tax by the electors of the territory 12311

proposed for addition to the district. 12312

Each resolution of the board adopted under division (C)(2) of 12313  
this section shall state the name of the fire district, a 12314  
description of the territory to be added, and the rate and 12315  
termination date of the tax, which shall be the rate and 12316  
termination date of the tax currently in effect in the fire 12317  
district. 12318

The board of trustees shall certify each resolution adopted 12319  
under division (C)(2) of this section to the board of elections in 12320  
accordance with section 5705.19 of the Revised Code. The election 12321  
required under division (C)(3) of this section shall be held, 12322  
canvassed, and certified in the manner provided for the submission 12323  
of tax levies under section 5705.25 of the Revised Code, except 12324  
that the question appearing on the ballot shall read: 12325

"Shall the territory within ..... 12326  
(description of the proposed territory to be added) be added to 12327  
..... (name) fire district, and a property tax 12328  
at a rate of taxation not exceeding ..... (here insert tax rate) 12329  
be in effect for ..... (here insert the number of years the 12330  
tax is to be in effect or "a continuing period of time," as 12331  
applicable)?" 12332

If the question is approved by at least a majority of the 12333  
electors voting on it, the joinder shall be effective as of the 12334  
first day of July of the year following approval, and on that 12335  
date, the township fire district tax shall be extended to the 12336  
taxable property within the territory that has been added. If the 12337  
territory that has been added is a municipal corporation and if it 12338  
had adopted a tax levy for fire purposes, the levy is terminated 12339  
on the effective date of the joinder. 12340

Any municipal corporation may withdraw from a township fire 12341  
district created under division (C) of this section by the 12342

adoption by the municipal legislative authority of a resolution or 12343  
ordinance ordering withdrawal. On the first day of July of the 12344  
year following the adoption of the resolution or ordinance of 12345  
withdrawal, the municipal corporation withdrawing ceases to be a 12346  
part of the district, and the power of the fire district to levy a 12347  
tax upon taxable property in the withdrawing municipal corporation 12348  
terminates, except that the fire district shall continue to levy 12349  
and collect taxes for the payment of indebtedness within the 12350  
territory of the fire district as it was composed at the time the 12351  
indebtedness was incurred. 12352

Upon the withdrawal of any municipal corporation from a 12353  
township fire district created under division (C) of this section, 12354  
the county auditor shall ascertain, apportion, and order a 12355  
division of the funds on hand, moneys and taxes in the process of 12356  
collection except for taxes levied for the payment of 12357  
indebtedness, credits, and real and personal property, either in 12358  
money or in kind, on the basis of the valuation of the respective 12359  
tax duplicates of the withdrawing municipal corporation and the 12360  
remaining territory of the fire district. 12361

A board of township trustees may remove unincorporated 12362  
territory of the township from the fire district upon the adoption 12363  
of a resolution authorizing the removal. On the first day of July 12364  
of the year following the adoption of the resolution, the 12365  
unincorporated township territory described in the resolution 12366  
ceases to be a part of the district, and the power of the fire 12367  
district to levy a tax upon taxable property in that territory 12368  
terminates, except that the fire district shall continue to levy 12369  
and collect taxes for the payment of indebtedness within the 12370  
territory of the fire district as it was composed at the time the 12371  
indebtedness was incurred. 12372

(D) The board of township trustees of any township, the board 12373  
of fire district trustees of a fire district created under section 12374

505.371 of the Revised Code, or the legislative authority of any 12375  
municipal corporation may purchase, lease, or lease with an option 12376  
to purchase the necessary fire-fighting equipment, buildings, and 12377  
sites for the township, fire district, or municipal corporation 12378  
and issue securities for that purpose with maximum maturities as 12379  
provided in section 133.20 of the Revised Code. The board of 12380  
township trustees, board of fire district trustees, or legislative 12381  
authority may also construct any buildings necessary to house 12382  
fire-fighting equipment and issue securities for that purpose with 12383  
maximum maturities as provided in section 133.20 of the Revised 12384  
Code. 12385

The board of township trustees, board of fire district 12386  
trustees, or legislative authority may issue the securities of the 12387  
township, fire district, or municipal corporation, signed by the 12388  
board or designated officer of the municipal corporation and 12389  
attested by the signature of the township fiscal officer, fire 12390  
district clerk, or municipal clerk, covering any deferred payments 12391  
and payable at the times provided, which securities shall bear 12392  
interest not to exceed the rate determined as provided in section 12393  
9.95 of the Revised Code, and shall not be subject to Chapter 133. 12394  
of the Revised Code. The legislation authorizing the issuance of 12395  
the securities shall provide for levying and collecting annually 12396  
by taxation, amounts sufficient to pay the interest on and 12397  
principal of the securities. The securities shall be offered for 12398  
sale on the open market or given to the vendor or contractor if no 12399  
sale is made. 12400

Section 505.40 of the Revised Code does not apply to any 12401  
securities issued, or any lease with an option to purchase entered 12402  
into, in accordance with this division. 12403

(E) A board of township trustees of any township or a board 12404  
of fire district trustees of a fire district created under section 12405  
505.371 of the Revised Code may purchase a policy or policies of 12406

liability insurance for the officers, employees, and appointees of 12407  
the fire department, fire district, or joint fire district 12408  
governed by the board that includes personal injury liability 12409  
coverage as to the civil liability of those officers, employees, 12410  
and appointees for false arrest, detention, or imprisonment, 12411  
malicious prosecution, libel, slander, defamation or other 12412  
violation of the right of privacy, wrongful entry or eviction, or 12413  
other invasion of the right of private occupancy, arising out of 12414  
the performance of their duties. 12415

When a board of township trustees cannot, by deed of gift or 12416  
by purchase and upon terms it considers reasonable, procure land 12417  
for a township fire station that is needed in order to respond in 12418  
reasonable time to a fire or medical emergency, the board may 12419  
appropriate land for that purpose under sections 163.01 to 163.22 12420  
of the Revised Code. If it is necessary to acquire additional 12421  
adjacent land for enlarging or improving the fire station, the 12422  
board may purchase, appropriate, or accept a deed of gift for the 12423  
land for these purposes. 12424

(F) As used in this division, "emergency medical service 12425  
organization" has the same meaning as in section 4766.01 of the 12426  
Revised Code. 12427

A board of township trustees, by adoption of an appropriate 12428  
resolution, may choose to have the ~~Ohio~~ state board of emergency 12429  
medical, fire, and transportation board services license any 12430  
emergency medical service organization it operates. If the board 12431  
adopts such a resolution, Chapter 4766. of the Revised Code, 12432  
except for sections 4766.06 and 4766.99 of the Revised Code, 12433  
applies to the organization. All rules adopted under the 12434  
applicable sections of that chapter also apply to the 12435  
organization. A board of township trustees, by adoption of an 12436  
appropriate resolution, may remove its emergency medical service 12437  
organization from the jurisdiction of the ~~Ohio~~ state board of 12438

emergency medical, fire, and transportation board services. 12439

**Sec. 505.375.** (A)(1)(a) The boards of township trustees of 12440  
one or more townships and the legislative authorities of one or 12441  
more municipal corporations, or the legislative authorities of two 12442  
or more municipal corporations, or the boards of township trustees 12443  
of two or more townships, may negotiate an agreement to form a 12444  
fire and ambulance district for the delivery of both fire and 12445  
ambulance services. The agreement shall be ratified by the 12446  
adoption of a joint resolution by a majority of the members of 12447  
each board of township trustees involved and a majority of the 12448  
members of the legislative authority of each municipal corporation 12449  
involved. The joint resolution shall specify a date on which the 12450  
fire and ambulance district shall come into being. 12451

(b) If a joint fire district created under section 505.371 of 12452  
the Revised Code or a joint ambulance district created under 12453  
section 505.71 of the Revised Code is dissolved to facilitate the 12454  
creation of a fire and ambulance district under division (A)(1)(a) 12455  
of this section, the townships and municipal corporations forming 12456  
the fire and ambulance district may transfer to the fire and 12457  
ambulance district any of the funds on hand, moneys and taxes in 12458  
the process of collection, credits, and real and personal property 12459  
apportioned to them under division (D) of section 505.371 of the 12460  
Revised Code or section 505.71 of the Revised Code, as applicable, 12461  
for use by the fire and ambulance district in accordance with this 12462  
section. 12463

(2)(a) The board of trustees of a joint ambulance district 12464  
created under section 505.71 of the Revised Code and the board of 12465  
fire district trustees of a joint fire district created under 12466  
section 505.371 of the Revised Code may negotiate to combine their 12467  
two joint districts into a single fire and ambulance district for 12468  
the delivery of both fire and ambulance services, if the 12469



geographic area covered by the combining joint districts is 12470  
exactly the same. Both boards shall adopt a joint resolution 12471  
ratifying the agreement and setting a date on which the fire and 12472  
ambulance district shall come into being. 12473

(b) On that date, the joint fire district and the joint 12474  
ambulance district shall cease to exist, and the power of each to 12475  
levy a tax upon taxable property shall terminate, except that any 12476  
levy of a tax for the payment of indebtedness within the territory 12477  
of the joint fire or joint ambulance district as it was composed 12478  
at the time the indebtedness was incurred shall continue to be 12479  
collected by the successor fire and ambulance district if the 12480  
indebtedness remains unpaid. All funds and other property of the 12481  
joint districts shall become the property of the fire and 12482  
ambulance district, unless otherwise provided in the negotiated 12483  
agreement. The agreement shall provide for the settlement of all 12484  
debts and obligations of the joint districts. 12485

(B)(1) The governing body of a fire and ambulance district 12486  
created under division (A)(1) or (2) of this section shall be a 12487  
board of trustees of at least three but no more than nine members, 12488  
appointed as provided in the agreement creating the district. 12489  
Members of the board may be compensated at a rate not to exceed 12490  
thirty dollars per meeting for not more than fifteen meetings per 12491  
year, and may be reimbursed for all necessary expenses incurred, 12492  
as provided in the agreement creating the district. 12493

(2) The board shall employ a clerk and other employees as it 12494  
considers best, including a fire chief or fire prevention 12495  
officers, and shall fix their compensation. Neither this section 12496  
nor any other section of the Revised Code requires, or shall be 12497  
construed to require, that the fire chief of a fire and ambulance 12498  
district be a resident of the district. 12499

Before entering upon the duties of office, the clerk shall 12500  
execute a bond, in the amount and with surety to be approved by 12501

the board, payable to the state, conditioned for the faithful 12502  
performance of all of the clerk's official duties. The clerk shall 12503  
deposit the bond with the presiding officer of the board, who 12504  
shall file a copy of it, certified by the presiding officer, with 12505  
the county auditor of the county containing the most territory in 12506  
the district. 12507

The board also shall provide for the appointment of a fiscal 12508  
officer for the district and may enter into agreements with 12509  
volunteer fire companies for the use and operation of 12510  
fire-fighting equipment. Volunteer firefighters acting under such 12511  
an agreement are subject to the requirements for volunteer 12512  
firefighters set forth in division (A) of section 505.38 of the 12513  
Revised Code. 12514

(3) Employees of the district shall not be removed from 12515  
office except as provided by sections 733.35 to 733.39 of the 12516  
Revised Code, except that, to initiate removal proceedings, the 12517  
board shall designate a private citizen or, if the employee is 12518  
employed as a firefighter, the board may designate the fire chief, 12519  
to investigate, conduct the proceedings, and prepare the necessary 12520  
charges in conformity with those sections, and except that the 12521  
board shall perform the functions and duties specified for the 12522  
municipal legislative authority under those sections. The board 12523  
may pay reasonable compensation to any private citizen hired for 12524  
services rendered in the matter. 12525

(4) No person shall be appointed as a permanent full-time 12526  
paid member of the district whose duties include fire fighting, or 12527  
be appointed as a volunteer firefighter, unless that person has 12528  
received a certificate issued under former section 3303.07 or 12529  
section 4765.55 of the Revised Code evidencing satisfactory 12530  
completion of a firefighter training program. The board may send 12531  
its officers and firefighters to schools of instruction designed 12532  
to promote the efficiency of firefighters and, if authorized in 12533

advance, may pay their necessary expenses from the funds used for 12534  
the maintenance and operation of the district. 12535

The board may choose, by adoption of an appropriate 12536  
resolution, to have the ~~Ohio~~ state board of emergency medical, 12537  
fire, and transportation board services license any emergency 12538  
medical service organization it operates. If the board adopts such 12539  
a resolution, Chapter 4766. of the Revised Code, except for 12540  
sections 4766.06 and 4766.99 of the Revised Code, applies to the 12541  
organization. All rules adopted under the applicable sections of 12542  
that chapter also apply to the organization. The board may remove, 12543  
by resolution, its emergency medical service organization from the 12544  
jurisdiction of the ~~Ohio~~ state board of emergency medical, fire, 12545  
and transportation board services. 12546

(C) The board of trustees of a fire and ambulance district 12547  
created under division (A)(1) or (2) of this section may exercise 12548  
the following powers: 12549

(1) Purchase or otherwise provide any fire apparatus, 12550  
mechanical resuscitators, or other fire or ambulance equipment, 12551  
appliances, or materials; fire hydrants; and water supply for 12552  
firefighting purposes that seems advisable to the board; 12553

(2) Provide for the care and maintenance of equipment and, 12554  
for that purpose, purchase, lease, lease with an option to 12555  
purchase, or construct and maintain necessary buildings; 12556

(3) Establish and maintain lines of fire-alarm communications 12557  
within the limits of the district; 12558

(4) Appropriate land for a fire station or medical emergency 12559  
unit needed in order to respond in reasonable time to a fire or 12560  
medical emergency, in accordance with Chapter 163. of the Revised 12561  
Code; 12562

(5) Purchase, appropriate, or accept a deed or gift of land 12563  
to enlarge or improve a fire station or medical emergency unit; 12564

(6) Purchase, lease, lease with an option to purchase,	12565
maintain, and use all materials, equipment, vehicles, buildings,	12566
and land necessary to perform its duties;	12567
(7) Contract for a period not to exceed three years with one	12568
or more townships, municipal corporations, counties, joint fire	12569
districts, joint ambulance districts, governmental agencies,	12570
nonprofit corporations, or private ambulance owners located either	12571
within or outside the state, to furnish or receive ambulance	12572
services or emergency medical services within the several	12573
territories of the contracting parties, if the contract is first	12574
authorized by all boards of trustees and legislative authorities	12575
concerned;	12576
(8) Establish reasonable charges for the use of ambulance or	12577
emergency medical services under the same conditions under which a	12578
board of fire district trustees may establish those charges under	12579
section 505.371 of the Revised Code;	12580
(9) Establish all necessary rules to guard against the	12581
occurrence of fires and to protect property and lives against	12582
damage and accidents;	12583
(10) Adopt a standard code pertaining to fire, fire hazards,	12584
and fire prevention prepared and promulgated by the state or by a	12585
public or private organization that publishes a model or standard	12586
code;	12587
(11) Provide for charges for false alarms at commercial	12588
establishments in the same manner as joint fire districts are	12589
authorized to do under section 505.391 of the Revised Code;	12590
(12) Issue bonds and other evidences of indebtedness, subject	12591
to Chapter 133. of the Revised Code, but only after approval by a	12592
vote of the electors of the district as provided by section 133.18	12593
of the Revised Code;	12594
(13) To provide the services and equipment it considers	12595

necessary, levy a sufficient tax, subject to Chapter 5705. of the Revised Code, on all the taxable property in the district.

(D) Any municipal corporation or township may join an existing fire and ambulance district, whether created under division (A)(1) or (2) of this section, by its legislative authority's adoption of a resolution requesting the membership and upon approval of the board of trustees of the district. Any municipal corporation or township may withdraw from a district, whether created under division (A)(1) or (2) of this section, by its legislative authority's adoption of a resolution ordering withdrawal. Upon its withdrawal, the municipal corporation or township ceases to be a part of the district, and the district's power to levy a tax on taxable property in the withdrawing township or municipal corporation terminates, except that the district shall continue to levy and collect taxes for the payment of indebtedness within the territory of the district as it was composed at the time the indebtedness was incurred.

Upon the withdrawal of any township or municipal corporation from a district, the county auditor of the county containing the most territory in the district shall ascertain, apportion, and order a division of the funds on hand, including funds in the ambulance and emergency medical services fund, moneys and taxes in the process of collection, except for taxes levied for the payment of indebtedness, credits, and real and personal property on the basis of the valuation of the respective tax duplicates of the withdrawing municipal corporation or township and the remaining territory of the district.

(E) As used in this section:

(1) "Governmental agency" includes all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of this or another state.

(2) "Emergency medical service organization" has the same meaning as in section 4766.01 of the Revised Code.

**Sec. 505.44.** As used in this section:

(A) "Emergency medical service organization" has the same meaning as in section 4765.01 of the Revised Code.

(B) "State agency" means all departments, boards, offices, commissions, agencies, colleges, universities, institutions, and other instrumentalities of this or another state.

In order to obtain the services of ambulance service organizations, to obtain additional services from ambulance service organizations in times of emergency, to obtain the services of emergency medical service organizations, or, if the township is located in a county with a population of forty thousand or less, to obtain the services of nonemergency patient transport service organizations, a township may enter into a contract with one or more state agencies, townships, municipal corporations, counties, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners, regardless of whether such state agencies, townships, municipal corporations, counties, nonprofit corporations, joint emergency medical services districts, fire and ambulance districts, or private ambulance owners are located within or outside the state, upon such terms as are agreed to by them, to furnish or receive services from ambulance or emergency medical service organizations or, if the township is located in a county with a population of forty thousand or less, to furnish or receive services from nonemergency patient transport service organizations, or may enter into a contract for the interchange of services from ambulance or emergency medical service organizations or, if the township is located in a county with a population of forty thousand or less, the interchange of services from

nonemergency patient transport service organizations, within the 12659  
several territories of the contracting parties, if the contract is 12660  
first authorized by the respective boards of township trustees, 12661  
the other legislative bodies, or the officer or body authorized to 12662  
contract on behalf of the state agency. Such contracts shall not 12663  
be entered into with a state agency or nonprofit corporation that 12664  
receives more than half of its operating funds from governmental 12665  
entities with the intention of directly competing with the 12666  
operation of other ambulance, emergency medical, or nonemergency 12667  
patient transport service organizations in the township unless the 12668  
state agency or nonprofit corporation is awarded the contract 12669  
after submitting the lowest and best bid to the board of township 12670  
trustees. 12671

The contract may provide for compensation upon such terms as 12672  
the parties may agree. 12673

Any township wishing to commence providing or wishing to 12674  
enter into a contract for the first time to furnish or obtain 12675  
services from nonemergency patient transport service organizations 12676  
on or after March 1, 1993, including a township in which a private 12677  
provider has been providing the service, shall demonstrate the 12678  
need for public funding for the service to, and obtain approval 12679  
from, the state board of emergency medical, fire, and 12680  
transportation services or its immediate successor board prior to 12681  
the establishment of a township-operated or township-funded 12682  
service. 12683

Sec. 505.59. The board of township trustees of a township 12684  
that withdraws or proposes by resolution to withdraw the 12685  
unincorporated territory of the township from a regional transit 12686  
authority under section 306.55 of the Revised Code may levy a tax 12687  
on taxable property in the unincorporated area of the township 12688  
under section 5705.72 of the Revised Code to provide 12689

transportation services for the movement of persons within, from, 12690  
or to the unincorporated area of the township. 12691

**Sec. 505.72.** (A) The board of trustees of a joint ambulance 12692  
district shall provide for the employment of such employees as it 12693  
considers best, and shall fix their compensation. Such employees 12694  
shall continue in office until removed as provided by sections 12695  
733.35 to 733.39 of the Revised Code. To initiate removal 12696  
proceedings, and for such purpose, the board shall designate a 12697  
private citizen to investigate the conduct and prepare the 12698  
necessary charges in conformity with sections 733.35 to 733.39 of 12699  
the Revised Code. The board may pay reasonable compensation to 12700  
such person for the person's services. 12701

In case of the removal of an employee of the district, an 12702  
appeal may be had from the decision of the board to the court of 12703  
common pleas of the county in which such district, or part of it, 12704  
is situated, to determine the sufficiency of the cause of removal. 12705  
Such appeal from the findings of the board shall be taken within 12706  
ten days. 12707

(B) As used in this division, "emergency medical service 12708  
organization" has the same meaning as in section 4765.01 of the 12709  
Revised Code. 12710

(1) In order to obtain the services of ambulance service 12711  
organizations, to obtain additional services from ambulance 12712  
service organizations in times of emergency, or to obtain the 12713  
services of emergency medical service organizations, a district 12714  
may enter into a contract, for a period not to exceed three years, 12715  
with one or more townships, municipal corporations, joint fire 12716  
districts, nonprofit corporations, any other governmental unit 12717  
that provides ambulance services or emergency medical services, or 12718  
with private ambulance owners, regardless of whether such 12719



townships, municipal corporations, joint fire districts, nonprofit 12720  
corporations, governmental unit, or private ambulance owners are 12721  
located within or without this state, upon such terms as are 12722  
agreed to, to furnish or receive services from ambulance or 12723  
emergency medical service organizations or the interchange of 12724  
services from ambulance or emergency medical service organizations 12725  
within the several territories of the contracting subdivisions, if 12726  
such contract is first authorized by all boards of trustees and 12727  
legislative authorities concerned. 12728

The contract may provide for a fixed annual charge to be paid 12729  
at the times agreed upon and stipulated in the contract, or for 12730  
compensation based upon a stipulated price for each run, call, or 12731  
emergency, or the elapsed time of service required in such run, 12732  
call, or emergency, or any combination thereof. 12733

(2) Expenditures of a district for the services of ambulance 12734  
service organizations or emergency medical service organizations, 12735  
whether pursuant to contract or otherwise, are lawful 12736  
expenditures, regardless of whether the district or the party with 12737  
which it contracts charges additional fees to users of the 12738  
services. 12739

(3) A district's board of trustees, by adoption of an 12740  
appropriate resolution, may choose to have the Ohio state board of 12741  
emergency medical, fire, and transportation board services license 12742  
any emergency medical service organization the district operates. 12743  
If a board adopts such a resolution, Chapter 4766. of the Revised 12744  
Code, except for sections 4766.06 and 4766.99 of the Revised Code, 12745  
applies to the district emergency medical service organization. 12746  
All rules adopted under the applicable sections of that chapter 12747  
also apply to the organization. A board, by adoption of an 12748  
appropriate resolution, may remove the district emergency medical 12749  
service organization from the jurisdiction of the Ohio state board 12750  
of emergency medical, fire, and transportation board services. 12751

(C) Ambulance services or emergency medical services rendered 12752  
for a joint ambulance district under this section and section 12753  
505.71 of the Revised Code shall be deemed services of the 12754  
district. These sections do not authorize suits against a district 12755  
or any township or municipal corporation providing or receiving, 12756  
or contracting to provide or receive, such services under these 12757  
sections for damages for injury or loss to persons or property or 12758  
for wrongful death caused by persons providing such services. 12759

**Sec. 705.18.** An annual appropriation ordinance shall be 12760  
prepared by the legislative authority of a municipal corporation 12761  
from estimates submitted by the mayor, the ~~chairman~~ chairperson of 12762  
the commission, or the city manager, as the case may be, in the 12763  
manner provided in section 705.17 of the Revised Code for the 12764  
annual tax ordinance. The annual appropriation ordinance shall be 12765  
submitted to the legislative authority at its first meeting ~~in~~ 12766  
January after the beginning of the municipal corporation's fiscal 12767  
year, and the total of any appropriation ordinance passed by such 12768  
legislative authority shall not exceed the total balances carried 12769  
over from the previous fiscal year plus the estimated revenue of 12770  
the current fiscal year. Supplemental appropriations shall not be 12771  
made during the current fiscal year except from an contingent fund 12772  
regularly set aside by the legislative authority in the annual 12773  
appropriation ordinance or unless by an ordinance passed as an 12774  
emergency measure. 12775

**Sec. 749.04.** When the legislative authority of a municipal 12776  
corporation enters upon and takes possession of grounds purchased, 12777  
appropriated, or otherwise obtained for hospital purposes, and, by 12778  
resolution or ordinance, determines to erect thereon or rebuild a 12779  
hospital, the erection and repair thereof or any addition thereto 12780  
shall be vested in a ~~board of five commissioners,~~ called the board 12781  
of hospital commissioners, as established under this section. 12782

Such board shall consist of the mayor, ~~who, by virtue of his~~ 12783  
~~office, shall be its president,~~ and four at least three trustees, 12784  
to be appointed by the mayor with the consent of the legislative 12785  
authority. The members of such board shall be resident freehold 12786  
electors of the municipal corporation, and they shall receive no 12787  
compensation for their services. 12788

**Sec. 749.05.** The term of office of the appointed members of 12789  
the board of hospital commissioners shall be four years, but the 12790  
members first appointed shall hold their offices, respectively, as 12791  
determined by lot at the first meeting of the board, for the 12792  
periods of one, two, three, and four years, and thereafter one 12793  
member shall be appointed each year for the full term of four 12794  
years. A The mayor with the consent of the legislative authority 12795  
shall fill any vacancy on the board of hospital commissioners not 12796  
later than sixty days after the vacancy occurs. If the vacancy 12797  
remains unfilled on that date, the legislative authority shall 12798  
have thirty additional days to fill the vacancy. If the vacancy 12799  
remains unfilled for ninety days after the vacancy occurs, the 12800  
remaining members of the board, by majority vote, shall appoint an 12801  
individual to fill the vacancy. Any member appointed to fill a 12802  
vacancy occurring prior to the expiration date of the term for 12803  
which the member's predecessor was appointed shall hold office as 12804  
a member for the remainder of that term. 12805

A majority of the board shall constitute a quorum. 12806

**Sec. 749.18.** If an agreement under section 749.16 of the 12807  
Revised Code concerns or includes participation of a joint 12808  
township hospital district, or of a county, in the maintenance and 12809  
operation of a municipal hospital, the municipal corporation may 12810  
establish a board of governors to exercise, subject to such 12811  
further limitations as are imposed by the agreement, the powers 12812  
vested in the board of hospital commissioners, provided that any 12813

such limitations shall not deny the board of governors the 12814  
authority to retain counsel, to institute legal action in its own 12815  
name, or to employ any other lawful means, for the collection of 12816  
delinquent accounts. The board of governors may include in its 12817  
membership representatives of a participating district who are 12818  
electors of the district, or of a participating county who are 12819  
electors of that county or an adjacent county, as are provided for 12820  
in the agreement. 12821

Except as otherwise provided in this section, the municipal 12822  
members of the board of governors shall consist of the mayor, ~~who~~ 12823  
~~by virtue of that office shall be its president,~~ and four at least 12824  
three resident freeholders of the municipal corporation, at least 12825  
one of whom shall be a doctor of medicine, to be appointed by the 12826  
mayor with the consent of the legislative authority. However, if 12827  
necessary to secure qualified individuals to serve on the board of 12828  
governors, the municipal members of the board may be residents of 12829  
the county in which the municipal corporation is located or of an 12830  
adjacent county. ~~The~~ 12831

The term of office of these municipal members of the board of 12832  
governors shall be as provided in section 749.05 of the Revised 12833  
Code and vacancies on the board with respect to those members 12834  
shall be filled as provided in that section. Unless otherwise 12835  
provided in the agreement, any vacancy on the board with respect 12836  
to a member appointed by a participating joint township hospital 12837  
district or county shall be filled by the appointing body not 12838  
later than ninety days after the vacancy occurs and if the vacancy 12839  
remains unfilled on that date, the remaining members of the board, 12840  
by majority vote, shall appoint an individual to fill the vacancy. 12841  
Unless otherwise provided in the agreement, vacancies on the board 12842  
with respect to any other members shall be filled by the remaining 12843  
members of the board, by majority vote. Any member appointed to 12844  
fill a vacancy occurring prior to the expiration date of the term 12845

for which the member's predecessor was appointed shall hold office 12846  
as a member for the remainder of that term. 12847

The board of governors, subject to the terms of the 12848  
agreement, shall establish regulations and elect officers, ~~other~~ 12849  
~~than president,~~ as its members determine. The members shall be 12850  
entitled to the compensation for their services provided by the 12851  
agreement. 12852

**Sec. 901.53.** (A) As used in this section, "agricultural 12853  
structure" means any building or structure that is used in 12854  
production, growing, harvesting, or housing for the purposes of 12855  
agriculture. 12856

(B) With regard to fire prevention and safety, agriculture 12857  
and agricultural structures are subject only to the state fire 12858  
code established in rules adopted under section 3737.82 of the 12859  
Revised Code and not to any other requirements governing fire 12860  
prevention and safety. 12861

**Sec. 901.54.** ~~(A)~~ There is hereby created the office of 12862  
farmland preservation within the department of agriculture. The 12863  
office shall do all of the following: 12864

~~(1)~~(A) Prepare guidelines and criteria for use in the 12865  
development of comprehensive local land use plans that encourage 12866  
the efficient use of public infrastructure and the preservation of 12867  
farmland; 12868

~~(2)~~(B) Establish a farmland preservation program to 12869  
coordinate and assist local farmland preservation initiatives; 12870

~~(3)~~ ~~Administer the pilot farmland preservation fund~~ 12871  
~~established in division (B) of this section;~~ 12872

~~(4)~~(C) Educate existing agencies and organizations on the 12873  
importance of farmland preservation and on the significance of 12874

agriculture and agribusiness to this state's economy; 12875

~~(5)(D)~~ Serve as a liaison with other farmland preservation 12876  
entities operating on a state, regional, or national level; 12877

~~(6)(E)~~ Prepare an inventory of farmland within this state to 12878  
monitor the development of lands within this state having prime 12879  
soils or unique microclimates. 12880

~~(B) There is hereby created in the state treasury the pilot 12881  
farmland preservation fund consisting of moneys received by the 12882  
office of farmland preservation for the purposes of the fund. The 12883  
fund shall be administered by the office of farmland preservation. 12884  
Moneys in the fund shall be used to leverage or match other 12885  
farmland preservation funds provided from federal, local, or 12886  
private sources. 12887~~

**Sec. 924.51.** (A) There is hereby created the Ohio grape 12889  
industries committee consisting of nine members. The members shall 12890  
be the director of agriculture or the director's designee, who 12891  
shall chair the committee, the superintendent of liquor control or 12892  
the superintendent's designee, the chief of the division of 12893  
markets of the department of agriculture, the viticulture 12894  
extension specialist of the Ohio agricultural research and 12895  
development center, who shall be a nonvoting member, and five 12896  
members who shall be residents of this state and appointed by the 12897  
director of agriculture. 12898

(B) Of the five members of the committee appointed by the 12899  
director of agriculture, not less than two, but not more than 12900  
three shall be persons who receive ~~the major portion of their~~ 12901  
income from the production of grapes or grape products. ~~The term~~ 12902  
~~of one of these members shall begin January 1, 1982, and end~~ 12903  
~~December 31, 1982, and the second member's term shall begin~~ 12904  
~~January 1, 1982, and end December 31, 1983. Two~~ Not less than two, 12905  
but not more than three members shall be persons who receive ~~the~~ 12906

~~major portion of their~~ income from the production of wine from raw 12907  
grape or fruit products in either raw fruit or fresh juice form. 12908  
~~The term of one of these members shall begin January 1, 1982, and~~ 12909  
~~end December 31, 1982, and the second member's term shall begin~~ 12910  
~~January 1, 1982, and end December 31, 1983. One member shall be a~~ 12911  
~~person the major portion of whose income is from the production of~~ 12912  
~~grape products other than wine, such as juice, jams, or jellies;~~ 12913  
~~that member's term shall begin January 1, 1982, and end December~~ 12914  
~~31, 1984. Thereafter, the~~ At no time shall the director appoint 12915  
more than five members to the committee. The terms for each 12916  
appointed member of the committee shall be for three years, 12917  
commencing on the first day of January and ending on the 12918  
thirty-first day of December. No appointed member shall serve more 12919  
than two consecutive terms. The director may remove any appointed 12920  
member for cause. 12921

(C) Members shall be appointed to fill vacancies caused by 12922  
death, resignation, or removal in the same manner prescribed for 12923  
regular appointment to the committee. Any member appointed to fill 12924  
a vacancy occurring prior to the expiration of the term for which 12925  
the member's predecessor was appointed shall hold office for the 12926  
remainder of the term. Any member shall continue in office 12927  
subsequent to the expiration date of that member's term until that 12928  
member's successor takes office, or until a period of ~~sixty one~~ 12929  
hundred eighty days has elapsed, whichever occurs first. 12930

(D) All members of the committee are entitled to their actual 12931  
and necessary expenses incurred in the performance of their duties 12932  
as members, payable from moneys received from the Ohio grape 12933  
industries fund created under section 924.54 of the Revised Code. 12934

(E) A majority of the committee constitutes a quorum. 12935

**Sec. 955.16.** (A) Dogs that have been seized by the county dog 12936  
warden and impounded shall be kept, housed, and fed for three days 12937

for the purpose of redemption, as provided by section 955.18 of 12938  
the Revised Code, unless any of the following applies: 12939

(1) Immediate humane destruction of the dog is necessary 12940  
because of obvious disease or injury. If the diseased or injured 12941  
dog is registered, as determined from the current year's 12942  
registration list maintained by the warden and the county auditor 12943  
of the county where the dog is registered, the necessity of 12944  
destroying the dog shall be certified by a licensed veterinarian 12945  
or a registered veterinary technician. If the dog is not 12946  
registered, the decision to destroy it shall be made by the 12947  
warden. 12948

(2) The dog is currently registered on the registration list 12949  
maintained by the warden and the auditor of the county where the 12950  
dog is registered and the attempts to notify the owner, keeper, or 12951  
harborer under section 955.12 of the Revised Code have failed, in 12952  
which case the dog shall be kept, housed, and fed for fourteen 12953  
days for the purpose of redemption. 12954

(3) The warden has contacted the owner, keeper, or harborer 12955  
under section 955.12 of the Revised Code, and the owner, keeper, 12956  
or harborer has requested that the dog remain in the pound or 12957  
animal shelter until the owner, harborer, or keeper redeems the 12958  
dog. The time for such redemption shall be not more than 12959  
forty-eight hours following the end of the appropriate redemption 12960  
period. 12961

At any time after such periods of redemption, any dog not 12962  
redeemed shall be donated to any nonprofit special agency that is 12963  
engaged in the training of any type of assistance dogs and that 12964  
requests that the dog be donated to it. Any dog not redeemed that 12965  
is not requested by such an agency may be sold, except that no dog 12966  
sold to a person other than a nonprofit teaching or research 12967  
institution or organization of the type described in division (B) 12968  
of this section shall be discharged from the pound or animal 12969



shelter until the animal has been registered and furnished with a 12970  
valid registration tag. 12971

(B) Any dog that is not redeemed within the applicable period 12972  
as specified in this section or section 955.12 of the Revised Code 12973  
from the time notice is mailed to its owner, keeper, or harborer 12974  
or is posted at the pound or animal shelter, as required by 12975  
section 955.12 of the Revised Code, and that is not required to be 12976  
donated to a nonprofit special agency engaged in the training of 12977  
any type of assistance dogs may, upon payment to the dog warden or 12978  
poundkeeper of the sum of three dollars, be sold to any nonprofit 12979  
Ohio institution or organization that is certified by the ~~Ohio~~ 12980  
~~public director of health council~~ as being engaged in teaching or 12981  
research concerning the prevention and treatment of diseases of 12982  
human beings or animals. Any dog that is donated to a nonprofit 12983  
special agency engaged in the training of any type of assistance 12984  
dogs in accordance with division (A) of this section and any dog 12985  
that is sold to any nonprofit teaching or research institution or 12986  
organization shall be discharged from the pound or animal shelter 12987  
without registration and may be kept by the agency or by the 12988  
institution or organization without registration so long as the 12989  
dog is being trained, or is being used for teaching and research 12990  
purposes. 12991

Any institution or organization certified by the ~~Ohio public~~ 12992  
~~health council~~ director that obtains dogs for teaching and 12993  
research purposes pursuant to this section shall, at all 12994  
reasonable times, make the dogs available for inspection by agents 12995  
of the Ohio humane society, appointed pursuant to section 1717.04 12996  
of the Revised Code, and agents of county humane societies, 12997  
appointed pursuant to section 1717.06 of the Revised Code, in 12998  
order that the agents may prevent the perpetration of any act of 12999  
cruelty, as defined in section 1717.01 of the Revised Code, to the 13000  
dogs. 13001

(C) Any dog that the dog warden or poundkeeper is unable to dispose of, in the manner provided by this section and section 955.18 of the Revised Code, may be humanely destroyed, except that no dog shall be destroyed until twenty-four hours after it has been offered to a nonprofit teaching or research institution or organization, as provided in this section, that has made a request for dogs to the dog warden or poundkeeper.

(D) An owner of a dog that is wearing a valid registration tag who presents the dog to the dog warden or poundkeeper may specify in writing that the dog shall not be offered to a nonprofit teaching or research institution or organization, as provided in this section.

(E) A record of all dogs impounded, the disposition of the same, the owner's name and address, if known, and a statement of costs assessed against the dogs shall be kept by the poundkeeper, and the poundkeeper shall furnish a transcript thereof to the county treasurer quarterly.

A record of all dogs received and the source that supplied them shall be kept, for a period of three years from the date of acquiring the dogs, by all institutions or organizations engaged in teaching or research concerning the prevention and treatment of diseases of human beings or animals.

(F) No person shall destroy any dog by the use of a high altitude decompression chamber or by any method other than a method that immediately and painlessly renders the dog initially unconscious and subsequently dead.

**Sec. 955.26.** Whenever, in the judgment of the director of health, any city or general health district board of health, or persons performing the duties of a board of health, rabies is prevalent, the director of health, the board, or those persons shall declare a quarantine of all dogs in the health district or

in a part of it. During the quarantine, the owner, keeper, or 13033  
harborer of any dog shall keep it confined on the premises of the 13034  
owner, keeper, or harborer, or in a suitable pound or kennel, at 13035  
the expense of the owner, keeper, or harborer, except that a dog 13036  
may be permitted to leave the premises of its owner, keeper, or 13037  
harborer if it is under leash or under the control of a 13038  
responsible person. The quarantine order shall be considered an 13039  
emergency and need not be published. 13040

When the quarantine has been declared, the director of 13041  
health, the board, or those persons may require vaccination for 13042  
rabies of all dogs within the health district or part of it. Proof 13043  
of rabies vaccination within a satisfactory period shall be 13044  
demonstrated to the county auditor before any registration is 13045  
issued under section 955.01 of the Revised Code for any dog that 13046  
is required to be vaccinated. 13047

The ~~public health council~~ director shall determine 13048  
appropriate methods of rabies vaccination and satisfactory periods 13049  
for purposes of quarantines under this section. 13050

When a quarantine of dogs has been declared in any health 13051  
district or part of a health district, the county dog warden and 13052  
all other persons having the authority of police officers shall 13053  
assist the health authorities in enforcing the quarantine order. 13054  
When rabies vaccination has been declared compulsory in any health 13055  
district or part of a health district, the dog warden shall assist 13056  
the health authorities in enforcing the vaccination order. 13057

Notwithstanding the provisions of this section, a city or 13058  
general health district board of health may make orders pursuant 13059  
to sections 3709.20 and 3709.21 of the Revised Code requiring the 13060  
vaccination of dogs. 13061

**Sec. 991.02.** (A) There is hereby created the Ohio expositions 13062  
commission, which shall consist of the following ~~thirteen~~ fourteen 13063

members: nine members appointed by the governor with the advice 13064  
and consent of the senate; the director of development, the 13065  
director of natural resources, and the director of agriculture, or 13066  
their designated representatives, who shall be ex officio members 13067  
with voting rights of ~~such~~ the commission; and the ~~chairman~~ 13068  
chairperson of the standing committee in the house of 13069  
representatives to which matters dealing with agriculture are 13070  
generally referred and the ~~chairman~~ chairperson of the standing 13071  
committee in the senate to which matters dealing with agriculture 13072  
are generally referred, who shall be nonvoting members. If the 13073  
senate is not in session, recess appointments shall be made by the 13074  
governor. 13075

(B) Of the nine members of the commission appointed by the 13076  
governor, not more than five shall be from one political party, at 13077  
least three members shall receive the major portion of their 13078  
income from farming, and at least one member shall, at the time of 13079  
~~his~~ appointment, be a member of the board of directors of an 13080  
agricultural society ~~which~~ that was organized in compliance with 13081  
section 1711.01 or 1711.02 of the Revised Code. Terms of office 13082  
shall be for six years, commencing on the second day of December 13083  
and ending on the first day of December. Each member shall hold 13084  
office from the date of ~~his~~ appointment until the end of the term 13085  
for which ~~he~~ the member was appointed. Any member appointed to 13086  
fill a vacancy occurring prior to the expiration of the term for 13087  
which ~~his~~ the member's predecessor was appointed shall hold office 13088  
for the remainder of ~~such~~ that term. Any member shall continue in 13089  
office subsequent to the expiration date of ~~his~~ the member's term 13090  
until ~~his~~ the member's successor takes office, or until a period 13091  
of sixty days has elapsed, whichever occurs first. 13092

The term of each nonvoting, legislative member of the 13093  
commission shall be for two years or until the end of the member's 13094  
legislative term, whichever occurs first. 13095

(C) The commission shall annually, during the month of 13096  
December, select from among its members a ~~chairman~~ chairperson, a 13097  
~~vice-chairman~~ vice-chairperson, who in the absence of the ~~chairman~~ 13098  
chairperson shall carry out ~~his~~ the chairperson's duties, and a 13099  
secretary, who may be a member or employee of the commission, to 13100  
record the minutes of its meetings and to carry out such other 13101  
duties as may be assigned by the commission, its ~~chairman~~ 13102  
chairperson, or ~~vice-chairman~~ its vice-chairperson. 13103

(D) The director of agriculture, the director of natural 13104  
resources, and the director of development, or their designated 13105  
representatives, and the two legislators appointed to the 13106  
commission, as members of the commission shall serve without 13107  
compensation. 13108

(E) Each of the members of the commission appointed by the 13109  
governor shall be paid the rate established pursuant to division 13110  
(J) of section 124.15 of the Revised Code. All members of the 13111  
commission are entitled to their actual and necessary expenses 13112  
incurred in the performance of their duties as such members, 13113  
payable from the appropriations for the commission. 13114

(F) The commission shall hold at least one regular meeting in 13115  
each quarter of each calendar year, and shall keep a record of its 13116  
proceedings, which shall be open to the public for inspection. 13117  
Special meetings may be called by the ~~chairman~~ chairperson and 13118  
shall be called by ~~him~~ the chairperson upon receipt of a written 13119  
request therefor signed by two or more members of the commission. 13120  
Written notice of the time and place of each meeting shall be sent 13121  
to each member of the commission. Six of the voting members of the 13122  
commission shall constitute a quorum. 13123

(G) The commission shall employ and prescribe the powers and 13124  
duties of a general manager who shall serve in the unclassified 13125  
civil service at a salary fixed pursuant to section 124.14 of the 13126  
Revised Code. The general manager may employ such assistant 13127

managers as ~~he~~ the general manager and the commission may approve. 13128  
At no time shall such assistant managers exceed four in number, 13129  
one of whom shall be appointed in the classified civil service. 13130  
The general manager may, subject to the approval of the 13131  
commission, employ a fiscal officer and such other officers, 13132  
employees, and consultants with such powers and duties as are 13133  
necessary to carry out ~~sections 991.01 to 991.07 of the Revised~~ 13134  
~~Code~~ this chapter. With the approval of the commission and in 13135  
order to implement this chapter, the general manager may employ 13136  
and fix the compensation of seasonal employees; these employees 13137  
shall be in the unclassified civil service, and the overtime pay 13138  
requirements of section 124.18 of the Revised Code do not apply to 13139  
them. The general manager shall be considered the appointing 13140  
authority of the commission for purposes of Chapter 124. of the 13141  
Revised Code. 13142

(H) The governor may remove any appointed voting member of 13143  
the commission at any time for inefficiency, neglect of duty, or 13144  
malfeasance in office. 13145

**Sec. 1121.23.** Whenever the approval of the superintendent of 13146  
financial institutions is required under Chapters 1101. to 1127. 13147  
of the Revised Code, or under an order or supervisory action 13148  
issued or taken under those chapters, for a person to serve as an 13149  
organizer, incorporator, director, executive officer, or 13150  
controlling shareholder of a bank, or to otherwise have a 13151  
substantial interest in or participate in the management of a 13152  
bank, the superintendent shall request the superintendent of the 13153  
bureau of criminal identification and investigation, or a vendor 13154  
approved by the bureau, to conduct a criminal records check based 13155  
on the person's fingerprints in accordance with ~~division (A)(14)~~ 13156  
~~of~~ section 109.572 of the Revised Code. The superintendent of 13157  
financial institutions shall request that criminal record 13158  
information from the federal bureau of investigation be obtained 13159

as part of the criminal records check. Any fee required under 13160  
division (C)(3) of section 109.572 of the Revised Code shall be 13161  
paid by the person who is the subject of the request. 13162

**Sec. 1155.03.** Whenever the approval of the superintendent of 13163  
financial institutions is required under Chapters 1151. to 1157. 13164  
of the Revised Code, or under an order or supervisory action 13165  
issued or taken under those chapters, for a person to serve as an 13166  
organizer, incorporator, director, executive officer, or 13167  
controlling person of a savings and loan association, or to 13168  
otherwise have a substantial interest in or participate in the 13169  
management of a savings and loan association, the superintendent 13170  
shall request the superintendent of the bureau of criminal 13171  
identification and investigation, or a vendor approved by the 13172  
bureau, to conduct a criminal records check based on the person's 13173  
fingerprints in accordance with ~~division (A)(14)~~ of section 13174  
109.572 of the Revised Code. The superintendent of financial 13175  
institutions shall request that criminal record information from 13176  
the federal bureau of investigation be obtained as part of the 13177  
criminal records check. Any fee required under division (C)(3) of 13178  
section 109.572 of the Revised Code shall be paid by the person 13179  
who is the subject of the request. 13180

**Sec. 1163.05.** Whenever the approval of the superintendent of 13181  
financial institutions is required under Chapters 1161. to 1165. 13182  
of the Revised Code, or under an order or supervisory action 13183  
issued or taken under those chapters, for a person to serve as an 13184  
organizer, incorporator, director, executive officer, or 13185  
controlling person of a savings bank, or to otherwise have a 13186  
substantial interest in or participate in the management of a 13187  
savings bank, the superintendent shall request the superintendent 13188  
of the bureau of criminal identification and investigation, or a 13189

vendor approved by the bureau, to conduct a criminal records check 13190  
based on the person's fingerprints in accordance with ~~division~~ 13191  
~~(A)(14)~~ of section 109.572 of the Revised Code. The superintendent 13192  
of financial institutions shall request that criminal record 13193  
information from the federal bureau of investigation be obtained 13194  
as part of the criminal records check. Any fee required under 13195  
division (C)(3) of section 109.572 of the Revised Code shall be 13196  
paid by the person who is the subject of the request. 13197

**Sec. 1315.141.** Whenever the approval of the superintendent of 13198  
financial institutions is required under sections 1315.01 to 13199  
1315.18 of the Revised Code, or under an order or supervisory 13200  
action issued or taken under those sections, for a person to serve 13201  
as an organizer, incorporator, director, executive officer, or 13202  
controlling person of a licensee, or to otherwise have a 13203  
substantial interest in or participate in the management of a 13204  
licensee, the superintendent shall request the superintendent of 13205  
the bureau of criminal identification and investigation, or a 13206  
vendor approved by the bureau, to conduct a criminal records check 13207  
based on the person's fingerprints in accordance with ~~division~~ 13208  
~~(A)(14)~~ of section 109.572 of the Revised Code. The superintendent 13209  
of financial institutions shall request that criminal record 13210  
information from the federal bureau of investigation be obtained 13211  
as part of the criminal records check. Any fee required under 13212  
division (C)(3) of section 109.572 of the Revised Code shall be 13213  
paid by the person who is the subject of the request. 13214

**Sec. 1317.05.** (A) Any retail seller who, in any retail 13215  
installment contract, has agreed to purchase insurance for the 13216  
retail buyer and to extend credit for the price thereof, shall, 13217  
prior to the due date of the first installment of the retail 13218  
installment contract, deliver to the retail buyer personally, or 13219



mail or cause to be mailed to ~~him~~ the retail buyer at ~~his~~ the 13220  
retail buyer's address as shown on the retail installment 13221  
contract, the policy of insurance, or in lieu thereof a 13222  
certificate of insurance, or the retail buyer is not liable on ~~his~~ 13223  
the retail buyer's retail installment contract until the policy, 13224  
or certificate of insurance, is received, or full refund is made 13225  
of the insurance premium. 13226

If the premium for insurance of like kind and amount, as 13227  
fixed in the published manual of a recognized standard rating 13228  
bureau designated by the retail seller, is less than the amount 13229  
charged the retail buyer as fixed in the written instrument in 13230  
compliance with division (D) of section 1317.04 of the Revised 13231  
Code, the retail buyer may deduct an amount equal to three times 13232  
the difference from the amount owed the retail seller, or ~~his~~ the 13233  
retail seller's successor in interest. Sections 1317.01 to 13234  
1317.11, inclusive, of the Revised Code do not impair the 13235  
authority of the superintendent of insurance to grant, renew, or 13236  
revoke licenses, nor do said sections authorize anyone other than 13237  
a licensee of the division of insurance to directly or indirectly 13238  
receive any part of the amount charged for insurance in connection 13239  
with any retail installment sale. 13240

(B) As used in this division, "debt cancellation or debt 13241  
suspension product" means a contractual agreement in which a 13242  
retail seller, or its assignee, agrees for a separate charge to 13243  
cancel or waive all or a part of amounts due on a retail buyer's 13244  
retail installment contract in the event of a total physical 13245  
damage loss or unrecovered theft of the motor vehicle that is the 13246  
subject of the contract. "Debt cancellation or debt suspension 13247  
product" includes a guaranteed asset protection waiver, guaranteed 13248  
auto protection waiver, or other similarly named agreement. 13249

A debt cancellation or debt suspension product, and an 13250  
addendum to a retail installment contract containing a debt 13251

cancellation or debt suspension product, shall be considered a 13252  
part of the retail installment contract and shall remain a part of 13253  
that contract upon the assignment, sale, or transfer of that 13254  
contract. The charge for any debt cancellation or debt suspension 13255  
product shall be listed as a specific good. The purchase price and 13256  
the terms of the debt cancellation or debt suspension product 13257  
shall be disclosed in writing to the buyer. The extension of 13258  
credit, terms of the credit, or the terms of the related motor 13259  
vehicle sale or lease shall not be conditioned on the purchase of 13260  
the debt cancellation or debt suspension product. Notwithstanding 13261  
any other provision of law, a debt cancellation or debt suspension 13262  
product shall not be considered insurance. 13263

**Sec. 1321.37.** (A) Application for an original or renewal 13264  
license to make short-term loans shall be in writing, under oath, 13265  
and in the form prescribed by the superintendent of financial 13266  
institutions, and shall contain the name and address of the 13267  
applicant, the location where the business of making loans is to 13268  
be conducted, and any further information as the superintendent 13269  
requires. At the time of making an application for an original 13270  
license, the applicant shall pay to the superintendent a 13271  
nonrefundable investigation fee of two hundred dollars. No 13272  
investigation fee or any portion thereof shall be refunded after 13273  
an original license has been issued. The application for an 13274  
original or renewal license shall be accompanied by an original or 13275  
renewal license fee, for each business location of one thousand 13276  
dollars, except that applications for original licenses issued on 13277  
or after the first day of July for any year shall be accompanied 13278  
by an original license fee of five hundred dollars, and except 13279  
that an application for an original or renewal license, for a 13280  
nonprofit corporation that is incorporated under Chapter 1702. of 13281  
the Revised Code, shall be accompanied by an original or renewal 13282  
license fee, for each business location, that is one-half of the 13283

fee otherwise required. All fees paid to the superintendent 13284  
pursuant to this division shall be deposited into the state 13285  
treasury to the credit of the consumer finance fund. 13286

(B) Upon the filing of an application for an original license 13287  
and, with respect to an application filed for a renewal license, 13288  
on a schedule determined by the superintendent by rule adopted 13289  
pursuant to section 1321.43 of the Revised Code, and the payment 13290  
of fees in accordance with division (A) of this section, the 13291  
superintendent shall investigate the facts concerning the 13292  
applicant and the requirements provided by this division. The 13293  
superintendent shall request the superintendent of the bureau of 13294  
criminal identification and investigation, or a vendor approved by 13295  
the bureau, to conduct a criminal records check based on the 13296  
applicant's fingerprints in accordance with ~~division (A)(12)~~ of 13297  
section 109.572 of the Revised Code. Notwithstanding division (K) 13298  
of section 121.08 of the Revised Code, the superintendent of 13299  
financial institutions shall request that criminal record 13300  
information from the federal bureau of investigation be obtained 13301  
as part of the criminal records check. The superintendent of 13302  
financial institutions shall conduct a civil records check. The 13303  
superintendent shall approve an application and issue an original 13304  
or renewal license to the applicant if the superintendent finds 13305  
all of the following: 13306

(1) The financial responsibility, experience, reputation, and 13307  
general fitness of the applicant are such as to warrant the belief 13308  
that the business of making loans will be operated lawfully, 13309  
honestly, and fairly under sections 1321.35 to 1321.48 of the 13310  
Revised Code and within the purposes of those sections; that the 13311  
applicant has fully complied with those sections and any rule or 13312  
order adopted or issued pursuant to section 1321.43 of the Revised 13313  
Code; and that the applicant is qualified to engage in the 13314  
business of making loans under sections 1321.35 to 1321.48 of the 13315

Revised Code. 13316

(2) The applicant is financially sound and has a net worth of 13317  
not less than one hundred thousand dollars, or in the case of a 13318  
nonprofit corporation that is incorporated under Chapter 1702. of 13319  
the Revised Code, a net worth of not less than fifty thousand 13320  
dollars. The applicant's net worth shall be computed according to 13321  
generally accepted accounting principles. 13322

(3) The applicant has never had revoked a license to make 13323  
loans under sections 1321.35 to 1321.48 of the Revised Code, under 13324  
former sections 1315.35 to 1315.44 of the Revised Code, or to do 13325  
business under sections 1315.21 to 1315.30 of the Revised Code. 13326

(4) Neither the applicant nor any senior officer, or partner 13327  
of the applicant, has pleaded guilty to or been convicted of any 13328  
criminal offense involving theft, receiving stolen property, 13329  
embezzlement, forgery, fraud, passing bad checks, money 13330  
laundering, or drug trafficking, or any criminal offense involving 13331  
money or securities or any violation of an existing or former law 13332  
of this state, any other state, or the United States that 13333  
substantially is equivalent to a criminal offense described in 13334  
that division. However, if the applicant or any of those other 13335  
persons has pleaded guilty to or been convicted of any such 13336  
offense other than theft, the superintendent shall not consider 13337  
the offense if the applicant has proven to the superintendent, by 13338  
a preponderance of the evidence, that the applicant's or other 13339  
person's activities and employment record since the conviction 13340  
show that the applicant or other person is honest, truthful, and 13341  
of good reputation, and there is no basis in fact for believing 13342  
that the applicant or other person will commit such an offense 13343  
again. 13344

(5) Neither the applicant nor any senior officer, or partner 13345  
of the applicant, has been subject to any adverse judgment for 13346  
conversion, embezzlement, misappropriation of funds, fraud, 13347

misfeasance or malfeasance, or breach of fiduciary duty, or if the applicant or any of those other persons has been subject to such a judgment, the applicant has proven to the superintendent, by a preponderance of the evidence, that the applicant's or other person's activities and employment record since the judgment show that the applicant or other person is honest, truthful, and of good reputation, and there is no basis in fact for believing that the applicant or other person will be subject to such a judgment again.

(C) If the superintendent finds that the applicant does not meet the requirements of division (B) of this section, or the superintendent finds that the applicant knowingly or repeatedly contracts with or employs persons to directly engage in lending activities who have been convicted of a felony crime listed in division (B)(5) of this section, the superintendent shall issue an order denying the application for an original or renewal license and giving the applicant an opportunity for a hearing on the denial in accordance with Chapter 119. of the Revised Code. The superintendent shall notify the applicant of the denial, the grounds for the denial, and the applicant's opportunity for a hearing. If the application is denied, the superintendent shall return the annual license fee but shall retain the investigation fee.

(D) No person licensed under sections 1321.35 to 1321.48 of the Revised Code shall conduct business in this state unless the licensee has obtained and maintains in effect at all times a corporate surety bond issued by a bonding company or insurance company authorized to do business in this state. The bond shall be in favor of the superintendent and in the penal sum of at least one hundred thousand dollars, or in the case of a nonprofit corporation that is incorporated under Chapter 1702. of the Revised Code, in the amount of fifty thousand dollars. The term of

the bond shall coincide with the term of the license. The licensee 13380  
shall file a copy of the bond with the superintendent. The bond 13381  
shall be for the exclusive benefit of any borrower injured by a 13382  
violation by a licensee or any employee of a licensee, of any 13383  
provision of sections 1321.35 to 1321.48 of the Revised Code. 13384

**Sec. 1321.52.** (A)(1) No person, on that person's own behalf 13385  
or on behalf of any other person, shall do any of the following 13386  
without having first obtained a certificate of registration from 13387  
the division of financial institutions: 13388

(a) Advertise, solicit, or hold out that the person is 13389  
engaged in the business of making residential mortgage loans 13390  
secured by a mortgage on a borrower's real estate which is other 13391  
than a first lien on the real estate; 13392

(b) Engage in the business of lending or collecting the 13393  
person's own or another person's money, credit, or choses in 13394  
action for non-first lien residential mortgage loans; 13395

(c) Employ or compensate mortgage loan originators licensed 13396  
or who should be licensed under sections 1321.51 to 1321.60 of the 13397  
Revised Code to conduct the business of making residential 13398  
mortgage loans; 13399

(d) Make loans in this state of the type set forth in 13400  
division (C) of this section that are unsecured or are secured by 13401  
other than real property, which loans are for more than five 13402  
thousand dollars at a rate of interest greater than permitted by 13403  
section 1343.01 or other specific provisions of the Revised Code. 13404

(2) Each person issued a certificate of registration or 13405  
license is subject to all the rules prescribed under sections 13406  
1321.51 to 1321.60 of the Revised Code. 13407

(B)(1) All loans made to persons who at the time are 13408  
residents of this state are considered as made within this state 13409

and subject to the laws of this state, regardless of any statement 13410  
in the contract or note to the contrary, except as follows: 13411

(a) If the loan is primarily secured by a lien on real 13412  
property in another state and is arranged by a mortgage loan 13413  
originator licensed by that state, the borrower may by choice of 13414  
law designate that the transaction be governed by the law where 13415  
the real property is located if the other state has consumer 13416  
protection laws covering the borrower that are applicable to the 13417  
transaction. 13418

(b) If the loan is for the purpose of purchasing goods 13419  
acquired by the borrower when the borrower is outside of this 13420  
state, the loan may be governed by the laws of the other state. 13421

(2) Nothing in division (B)(1) of this section prevents a 13422  
choice of law or requires registration or licensure of persons 13423  
outside of this state in a transaction involving the solicitation 13424  
of residents of this state to obtain non-real estate secured loans 13425  
that require the borrowers to physically visit a lender's 13426  
out-of-state office to apply for and obtain the disbursement of 13427  
loan funds. 13428

(C) A registrant may make unsecured loans, loans secured by a 13429  
mortgage on a borrower's real estate which is a first lien or 13430  
other than a first lien on the real estate, loans secured by other 13431  
than real estate, and loans secured by any combination of 13432  
mortgages and security interests, on terms and conditions provided 13433  
by sections 1321.51 to 1321.60 of the Revised Code. 13434

(D)(1) If a lender that is subject to sections 1321.51 to 13435  
1321.60 of the Revised Code makes a loan in violation of division 13436  
(A)(1) of this section, the lender has no right to collect, 13437  
receive, or retain any interest or charges on that loan. 13438

(2) If a registrant applies to the division for a renewal of 13439  
the registrant's certificate after the date required by division 13440

(A)(7) of section 1321.53 of the Revised Code, but prior to the 13441  
first day of February of that year, and the division approves the 13442  
application, division (D)(1) of this section does not apply with 13443  
respect to any loan made by the registrant while the registrant's 13444  
certificate was expired. 13445

(3) If a person's registration under sections 1321.51 to 13446  
1321.60 of the Revised Code terminates due to nonrenewal or 13447  
otherwise but the person continues to engage in the business of 13448  
collecting or servicing non-first lien residential mortgage loans 13449  
in violation of division (A)(1) of this section, the 13450  
superintendent of financial institutions may take administrative 13451  
action, including action on any subsequent application for a 13452  
certificate of registration. In addition, no late fee, bad check 13453  
charge except as incurred, charge related to default or cost to 13454  
realize on its security interest, or prepayment penalty on 13455  
non-first lien residential mortgage loans shall be collected or 13456  
retained by a person who is in violation of division (A)(1)(b) of 13457  
this section for the period of time in which the person was in 13458  
violation. Nothing in division (D)(3) of this section prevents or 13459  
otherwise precludes any other actions or penalties provided by law 13460  
or modifies a defense of holder in due course that a subsequent 13461  
purchaser servicing the residential mortgage loan may raise. 13462

(E)(1) No individual shall engage in the business of a 13463  
mortgage loan originator without first obtaining and maintaining 13464  
annually a license pursuant to section 1321.532 of the Revised 13465  
Code from the division of financial institutions. A mortgage loan 13466  
originator shall be employed or associated with a registrant or 13467  
entity exempt from registration under sections 1321.51 to 1321.60 13468  
of the Revised Code, but shall not be employed by or associated 13469  
with more than one registrant or exempt entity at any one time. 13470

(2) An individual acting under the individual's authority as 13471  
a registered mortgage loan originator shall not be required to be 13472



licensed under division (E)(1) of this section. 13473

(3) An individual who holds a valid temporary mortgage loan 13474  
originator license issued pursuant to section 1321.537 of the 13475  
Revised Code may engage in the business of a mortgage loan 13476  
originator in accordance with sections 1321.51 to 1321.60 of the 13477  
Revised Code during the term of the temporary license. 13478

(F)(1) Each licensee shall register with, and maintain a 13479  
valid unique identifier issued by, the nationwide mortgage 13480  
licensing system and registry. 13481

(2) No person shall use a licensee's unique identifier for 13482  
any purpose other than as set forth in the "Secure and Fair 13483  
Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 13484  
12 U.S.C. 5101. 13485

(G)(1) If a person that is subject to sections 1321.51 to 13486  
1321.60 of the Revised Code makes a loan in violation of division 13487  
(A)(1)(d) of this section and subsequently sells or assigns that 13488  
loan, the person is liable to the borrower for any interest paid 13489  
on that loan to the holder or assignee in excess of the rate that 13490  
would be applicable in the absence of sections 1321.51 to 1321.60 13491  
of the Revised Code, in addition to any interest or charges paid 13492  
on that loan to the unauthorized lender as provided by division 13493  
(D)(1) of this section. 13494

(2) If a person that is subject to sections 1321.51 to 13495  
1321.60 of the Revised Code makes a residential mortgage loan in 13496  
violation of division (A)(1)(b) or (c) of this section and 13497  
subsequently sells or assigns that loan, the lender is liable to 13498  
the borrower for any interest paid on that loan to the holder or 13499  
assignee in excess of the rate set forth in division (B)(4) of 13500  
section 1343.01 of the Revised Code, in addition to any interest 13501  
or charges paid on that loan to the unauthorized lender as 13502  
provided by division (D)(1) of this section. 13503

**Sec. 1321.53.** (A)(1) An application for a certificate of 13504  
registration under sections 1321.51 to 1321.60 of the Revised Code 13505  
shall contain an undertaking by the applicant to abide by those 13506  
sections. The application shall be in writing, under oath, and in 13507  
the form prescribed by the division of financial institutions, and 13508  
shall contain any information that the division may require. 13509  
Applicants that are foreign corporations shall obtain and maintain 13510  
a license pursuant to Chapter 1703. of the Revised Code before a 13511  
certificate is issued or renewed. 13512

(2) Upon the filing of the application and the payment by the 13513  
applicant of a nonrefundable two\_hundred\_dollar investigation fee, 13514  
a nonrefundable three\_hundred\_dollar annual registration fee, and 13515  
any additional fee required by the nationwide mortgage licensing 13516  
system and registry, the division shall investigate the relevant 13517  
facts. If the application involves investigation outside this 13518  
state, the applicant may be required by the division to advance 13519  
sufficient funds to pay any of the actual expenses of such 13520  
investigation, when it appears that these expenses will exceed two 13521  
hundred dollars. An itemized statement of any of these expenses 13522  
which the applicant is required to pay shall be furnished to the 13523  
applicant by the division. No certificate shall be issued unless 13524  
all the required fees have been submitted to the division. 13525

(3) All applicants making loans secured by an interest in 13526  
real estate shall designate an employee or owner of the applicant 13527  
as the applicant's primary point of contact. While acting as the 13528  
primary point of contact, the employee or owner shall not be 13529  
employed by any other registrant or mortgage broker. 13530

(4) The investigation undertaken upon application shall 13531  
include both a civil and criminal records check of the applicant 13532  
including any individual whose identity is required to be 13533  
disclosed in the application. Where the applicant is a business 13534

entity the superintendent shall have the authority to require a 13535  
civil and criminal background check of those persons that in the 13536  
determination of the superintendent have the authority to direct 13537  
and control the operations of the applicant. 13538

(5)(a) Notwithstanding division (K) of section 121.08 of the 13539  
Revised Code, the superintendent of financial institutions shall 13540  
obtain a criminal history records check and, as part of that 13541  
records check, request that criminal record information from the 13542  
federal bureau of investigation be obtained. To fulfill this 13543  
requirement, the superintendent shall do either of the following: 13544

(i) Request the superintendent of the bureau of criminal 13545  
identification and investigation, or a vendor approved by the 13546  
bureau, to conduct a criminal records check based on the 13547  
applicant's fingerprints or, if the fingerprints are unreadable, 13548  
based on the applicant's social security number, in accordance 13549  
with ~~division (A)(12)~~ of section 109.572 of the Revised Code; 13550

(ii) Authorize the nationwide mortgage licensing system and 13551  
registry to request a criminal history background check as set 13552  
forth in division (C) of section 1321.531 of the Revised Code. 13553

(b) Any fee required under division (C)(3) of section 109.572 13554  
of the Revised Code or by the nationwide mortgage licensing system 13555  
and registry shall be paid by the applicant. 13556

(6) If an application for a certificate of registration does 13557  
not contain all of the information required under division (A) of 13558  
this section, and if such information is not submitted to the 13559  
division or to the nationwide mortgage licensing system and 13560  
registry within ninety days after the superintendent or the 13561  
nationwide mortgage licensing system and registry requests the 13562  
information in writing, including by electronic transmission or 13563  
facsimile, the superintendent may consider the application 13564  
withdrawn. 13565

(7) If the division finds that the financial responsibility, 13566  
experience, character, and general fitness of the applicant 13567  
command the confidence of the public and warrant the belief that 13568  
the business will be operated honestly and fairly in compliance 13569  
with the purposes of sections 1321.51 to 1321.60 of the Revised 13570  
Code and the rules adopted thereunder, and that the applicant has 13571  
the requisite bond or applicable net worth and assets required by 13572  
division (B) of this section, the division shall thereupon issue a 13573  
certificate of registration to the applicant. The superintendent 13574  
shall not use a credit score as the sole basis for a registration 13575  
denial. 13576

(a)(i) Certificates of registration issued on or after July 13577  
1, 2010, shall annually expire on the thirty-first day of 13578  
December, unless renewed by the filing of a renewal application 13579  
and payment of a three\_hundred\_dollar nonrefundable annual 13580  
registration fee, any assessment as determined by the 13581  
superintendent pursuant to division (A)(7)(a)(ii) of this section, 13582  
and any additional fee required by the nationwide mortgage 13583  
licensing system and registry, on or before the last day of 13584  
December of each year. No other fee or assessment shall be 13585  
required of a registrant by the state or any political subdivision 13586  
of this state. 13587

(ii) If the renewal fees billed by the superintendent 13588  
pursuant to division (A)(7)(a)(i) of this section are less than 13589  
the estimated expenditures of the consumer finance section of the 13590  
division of financial institutions, as determined by the 13591  
superintendent, for the following fiscal year, the superintendent 13592  
may assess each registrant at a rate sufficient to equal in the 13593  
aggregate the difference between the renewal fees billed and the 13594  
estimated expenditures. Each registrant shall pay the assessed 13595  
amount to the superintendent prior to the last day of June. In no 13596  
case shall the assessment exceed ten cents per each one hundred 13597

dollars of interest (excluding charge-off recoveries), points, 13598  
loan origination charges, and credit line charges collected by 13599  
that registrant during the previous calendar year. If such an 13600  
assessment is imposed, it shall not be less than two hundred fifty 13601  
dollars per registrant and shall not exceed thirty thousand 13602  
dollars less the total renewal fees paid pursuant to division 13603  
(A)(7)(a)(i) of this section by each registrant. 13604

(b) Registrants shall timely file renewal applications on 13605  
forms prescribed by the division and provide any further 13606  
information that the division may require. If a renewal 13607  
application does not contain all of the information required under 13608  
this section, and if that information is not submitted to the 13609  
division or to the nationwide mortgage licensing system and 13610  
registry within ninety days after the superintendent or the 13611  
nationwide mortgage licensing system and registry requests the 13612  
information in writing, including by electronic transmission or 13613  
facsimile, the superintendent may consider the application 13614  
withdrawn. 13615

(c) Renewal shall not be granted if the applicant's 13616  
certificate of registration is subject to an order of suspension, 13617  
revocation, or an unpaid and past due fine imposed by the 13618  
superintendent. 13619

(d) If the division finds the applicant does not meet the 13620  
conditions set forth in this section, it shall issue a notice of 13621  
intent to deny the application, and forthwith notify the applicant 13622  
of the denial, the grounds for the denial, and the applicant's 13623  
reasonable opportunity to be heard on the action in accordance 13624  
with Chapter 119. of the Revised Code. 13625

(8) If there is a change of five per cent or more in the 13626  
ownership of a registrant, the division may make any investigation 13627  
necessary to determine whether any fact or condition exists that, 13628  
if it had existed at the time of the original application for a 13629

certificate of registration, the fact or condition would have 13630  
warranted the division to deny the application under division 13631  
(A)(7) of this section. If such a fact or condition is found, the 13632  
division may, in accordance with Chapter 119. of the Revised Code, 13633  
revoke the registrant's certificate. 13634

(B) Each registrant that engages in lending under sections 13635  
1321.51 to 1321.60 of the Revised Code shall, if not otherwise 13636  
required to be bonded pursuant to section 1321.533 of the Revised 13637  
Code, maintain both of the following: 13638

(1) A net worth of at least fifty thousand dollars; 13639

(2) For each certificate of registration, assets of at least 13640  
fifty thousand dollars either in use or readily available for use 13641  
in the conduct of the business. 13642

(C) Not more than one place of business shall be maintained 13643  
under the same certificate, but the division may issue additional 13644  
certificates to the same registrant upon compliance with sections 13645  
1321.51 to 1321.60 of the Revised Code, governing the issuance of 13646  
a single certificate. No change in the place of business of a 13647  
registrant to a location outside the original municipal 13648  
corporation shall be permitted under the same certificate without 13649  
the approval of a new application, the payment of the registration 13650  
fee and, if required by the superintendent, the payment of an 13651  
investigation fee of two hundred dollars. When a registrant wishes 13652  
to change its place of business within the same municipal 13653  
corporation, it shall give written notice of the change in advance 13654  
to the division, which shall provide a certificate for the new 13655  
address without cost. If a registrant changes its name, prior to 13656  
making loans under the new name it shall give written notice of 13657  
the change to the division, which shall provide a certificate in 13658  
the new name without cost. Sections 1321.51 to 1321.60 of the 13659  
Revised Code do not limit the loans of any registrant to residents 13660  
of the community in which the registrant's place of business is 13661

situated. Each certificate shall be kept conspicuously posted in 13662  
the place of business of the registrant and is not transferable or 13663  
assignable. 13664

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 13665  
apply to any of the following: 13666

(1) Entities chartered and lawfully doing business under the 13667  
authority of any law of this state, another state, or the United 13668  
States as a bank, savings bank, trust company, savings and loan 13669  
association, or credit union, or a subsidiary of any such entity, 13670  
which subsidiary is regulated by a federal banking agency and is 13671  
owned and controlled by such a depository institution; 13672

(2) Life, property, or casualty insurance companies licensed 13673  
to do business in this state; 13674

(3) Any person that is a lender making a loan pursuant to 13675  
sections 1321.01 to 1321.19 of the Revised Code or a business loan 13676  
as described in division (B)(6) of section 1343.01 of the Revised 13677  
Code; 13678

(4) Any political subdivision, or any governmental or other 13679  
public entity, corporation, instrumentality, or agency, in or of 13680  
the United States or any state of the United States, or any entity 13681  
described in division (B)(3) of section 1343.01 of the Revised 13682  
Code; 13683

(5) A college or university, or controlled entity of a 13684  
college or university, as those terms are defined in section 13685  
1713.05 of the Revised Code; 13686

(6) A credit union service organization, provided the 13687  
organization utilizes services provided by registered mortgage 13688  
loan originators or the organization complies with section 13689  
1321.522 of the Revised Code and holds a valid letter of exemption 13690  
issued by the superintendent. 13691

(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.

**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.

(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.

(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 concerning the applicant's identity:

(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;

(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:



(a) An independent credit report from a consumer reporting agency;	13722 13723
(b) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.	13724 13725
(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.	13726 13727 13728 13729 13730 13731 13732 13733 13734 13735
(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.	13736 13737 13738 13739 13740
(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 that 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:	13741 13742 13743 13744 13745 13746
(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 <del>division (A)(12) of</del> section 109.572 of the Revised Code;	13747 13748 13749 13750 13751 13752

(ii) Authorize the nationwide mortgage licensing system and registry to request a criminal history background check as set forth in division (C) of this section. 13753  
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(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. 13756  
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(2) The superintendent of financial institutions shall conduct a civil records check. 13759  
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(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 dollars. The superintendent shall provide the applicant with an itemized statement of the actual expenses that the applicant is required to pay. 13761  
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(F) If an application for a mortgage loan originator license does not contain all of the information required under this section, and if that information is not submitted to the superintendent or to the nationwide mortgage licensing system and registry within ninety days after the superintendent or the nationwide mortgage licensing system and registry requests the information in writing, including by electronic transmission or facsimile, the superintendent may consider the application withdrawn. 13769  
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**Sec. 1321.537. (A) As used in this section:** 13778

(1) "Out-of-state mortgage loan originator" means an individual to whom both of the following apply: 13779  
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(a) The individual holds a valid mortgage loan originator license, or comparable authority, issued pursuant to the law of 13781  
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any other state of the United States. 13783

(b) The individual is registered, fingerprinted, and maintains a unique identifier through the nationwide mortgage licensing system and registry. 13784  
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(2) "Sponsor" means a registrant or entity described in division (D) of section 1321.53 of the Revised Code that employs or is associated with an applicant for a temporary mortgage loan originator license and, during the term of the applicant's temporary license, covers the applicant under its corporate surety bond or requires the applicant to obtain and maintain a corporate surety bond. 13787  
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(B) The superintendent of financial institutions may, in accordance with this section, issue to an out-of-state mortgage loan originator a temporary mortgage loan originator license that enables the licensee to engage in the business of a mortgage loan originator while the individual completes the requirements necessary to meet the conditions set forth in section 1321.532 of the Revised Code for a mortgage loan originator license. A temporary mortgage loan originator license shall be valid for a term of not more than one hundred twenty days from the date of issuance. A temporary mortgage loan originator license may not be renewed. 13794  
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(C) An application for a temporary mortgage loan originator license shall be in writing, under oath, and in a form that meets the requirements of the nationwide mortgage licensing system and registry. The application shall be accompanied by a nonrefundable application fee, the amount of which shall be determined by the superintendent in rule, and a certification that, as of the date of application, the applicant meets both of the following conditions: 13805  
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(1) The applicant has at least two years of experience in the 13813

field of residential mortgage lending in the five years 13814  
immediately preceding the date of application for the temporary 13815  
mortgage loan originator license. 13816

(2) The applicant has not previously applied for a temporary 13817  
mortgage loan originator license in this state. 13818

(3) The applicant has not had a mortgage loan originator 13819  
license, or comparable authority, revoked in any governmental 13820  
jurisdiction. For purposes of division (C)(3) of this section, a 13821  
subsequent formal vacation of such a revocation shall not be 13822  
considered a revocation. 13823

(4) The applicant has not been convicted of, or pleaded 13824  
guilty or nolo contendere to, any of the following in a domestic, 13825  
foreign, or military court: 13826

(a) During the seven-year period immediately preceding the 13827  
date of application, a misdemeanor involving theft or any felony; 13828

(b) At any time prior to the date of application, a felony 13829  
involving an act of fraud, dishonesty, a breach of trust, theft, 13830  
or money laundering. 13831

For purposes of division (C)(4) of this section, any 13832  
conviction for which the applicant has received a pardon shall not 13833  
be considered a conviction. 13834

(D) The superintendent shall issue a temporary mortgage loan 13835  
originator license to the applicant if the superintendent finds 13836  
that all of the following conditions are met: 13837

(1) The application is accompanied by the application fee and 13838  
the certification described in division (C) of this section. 13839

(2) The applicant is registered, fingerprinted, and has a 13840  
valid unique identifier through the nationwide mortgage licensing 13841  
system and registry as of the date of application. 13842

(3) The applicant has authorized the nationwide mortgage 13843

licensing system and registry to obtain a credit report for 13844  
submission to the superintendent. 13845

(4) The applicant has a sponsor that certifies employment of, 13846  
or association with, the applicant and has signed the application. 13847

(E) The sponsor of a temporary licensee shall have an 13848  
affirmative duty to supervise the conduct of each temporary 13849  
mortgage loan originator in the same manner as is required of its 13850  
other licensees. If the temporary licensee's employment or 13851  
association with the sponsor is terminated, the sponsor shall 13852  
notify the division of financial institutions of the termination 13853  
through the nationwide mortgage licensing system and registry. 13854  
Upon the division's receipt of the notice, the sponsor shall no 13855  
longer be held responsible for the conduct of the temporary 13856  
licensee. 13857

(F) The superintendent may, in accordance with Chapter 119, 13858  
of the Revised Code, adopt rules necessary for the implementation 13859  
and operation of this section. 13860

**Sec. 1321.538.** If the "Secure and Fair Enforcement for 13861  
Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, 13862  
as amended, is modified after the effective date of this section, 13863  
or any regulation, statement, or position is adopted under that 13864  
act, to permit states to issue a temporary mortgage loan 13865  
originator license to a registered mortgage loan originator, the 13866  
superintendent shall, in accordance with section 111.15 of the 13867  
Revised Code, adopt rules the superintendent considers necessary 13868  
and appropriate to issue a temporary license to a registered 13869  
mortgage loan originator. 13870

**Sec. 1322.02.** (A)(1) No person, on the person's own behalf or 13871  
on behalf of any other person, shall act as a mortgage broker 13872  
without first having obtained a certificate of registration from 13873

the superintendent of financial institutions for every office to 13874  
be maintained by the person for the transaction of business as a 13875  
mortgage broker in this state. A registrant shall maintain an 13876  
office location in this state for the transaction of business as a 13877  
mortgage broker in this state. 13878

(2) No person shall act or hold that person's self out as a 13879  
mortgage broker under the authority or name of a registrant or 13880  
person exempt from sections 1322.01 to 1322.12 of the Revised Code 13881  
without first having obtained a certificate of registration from 13882  
the superintendent for every office to be maintained by the person 13883  
for the transaction of business as a mortgage broker in this 13884  
state. 13885

(B)(1) No individual shall act as a loan originator without 13886  
first having obtained a license from the superintendent. A loan 13887  
originator shall be employed by or associated with a mortgage 13888  
broker or any person or entity listed in division (G)(2) of 13889  
section 1322.01 of the Revised Code, but shall not be employed by 13890  
or associated with more than one mortgage broker or person or 13891  
entity at any one time. 13892

(2) An individual acting under the individual's authority as 13893  
a registered loan originator shall not be required to be licensed 13894  
under division (B)(1) of this section. 13895

(3) An individual who holds a valid temporary loan originator 13896  
license issued pursuant to section 1322.042 of the Revised Code 13897  
may engage in the business of a loan originator in accordance with 13898  
sections 1322.01 to 1322.12 of the Revised Code during the term of 13899  
the temporary license. 13900

(C)(1) No person acting as a mortgage broker or loan 13901  
originator shall fail to register with, and maintain a valid 13902  
unique identifier issued by, the nationwide mortgage licensing 13903  
system and registry. 13904

(2) No person shall use a mortgage broker's or loan originator's unique identifier for any purpose other than as set forth in the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101.

**Sec. 1322.03.** (A) An application for a certificate of registration as a mortgage broker 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 five hundred dollars for each location of an office to be maintained by the applicant in accordance with division (A) of section 1322.02 of the Revised Code and any additional fee required by the nationwide mortgage licensing system and registry. The application shall provide all of the following:

(1) The location or locations where the business is to be transacted and whether any location is a residence. If any location where the business is to be transacted is a residence, the superintendent may require that the application be accompanied by a copy of a zoning permit authorizing the use of the residence for commercial purposes, or by a written opinion or other document issued by the county or political subdivision where the residence is located certifying that the use of the residence to transact business as a mortgage broker is not prohibited by the county or political subdivision.

(2)(a) In the case of a sole proprietor, the name and address of the sole proprietor;

(b) In the case of a partnership, the name and address of each partner;

(c) In the case of a corporation, the name and address of each shareholder owning five per cent or more of the corporation;

(d) In the case of any other entity, the name and address of 13935  
any person that owns five per cent or more of the entity that will 13936  
transact business as a mortgage broker. 13937

(3) Each applicant shall designate an employee or owner of 13938  
the applicant as the applicant's operations manager. While acting 13939  
as the operations manager, the employee or owner shall be licensed 13940  
as a loan originator under sections 1322.01 to 1322.12 of the 13941  
Revised Code and shall not be employed by any other mortgage 13942  
broker. 13943

(4) Evidence that the person designated on the application 13944  
pursuant to division (A)(3) of this section possesses at least 13945  
three years of experience in the residential mortgage and lending 13946  
field, which experience may include employment with or as a 13947  
mortgage broker or with a depository institution, mortgage lending 13948  
institution, or other lending institution, or possesses at least 13949  
three years of other experience related specifically to the 13950  
business of residential mortgage loans that the superintendent 13951  
determines meets the requirements of division (A)(4) of this 13952  
section; 13953

(5) Evidence that the person designated on the application 13954  
pursuant to division (A)(3) of this section has successfully 13955  
completed the pre-licensing instruction requirements set forth in 13956  
section 1322.031 of the Revised Code; 13957

(6) Evidence of compliance with the surety bond requirements 13958  
of section 1322.05 of the Revised Code and with sections 1322.01 13959  
to 1322.12 of the Revised Code; 13960

(7) In the case of a foreign business entity, evidence that 13961  
it maintains a license or registration pursuant to Chapter 1703., 13962  
1705., 1775., 1776., 1777., 1782., or 1783. of the Revised Code to 13963  
transact business in this state; 13964

(8) Evidence that the applicant's operations manager has 13965



successfully completed the written test required under division 13966  
(A) of section 1322.051 of the Revised Code; 13967

(9) Any further information that the superintendent requires. 13968

(B) Upon the filing of the application and payment of the 13969  
nonrefundable application fee and any fee required by the 13970  
nationwide mortgage licensing system and registry, the 13971  
superintendent of financial institutions shall investigate the 13972  
applicant, and any individual whose identity is required to be 13973  
disclosed in the application, as set forth in division (B) of this 13974  
section. 13975

(1)(a) Notwithstanding division (K) of section 121.08 of the 13976  
Revised Code, the superintendent shall obtain a criminal history 13977  
records check and, as part of that records check, request that 13978  
criminal record information from the federal bureau of 13979  
investigation be obtained. To fulfill this requirement, the 13980  
superintendent shall do either of the following: 13981

(i) Request the superintendent of the bureau of criminal 13982  
identification and investigation, or a vendor approved by the 13983  
bureau, to conduct a criminal records check based on the 13984  
applicant's fingerprints or, if the fingerprints are unreadable, 13985  
based on the applicant's social security number, in accordance 13986  
with ~~division (A)(12) of~~ section 109.572 of the Revised Code; 13987

(ii) Authorize the nationwide mortgage licensing system and 13988  
registry to request a criminal history background check. 13989

(b) Any fee required under division (C)(3) of section 109.572 13990  
of the Revised Code or by the nationwide mortgage licensing system 13991  
and registry shall be paid by the applicant. 13992

(2) The superintendent shall conduct a civil records check. 13993

(3) If, in order to issue a certificate of registration to an 13994  
applicant, additional investigation by the superintendent outside 13995

this state is necessary, the superintendent may require the 13996  
applicant to advance sufficient funds to pay the actual expenses 13997  
of the investigation, if it appears that these expenses will 13998  
exceed five hundred dollars. The superintendent shall provide the 13999  
applicant with an itemized statement of the actual expenses that 14000  
the applicant is required to pay. 14001

(C) The superintendent shall pay all funds advanced and 14002  
application and renewal fees and penalties the superintendent 14003  
receives pursuant to this section and section 1322.04 of the 14004  
Revised Code to the treasurer of state to the credit of the 14005  
consumer finance fund created in section 1321.21 of the Revised 14006  
Code. 14007

(D) If an application for a mortgage broker certificate of 14008  
registration does not contain all of the information required 14009  
under division (A) of this section, and if that information is not 14010  
submitted to the superintendent or to the nationwide mortgage 14011  
licensing system and registry within ninety days after the 14012  
superintendent or the nationwide mortgage licensing system and 14013  
registry requests the information in writing, including by 14014  
electronic transmission or facsimile, the superintendent may 14015  
consider the application withdrawn. 14016

(E) A mortgage broker certificate of registration and the 14017  
authority granted under that certificate is not transferable or 14018  
assignable and cannot be franchised by contract or any other 14019  
means. 14020

(F) The registration requirements of this chapter apply to 14021  
any person acting as a mortgage broker, and no person is exempt 14022  
from the requirements of this chapter on the basis of prior work 14023  
or employment as a mortgage broker. 14024

(G) The superintendent may establish relationships or enter 14025  
into contracts with the nationwide mortgage licensing system and 14026

registry, or any entities designated by it, to collect and 14027  
maintain records and process transaction fees or other fees 14028  
related to mortgage broker certificates of registration or the 14029  
persons associated with a mortgage broker. 14030

**Sec. 1322.031.** (A) An application for a license as a loan 14031  
originator shall be in writing, under oath, and in the form 14032  
prescribed by the superintendent of financial institutions. The 14033  
application shall be accompanied by a nonrefundable application 14034  
fee of one hundred fifty dollars and any additional fee required 14035  
by the nationwide mortgage licensing system and registry. 14036

(B)(1) The application shall provide evidence, acceptable to 14037  
the superintendent, that the applicant has successfully completed 14038  
at least twenty-four hours of pre-licensing instruction consisting 14039  
of all of the following: 14040

(a) Twenty hours of instruction in a course or program of 14041  
study reviewed and approved by the nationwide mortgage licensing 14042  
system and registry; 14043

(b) Four hours of instruction in a course or program of study 14044  
reviewed and approved by the superintendent concerning state 14045  
lending laws and the Ohio consumer sales practices act, Chapter 14046  
1345. of the Revised Code, as it applies to registrants and 14047  
licensees. 14048

(2) Notwithstanding division (B)(1) of this section, until 14049  
the nationwide mortgage licensing system and registry implements a 14050  
review and approval program, the application shall provide 14051  
evidence, as determined by the superintendent, that the applicant 14052  
has successfully completed at least twenty-four hours of 14053  
instruction in a course or program of study approved by the 14054  
superintendent that consists of at least all of the following: 14055

(a) Four hours of instruction concerning state and federal 14056

mortgage lending laws, which shall include no less than two hours on this chapter;	14057 14058
(b) Four hours of instruction concerning the Ohio consumer sales practices act, Chapter 1345. of the Revised Code, as it applies to registrants and licensees;	14059 14060 14061
(c) Four hours of instruction concerning the loan application process;	14062 14063
(d) Two hours of instruction concerning the underwriting process;	14064 14065
(e) Two hours of instruction concerning the secondary market for mortgage loans;	14066 14067
(f) Four hours of instruction concerning the loan closing process;	14068 14069
(g) Two hours of instruction covering basic mortgage financing concepts and terms;	14070 14071
(h) Two hours of instruction concerning the ethical responsibilities of a registrant and a licensee, including with respect to confidentiality, consumer counseling, and the duties and standards of care created in section 1322.081 of the Revised Code.	14072 14073 14074 14075 14076
(3) For purposes of division (B)(1)(a) of this section, the review and approval of a course or program of study includes the review and approval of the provider of the course or program of study.	14077 14078 14079 14080
(4) If an applicant held a valid loan originator license issued by this state at any time during the immediately preceding five-year period, the applicant shall not be required to complete any additional pre-licensing instruction. For this purpose, any time during which the individual is a registered loan originator shall not be taken into account.	14081 14082 14083 14084 14085 14086

(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.

(2) The superintendent shall conduct a civil records check.

(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.

(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:

(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;

(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:

(i) An independent credit report from a consumer reporting agency;

(ii) Information related to any administrative, civil, or criminal findings by any governmental jurisdiction.

(2) In order to effectuate the purposes of divisions

(E)(1)(a) and (E)(1)(b)(ii) of this section, the superintendent 14148  
may use the conference of state bank supervisors, or a wholly 14149  
owned subsidiary, as a channeling agent for requesting information 14150  
from and distributing information to the United States department 14151  
of justice or any other governmental agency. The superintendent 14152  
may also use the nationwide mortgage licensing system and registry 14153  
as a channeling agent for requesting information from and 14154  
distributing information to any source related to matters subject 14155  
to those divisions of this section. 14156

(F) The superintendent shall pay all funds advanced and 14157  
application and renewal fees and penalties the superintendent 14158  
receives pursuant to this section and section 1322.041 of the 14159  
Revised Code to the treasurer of state to the credit of the 14160  
consumer finance fund created in section 1321.21 of the Revised 14161  
Code. 14162

(G) If an application for a loan originator license does not 14163  
contain all of the information required under this section, and if 14164  
that information is not submitted to the superintendent or to the 14165  
nationwide mortgage licensing system and registry within ninety 14166  
days after the superintendent or the nationwide mortgage licensing 14167  
system and registry requests the information in writing, including 14168  
by electronic transmission or facsimile, the superintendent may 14169  
consider the application withdrawn. 14170

(H)(1) The business of a loan originator shall principally be 14171  
transacted at an office of the mortgage broker with whom the 14172  
licensee is employed or associated, which office is registered in 14173  
accordance with division (A) of section 1322.02 of the Revised 14174  
Code. Each original loan originator license shall be deposited 14175  
with and maintained by the mortgage broker at the mortgage 14176  
broker's main office. A copy of the license shall be maintained 14177  
and displayed at the office where the loan originator principally 14178  
transacts business. 14179

(2) If a loan originator's employment or association is 14180  
terminated for any reason, the mortgage broker shall return the 14181  
original loan originator license to the superintendent within five 14182  
business days after the termination. The licensee may request the 14183  
transfer of the license to another mortgage broker by submitting a 14184  
transfer application, along with a fifteen dollar fee and any fee 14185  
required by the national mortgage licensing system and registry, 14186  
to the superintendent or may request the superintendent in writing 14187  
to hold the license in escrow. Any licensee whose license is held 14188  
in escrow shall cease activity as a loan originator. A licensee 14189  
whose license is held in escrow shall be required to apply for 14190  
renewal annually and to comply with the annual continuing 14191  
education requirement. 14192

(3) A mortgage broker may employ or be associated with a loan 14193  
originator on a temporary basis pending the transfer of the loan 14194  
originator's license to the mortgage broker, if the mortgage 14195  
broker receives written confirmation from the superintendent that 14196  
the loan originator is licensed under sections 1322.01 to 1322.12 14197  
of the Revised Code. 14198

(4) Notwithstanding divisions (H)(1) to (3) of this section, 14199  
if a licensee is employed by or associated with a person or entity 14200  
listed in division (G)(2) of section 1322.01 of the Revised Code, 14201  
all of the following apply: 14202

(a) The licensee shall maintain and display the original loan 14203  
originator license at the office where the licensee principally 14204  
transacts business; 14205

(b) If the loan originator's employment or association is 14206  
terminated, the loan originator shall return the original loan 14207  
originator license to the superintendent within five business days 14208  
after termination. The licensee may request the transfer of the 14209  
license to a mortgage broker or another person or entity listed in 14210  
division (G)(2) of section 1322.01 of the Revised Code by 14211



submitting a transfer application, along with a fifteen-dollar fee 14212  
and any fee required by the national mortgage licensing system and 14213  
registry, to the superintendent or may request the superintendent 14214  
in writing to hold the license in escrow. A licensee whose license 14215  
is held in escrow shall cease activity as a loan originator. A 14216  
licensee whose license is held in escrow shall be required to 14217  
apply for renewal annually and to comply with the annual 14218  
continuing education requirement. 14219

(c) The licensee may seek to be employed or associated with a 14220  
mortgage broker or person or entity listed in division (G)(2) of 14221  
section 1322.01 of the Revised Code if the mortgage broker or 14222  
person or entity receives written confirmation from the 14223  
superintendent that the loan originator is licensed under sections 14224  
1322.01 to 1322.12 of the Revised Code. 14225

(I) The superintendent may establish relationships or enter 14226  
into contracts with the nationwide mortgage licensing system and 14227  
registry, or any entities designated by it, to collect and 14228  
maintain records and process transaction fees or other fees 14229  
related to loan originator licenses or the persons associated with 14230  
a licensee. 14231

(J) A loan originator license, or the authority granted under 14232  
that license, is not assignable and cannot be franchised by 14233  
contract or any other means. 14234

**Sec. 1322.042.** (A) As used in this section: 14235

(1) "Out-of-state loan originator" means an individual to 14236  
whom both of the following apply: 14237

(a) The individual holds a valid loan originator license, or 14238  
comparable authority, issued pursuant to the law of any other 14239  
state of the United States. 14240

(b) The individual is registered, fingerprinted, and 14241

maintains a unique identifier through the nationwide mortgage 14242  
licensing system and registry. 14243

(2) "Sponsor" means a registrant or entity described in 14244  
division (G)(2) of section 1322.01 of the Revised Code that 14245  
employs or is associated with an applicant for a temporary loan 14246  
originator license and, during the term of the applicant's 14247  
temporary license, covers the applicant under its corporate surety 14248  
bond or requires the applicant to obtain and maintain a corporate 14249  
surety bond. 14250

(B) The superintendent of financial institutions may, in 14251  
accordance with this section, issue to an out-of-state loan 14252  
originator a temporary loan originator license that enables the 14253  
licensee to engage in the business of a loan originator while the 14254  
individual completes the requirements necessary to meet the 14255  
conditions set forth in section 1322.041 of the Revised Code for a 14256  
loan originator license. A temporary loan originator license shall 14257  
be valid for a term of not more than one hundred twenty days from 14258  
the date of issuance. A temporary loan originator license may not 14259  
be renewed. 14260

(C) An application for a temporary loan originator license 14261  
shall be in writing, under oath, and in a form that meets the 14262  
requirements of the nationwide mortgage licensing system and 14263  
registry. The application shall be accompanied by a nonrefundable 14264  
application fee, the amount of which shall be determined by the 14265  
superintendent in rule, and a certification that, as of the date 14266  
of application, the applicant meets the following conditions: 14267

(1) The applicant has at least two years of experience in the 14268  
field of residential mortgage lending in the five years 14269  
immediately preceding the date of application for the temporary 14270  
loan originator license. 14271

(2) The applicant has not previously applied for a temporary 14272

loan originator license in this state. 14273

(3) The applicant has not had a loan originator license, or comparable authority, revoked in any governmental jurisdiction. For purposes of division (C)(3) of this section, a subsequent formal vacation of such a revocation shall not be considered a revocation. 14274  
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(4) The applicant has not been convicted of, or pleaded guilty or nolo contendere to, any of the following in a domestic, foreign, or military court: 14279  
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14281

(a) During the seven-year period immediately preceding the date of application, a misdemeanor involving theft or any felony; 14282  
14283

(b) At any time prior to the date of application, a felony involving an act of fraud, dishonesty, a breach of trust, theft, or money laundering. 14284  
14285  
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For purposes of division (C)(4) of this section, any conviction for which the applicant has received a pardon shall not be considered a conviction. 14287  
14288  
14289

(D) The superintendent shall issue a temporary loan originator license to the applicant if the superintendent finds that all of the following conditions are met: 14290  
14291  
14292

(1) The application is accompanied by the application fee and the certification described in division (C) of this section. 14293  
14294

(2) The applicant is registered, fingerprinted, and has a valid unique identifier through the nationwide mortgage licensing system and registry as of the date of application. 14295  
14296  
14297

(3) The applicant has authorized the nationwide mortgage licensing system and registry to obtain a credit report for submission to the superintendent. 14298  
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14300

(4) The applicant has a sponsor that certifies employment of, or association with, the applicant and has signed the application. 14301  
14302

(E) The sponsor of a temporary licensee shall have an affirmative duty to supervise the conduct of each temporary loan originator in the same manner as is required of its other licensees. If the temporary licensee's employment or association with the sponsor is terminated, the sponsor shall notify the division of financial institutions of the termination through the nationwide mortgage licensing system and registry. Upon the division's receipt of the notice, the sponsor shall no longer be held responsible for the conduct of the temporary licensee.

(F) The superintendent may, in accordance with Chapter 119. of the Revised Code, adopt rules necessary for the implementation and operation of this section.

**Sec. 1322.043.** If the "Secure and Fair Enforcement for Mortgage Licensing Act of 2008," 122 Stat. 2810, 12 U.S.C. 5101, as amended, is modified after the effective date of this section, or any regulation, statement, or position is adopted under that act, to permit states to issue a temporary loan originator license to a registered loan originator, the superintendent shall, in accordance with section 111.15 of the Revised Code, adopt rules the superintendent considers necessary and appropriate to issue a temporary license to a registered loan originator.

**Sec. 1345.05.** (A) The attorney general shall:

(1) Adopt, amend, and repeal procedural rules;

(2) Adopt as a rule a description of the organization of the attorney general's office, stating the general courses and methods of operation of the section of the office of the attorney general, which is to administer Chapter 1345. of the Revised Code and methods whereby the public may obtain information or make submissions or requests, including a description of all forms and instructions used by that office;

(3) Make available for public inspection all rules and all other written statements of policy or interpretations adopted or used by the attorney general in the discharge of the attorney general's functions, together with all judgments, including supporting opinions, by courts of this state that determine the rights of the parties and concerning which appellate remedies have been exhausted, or lost by the expiration of the time for appeal, determining that specific acts or practices violate section 1345.02, 1345.03, or 1345.031 of the Revised Code;

(4) Inform consumers and suppliers on a continuing basis of acts or practices that violate Chapter 1345. of the Revised Code by, among other things, publishing an informational document describing acts and practices in connection with residential mortgages that are unfair, deceptive, or unconscionable, and by making that information available on the attorney general's official web site;

(5) Cooperate with state and local officials, officials of other states, and officials of the federal government in the administration of comparable statutes;

(6) Report annually on or before the ~~first~~ thirty-first day of January to the governor and the general assembly on the operations of the attorney general in respect to Chapter 1345. of the Revised Code, and on the acts or practices occurring in this state that violate such chapter. The report shall include a statement of investigatory and enforcement procedures and policies, of the number of investigations and enforcement proceedings instituted and of their disposition, and of other activities of the state and of other persons to promote the purposes of Chapter 1345. of the Revised Code.

(7) In carrying out official duties, the attorney general shall not disclose publicly the identity of suppliers investigated or the facts developed in investigations unless these matters have

become a matter of public record in enforcement proceedings, in 14365  
public hearings conducted pursuant to division (B)(1) of this 14366  
section, or the suppliers investigated have consented in writing 14367  
to public disclosure. 14368

(B) The attorney general may: 14369

(1) Conduct research, make inquiries, hold public hearings, 14370  
and publish studies relating to consumer transactions; 14371

(2) Adopt, amend, and repeal substantive rules defining with 14372  
reasonable specificity acts or practices that violate sections 14373  
1345.02, 1345.03, and 1345.031 of the Revised Code. In adopting, 14374  
amending, or repealing substantive rules defining acts or 14375  
practices that violate section 1345.02 of the Revised Code, due 14376  
consideration and great weight shall be given to federal trade 14377  
commission orders, trade regulation rules and guides, and the 14378  
federal courts' interpretations of subsection 45(a)(1) of the 14379  
"Federal Trade Commission Act," 38 Stat. 717 (1914), 15 U.S.C.A. 14380  
41, as amended. 14381

In adopting, amending, or repealing such rules concerning a 14382  
consumer transaction in connection with a residential mortgage, 14383  
the attorney general shall consult with the superintendent of 14384  
financial institutions and shall give due consideration to state 14385  
and federal statutes, regulations, administrative agency 14386  
interpretations, and case law. 14387

(C) In the conduct of public hearings authorized by this 14388  
section, the attorney general may administer oaths, subpoena 14389  
witnesses, adduce evidence, and require the production of relevant 14390  
material. Upon failure of a person without lawful excuse to obey a 14391  
subpoena or to produce relevant matter, the attorney general may 14392  
apply to a court of common pleas for an order compelling 14393  
compliance. 14394

(D) The attorney general may request that an individual who 14395

refuses to testify or to produce relevant material on the ground 14396  
that the testimony or matter may incriminate the individual be 14397  
ordered by the court to provide the testimony or matter. With the 14398  
exception of a prosecution for perjury and an action for damages 14399  
under section 1345.07 or 1345.09 of the Revised Code, an 14400  
individual who complies with a court order to provide testimony or 14401  
matter, after asserting a privilege against self incrimination to 14402  
which the individual is entitled by law, shall not be subjected to 14403  
a criminal proceeding on the basis of the testimony or matter 14404  
discovered through that testimony or matter. 14405

(E) Any person may petition the attorney general requesting 14406  
the adoption, amendment, or repeal of a rule. The attorney general 14407  
shall prescribe by rule the form for such petitions and the 14408  
procedure for their submission, consideration, and disposition. 14409  
Within sixty days of submission of a petition, the attorney 14410  
general shall either deny the petition in writing, stating the 14411  
reasons for the denial, or initiate rule-making proceedings. There 14412  
is no right to appeal from such denial of a petition. 14413

(F) All rules shall be adopted subject to Chapter 119. of the 14414  
Revised Code. 14415

(G) The informational document published in accordance with 14416  
division (A)(4) of this section shall be made available for 14417  
distribution to consumers who are applying for a mortgage loan. An 14418  
acknowledgement of receipt shall be retained by the lender, 14419  
mortgage broker, and loan officer, as applicable, subject to 14420  
review by the attorney general and the department of commerce. 14421

**Sec. 1501.04.** There is hereby created in the department of 14422  
natural resources a recreation and resources commission composed 14423  
of the chairperson of the wildlife council created under section 14424  
1531.03 of the Revised Code, the chairperson of the parks and 14425  
recreation council created under section 1541.40 of the Revised 14426

Code, the chairperson of the waterways safety council created 14427  
under section 1547.73 of the Revised Code, the chairperson of the 14428  
technical advisory council on oil and gas created under section 14429  
1509.38 of the Revised Code, the chairperson of the forestry 14430  
advisory council created under section 1503.40 of the Revised 14431  
Code, the chairperson of the Ohio soil and water conservation 14432  
commission created under section 1515.02 of the Revised Code, the 14433  
chairperson of the Ohio natural areas council created under 14434  
section 1517.03 of the Revised Code, the chairperson of the Ohio 14435  
water advisory council created under section 1521.031 of the 14436  
Revised Code, ~~the chairperson of the recycling and litter~~ 14437  
~~prevention advisory council created under section 1502.04 of the~~ 14438  
~~Revised Code,~~ the chairperson of the Ohio geology advisory council 14439  
created under section 1505.11 of the Revised Code, and five 14440  
members appointed by the governor with the advice and consent of 14441  
the senate, not more than three of whom shall belong to the same 14442  
political party. The director of natural resources shall be an ex 14443  
officio member of the commission, with a voice in its 14444  
deliberations, but without the power to vote. 14445

Terms of office of members of the commission appointed by the 14446  
governor shall be for five years, commencing on the second day of 14447  
February and ending on the first day of February. Each member 14448  
shall hold office from the date of appointment until the end of 14449  
the term for which the member was appointed. 14450

In the event of the death, removal, resignation, or 14451  
incapacity of a member of the commission, the governor, with the 14452  
advice and consent of the senate, shall appoint a successor who 14453  
shall hold office for the remainder of the term for which the 14454  
member's predecessor was appointed. Any member shall continue in 14455  
office subsequent to the expiration date of the member's term 14456  
until the member's successor takes office, or until a period of 14457  
sixty days has elapsed, whichever occurs first. 14458



The governor may remove any appointed member of the 14459  
commission for misfeasance, nonfeasance, or malfeasance in office. 14460

The commission shall exercise no administrative function, but 14461  
may do any of the following: 14462

(A) Advise with and recommend to the director as to plans and 14463  
programs for the management, development, utilization, and 14464  
conservation of the natural resources of the state; 14465

(B) Advise with and recommend to the director as to methods 14466  
of coordinating the work of the divisions of the department; 14467

(C) Consider and make recommendations upon any matter that 14468  
the director may submit to it; 14469

(D) Submit to the governor biennially recommendations for 14470  
amendments to the conservation laws of the state. 14471

Each member of the commission, before entering upon the 14472  
discharge of the member's duties, shall take and subscribe to an 14473  
oath of office, which oath, in writing, shall be filed in the 14474  
office of the secretary of state. 14475

The members of the commission shall serve without 14476  
compensation, but shall be entitled to receive their actual and 14477  
necessary expenses incurred in the performance of their official 14478  
duties. 14479

The commission, by a majority vote of all its members, shall 14480  
adopt and amend bylaws. 14481

To be eligible for appointment, a person shall be a citizen 14482  
of the United States and an elector of the state and shall possess 14483  
a knowledge of and have an interest in the natural resources of 14484  
this state. 14485

The commission shall hold at least four regular quarterly 14486  
meetings each year. Special meetings shall be held at such times 14487  
as the bylaws of the commission provide. Notices of all meetings 14488

shall be given in such manner as the bylaws provide. The 14489  
commission shall choose annually from among its members a 14490  
chairperson to preside over its meetings and a secretary to keep a 14491  
record of its proceedings. A majority of the members of the 14492  
commission constitutes a quorum. No advice shall be given or 14493  
recommendation made without a majority of the members of the 14494  
commission concurring in it. 14495

**Sec. 1503.012.** There is hereby created in the state treasury 14496  
the forestry mineral royalties fund. The fund shall consist of 14497  
money deposited into it under section 1509.73 of the Revised Code. 14498  
Any investment proceeds earned on money in the fund shall be 14499  
credited to the fund. 14500

Money in the fund shall be used by the division of forestry 14501  
to acquire land and to pay capital costs, including equipment and 14502  
repairs and renovations of facilities, that are owned by the state 14503  
and administered by the division. Expenditures from the fund for 14504  
those purposes shall be approved by the director of natural 14505  
resources. 14506

The director of natural resources also may request the 14507  
director of budget and management to transfer money from the 14508  
forestry mineral royalties fund to the parks mineral royalties 14509  
fund created in section 1541.26 of the Revised Code. The director 14510  
of budget and management shall transfer the money pursuant to the 14511  
request if the director consents to the request. Money that is 14512  
transferred to the parks mineral royalties fund shall be used for 14513  
the purposes specified in section 1541.26 of the Revised Code. 14514

**Sec. 1503.43.** (A) As used in this section: 14515

(1) "Wilderness area" means a contiguous area of relatively 14516  
undeveloped state-owned land administered by the division of 14517  
forestry and consisting of not less than five thousand acres or of 14518

sufficient size as to make practicable its preservation and use in 14519  
an unimpaired condition that either has retained its natural 14520  
character and influence or has been substantially restored to a 14521  
near natural appearance and that meets both of the following 14522  
qualifications: 14523

(a) The area is one in which humankind's past influences are 14524  
largely unnoticed; 14525

(b) The area has outstanding opportunities for solitude or 14526  
for a primitive and unconfined type of recreation. 14527

(2) "Utility facility" includes, without limitation, towers, 14528  
poles, pipes, sewers, tubing, conduits, conductors, cables, 14529  
valves, lines, wires, manholes, and appurtenances thereto owned by 14530  
a utility facility operator. 14531

(3) "Utility facility operator" means a person or public 14532  
authority that supplies any of the following materials or services 14533  
by means of a utility facility: 14534

(a) Flammable, toxic, or corrosive gas; 14535

(b) Crude oil, petroleum products, or hazardous liquids; 14536

(c) Coal; 14537

(d) Electricity; 14538

(e) Electronic, telephonic, or telegraphic communications; 14539

(f) Television signals; 14540

(g) Sewage disposal or drainage; 14541

(h) Potable water; 14542

(i) Steam or hot water. 14543

(B) That portion of contiguous state lands located in Scioto 14544  
and Adams counties and within the Shawnee state forest and bounded 14545  
by forest road seventeen and sunshine ridge to the north, by upper 14546  
Twin Creek road to the east and northeast, by United States route 14547

fifty-two to the south, and by lower Twin Creek road to the west 14548  
and southwest is hereby designated the Shawnee wilderness area. 14549  
Except as otherwise specifically provided by this section or by 14550  
rule adopted under this chapter, the provisions of this chapter 14551  
apply to the Shawnee wilderness area, and that area shall continue 14552  
to be a part of the Shawnee state forest. 14553

(C) The Shawnee wilderness area shall be managed to preserve 14554  
natural conditions and ensure the continuance of natural 14555  
processes. The chief of the division of forestry, with the 14556  
approval of the director of natural resources, shall administer 14557  
the Shawnee wilderness area in accordance with a management plan, 14558  
which the chief shall develop and adopt within one year after 14559  
September 14, 1988. Sixty days prior to adopting a plan, the chief 14560  
shall solicit public review and comment on a draft plan. At least 14561  
once every ten years, the chief shall conduct a review of the 14562  
plan, with public input, and revise the plan as appropriate. The 14563  
chief shall make the plan available for review by any person upon 14564  
request. 14565

(D) Notwithstanding any other authority granted to the chief 14566  
under this chapter, the chief shall include within the management 14567  
plan adopted under division (C) of this section prohibitions of 14568  
the following activities within the Shawnee wilderness area except 14569  
for the areas exempted in division (E) of this section: 14570

(1) Picking, removal, cutting, or alteration in any manner of 14571  
any vegetation unless the person first has obtained written 14572  
consent from the chief for that activity and the action is 14573  
necessary for appropriate public access, the preservation or 14574  
restoration of a plant or wildlife species, or the documentation 14575  
of scientific values; 14576

(2) Granting of any easement or license, or sale or lease of 14577  
any of the land, for any purpose. Division (D)(2) of this section 14578  
does not apply to any private easement or license in existence on 14579

September 14, 1988.	14580
(3) Exploration for or extraction of any coal, oil, gas, or minerals;	14581 14582
(4) Operation, construction, or installation of a utility facility above or below the surface of the land;	14583 14584
(5) Operation of a commercial enterprise;	14585
(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;	14586 14587 14588
(7) Except as is necessary to meet emergency requirements for administration of the area:	14589 14590
(a) Landing of an aircraft;	14591
(b) Operation of a motor vehicle, motor boat, other form of mechanical transport, or motorized equipment;	14592 14593
(c) Construction of any building or other structure;	14594
(d) Use of the land as a temporary road.	14595
(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:	14596 14597 14598 14599
(a) The Buena Vista manager's residence;	14600
(b) The Buena Vista walnut seed orchard;	14601
<del>(c) The Twin Creek fire tower.</del>	14602
(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 (D)(7)(b) of this section for the purpose of trail maintenance:</u>	14603 14604 14605 14606
<u>(a) The hiking trail west of upper Twin Creek road known as</u>	14607

the wilderness loop; 14608

(b) Buckhorn ridge bridle trail; 14609

(c) Cabbage patch bridle trail. 14610

(3) At any time that the chief makes a determination that it 14611  
is no longer necessary for the administration of the Shawnee state 14612  
forest or the state forest system for an area excluded in division 14613  
(E)(1) or (2) of this section to be excluded, the area shall 14614  
become subject to the prohibitions ~~of~~ established in division (D) 14615  
of this section or the prohibition established in division 14616  
(D)(7)(b) of this section, as applicable. 14617

(F) The chief, in developing a management plan under division 14618  
(C) of this section, may not prohibit any hunting, fishing, or 14619  
trapping that is done in conformity with Chapters 1531. and 1533. 14620  
of the Revised Code or any rules adopted under those chapters. 14621

**Sec. 1506.42.** The state, acting through the director of 14622  
natural resources, subject to section 1506.46 of the Revised Code, 14623  
may enter into agreements with counties, townships, municipal 14624  
corporations, park boards, and conservancy districts, other 14625  
political subdivisions, or any state departments or divisions for 14626  
the purpose of constructing and maintaining projects to control 14627  
erosion along the Ohio shoreline of Lake Erie and in any rivers 14628  
and bays that are connected with Lake Erie and any other 14629  
watercourses that flow into Lake Erie. Such projects also may be 14630  
constructed on any Lake Erie island that is situated within the 14631  
boundaries of the state. 14632

The cost of such shore erosion projects that are for the 14633  
benefit of public littoral property shall be prorated on the basis 14634  
of two-thirds of the total cost to the state through 14635  
appropriations made to the department of natural resources and 14636  
one-third of the cost to the counties, townships, municipal 14637

corporations, park boards, conservancy districts, or other 14638  
political subdivisions. 14639

If a shore erosion emergency is declared by the governor, the 14640  
state, acting through the director, may spend whatever state funds 14641  
are available to alleviate shore erosion, without participation by 14642  
any political subdivision, regardless of whether the project will 14643  
benefit public or private littoral property. 14644

A board of county commissioners, acting for the county over 14645  
which it has jurisdiction, may enter into and carry out agreements 14646  
with the director for the construction and maintenance of projects 14647  
to control shore erosion. In providing the funds for the county's 14648  
proportionate share of the cost of constructing and maintaining 14649  
the projects referred to in this section, the board shall be 14650  
governed by and may issue and refund bonds in accordance with 14651  
Chapter 133. of the Revised Code. 14652

A municipal corporation or a township, acting through the 14653  
legislative authority or the board of township trustees, may enter 14654  
into and carry out agreements with the director for the purpose of 14655  
constructing and maintaining projects to control shore erosion. In 14656  
providing the funds for the municipal corporation's or township's 14657  
proportionate share of the cost of constructing and maintaining 14658  
the projects referred to in this section, a municipal corporation 14659  
or township may issue and refund bonds in accordance with Chapter 14660  
133. of the Revised Code. The contract shall be executed on behalf 14661  
of the municipal corporation or township by the mayor, city 14662  
manager, or other chief executive officer who has the authority to 14663  
act for the municipal corporation or township. 14664

Conservancy districts may enter into and carry out agreements 14665  
with the director, in accordance with the intent of this section, 14666  
under the powers conferred upon conservancy districts under 14667  
Chapter 6101. of the Revised Code. 14668

Park boards may enter into and carry out agreements with the 14669  
director, in accordance with the intent of this section, and issue 14670  
bonds for that purpose under the powers conferred upon park 14671  
districts under Chapter 1545. of the Revised Code. 14672

The director shall approve and supervise all projects that 14673  
are to be constructed in accordance with this section. The 14674  
director shall not proceed with the construction of any project 14675  
until all funds that are to be paid by the county, township, 14676  
municipal corporation, park board, or conservancy district, in 14677  
accordance with the terms of the agreement entered into between 14678  
the director and the county, township, municipal corporation, park 14679  
board, or conservancy district, are in the director's possession 14680  
and deposited in the shore erosion fund, which is hereby created 14681  
in the state treasury. If the director finds it to be in the best 14682  
interests of the state to construct projects as set forth in this 14683  
section by the state itself, without the financial contribution of 14684  
counties, townships, municipal corporations, park boards, or 14685  
conservancy districts, the director may construct the projects. 14686

In deciding whether to assist a county or municipal 14687  
corporation in constructing and maintaining a project under this 14688  
section, the state, acting through the director, shall consider, 14689  
among other factors, whether the county or municipal corporation 14690  
has adopted or is in the process of adopting a Lake Erie coastal 14691  
erosion area resolution or ordinance under division (D) of section 14692  
1506.07 of the Revised Code. 14693

All projects constructed by the state in conformity with 14694  
sections 1506.38 to 1506.46 of the Revised Code shall be 14695  
constructed subject to sections 153.01 to 153.20 of the Revised 14696  
Code, except that the ~~state architect and engineer~~ Ohio facilities  
construction commission is not required to prepare the plans and 14697  
specifications for those projects. 14698  
14699



Sec. 1509.071. (A) When the chief of the division of oil and gas resources management finds that an owner has failed to comply with a final nonappealable order issued or compliance agreement entered into under section 1509.04, the restoration requirements of section 1509.072, plugging requirements of section 1509.12, or permit provisions of section 1509.13 of the Revised Code, or rules and orders relating thereto, the chief shall make a finding of that fact and declare any surety bond filed to ensure compliance with those sections and rules forfeited in the amount set by rule of the chief. The chief thereupon shall certify the total forfeiture to the attorney general, who shall proceed to collect the amount of the forfeiture. In addition, the chief may require an owner, operator, producer, or other person who forfeited a surety bond to post a new surety bond in the amount of fifteen thousand dollars for a single well, thirty thousand dollars for two wells, or fifty thousand dollars for three or more wells.

In lieu of total forfeiture, the surety or owner, at the surety's or owner's option, may cause the well to be properly plugged and abandoned and the area properly restored or pay to the treasurer of state the cost of plugging and abandonment.

(B) All moneys collected because of forfeitures of bonds as provided in this section shall be deposited in the state treasury to the credit of the oil and gas well fund created in section 1509.02 of the Revised Code.

The chief annually shall spend not less than fourteen per cent of the revenue credited to the fund during the previous fiscal year for the following purposes:

(1) In accordance with division (D) of this section, to plug idle and orphaned wells or to restore the land surface properly as required in section 1509.072 of the Revised Code;

(2) In accordance with division (E) of this section, to

correct conditions that the chief reasonably has determined are 14731  
causing imminent health or safety risks at an idle and orphaned 14732  
well or a well for which the owner cannot be contacted in order to 14733  
initiate a corrective action within a reasonable period of time as 14734  
determined by the chief. 14735

Expenditures from the fund shall be made only for lawful 14736  
purposes. In addition, expenditures from the fund shall not be 14737  
made to purchase real property or to remove a dwelling in order to 14738  
access a well. 14739

(C)(1) Upon determining that the owner of a well has failed 14740  
to properly plug and abandon it or to properly restore the land 14741  
surface at the well site in compliance with the applicable 14742  
requirements of this chapter and applicable rules adopted and 14743  
orders issued under it or that a well is an abandoned well for 14744  
which no funds are available to plug the well in accordance with 14745  
this chapter, the chief shall do all of the following: 14746

(a) Determine from the records in the office of the county 14747  
recorder of the county in which the well is located the identity 14748  
of the owner of the land on which the well is located, the 14749  
identity of the owner of the oil or gas lease under which the well 14750  
was drilled or the identity of each person owning an interest in 14751  
the lease, and the identities of the persons having legal title 14752  
to, or a lien upon, any of the equipment appurtenant to the well; 14753

(b) Mail notice to the owner of the land on which the well is 14754  
located informing the landowner that the well is to be plugged. If 14755  
the owner of the oil or gas lease under which the well was drilled 14756  
is different from the owner of the well or if any persons other 14757  
than the owner of the well own interests in the lease, the chief 14758  
also shall mail notice that the well is to be plugged to the owner 14759  
of the lease or to each person owning an interest in the lease, as 14760  
appropriate. 14761

(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 14794  
land, public or private, on which the well is located for the 14795  
purpose of performing the work. Prior to such entry, the chief 14796  
shall give to the following persons written notice of the 14797  
existence of a contract for a project to restore or plug a well, 14798  
the names of the persons with whom the contract is made, and the 14799  
date that the project will commence: the owner of the well, the 14800  
owner of the land upon which the well is located, the owner or 14801  
agents of adjoining land, and, if the well is located in the same 14802  
township as or in a township adjacent to the excavations and 14803  
workings of a mine and the owner or lessee of that mine has 14804  
provided written notice identifying those townships to the chief 14805  
at any time during the immediately preceding three years, the 14806  
owner or lessee of the mine. 14807

(2)(a) The owner of the land on which a well is located who 14808  
has received notice under division (C)(1)(b) of this section may 14809  
plug the well and be reimbursed by the division of oil and gas 14810  
resources management for the reasonable cost of plugging the well. 14811  
In order to plug the well, the landowner shall submit an 14812  
application to the chief on a form prescribed by the chief and 14813  
approved by the technical advisory council on oil and gas created 14814  
in section 1509.38 of the Revised Code. The application, at a 14815  
minimum, shall require the landowner to provide the same 14816  
information as is required to be included in the application for a 14817  
permit to plug and abandon under section 1509.13 of the Revised 14818  
Code. The application shall be accompanied by a copy of a proposed 14819  
contract to plug the well prepared by a contractor regularly 14820  
engaged in the business of plugging oil and gas wells. The 14821  
proposed contract shall require the contractor to furnish all of 14822  
the materials, equipment, work, and labor necessary to plug the 14823  
well properly and shall specify the price for doing the work, 14824  
including a credit for the equipment appurtenant to the well that 14825  
was forfeited to the state through the operation of division 14826

(C)(2) of this section. Expenditures under division (D)(2)(a) of 14827  
this section shall be consistent with the expenditures for 14828  
activities described in division (D)(1) of this section. The 14829  
application also shall be accompanied by the permit fee required 14830  
by section 1509.13 of the Revised Code unless the chief, in the 14831  
chief's discretion, waives payment of the permit fee. The 14832  
application constitutes an application for a permit to plug and 14833  
abandon the well for the purposes of section 1509.13 of the 14834  
Revised Code. 14835

(b) Within thirty days after receiving an application and 14836  
accompanying proposed contract under division (D)(2)(a) of this 14837  
section, the chief shall determine whether the plugging would 14838  
comply with the applicable requirements of this chapter and 14839  
applicable rules adopted and orders issued under it and whether 14840  
the cost of the plugging under the proposed contract is 14841  
reasonable. If the chief determines that the proposed plugging 14842  
would comply with those requirements and that the proposed cost of 14843  
the plugging is reasonable, the chief shall notify the landowner 14844  
of that determination and issue to the landowner a permit to plug 14845  
and abandon the well under section 1509.13 of the Revised Code. 14846  
Upon approval of the application and proposed contract, the chief 14847  
shall transfer ownership of the equipment appurtenant to the well 14848  
to the landowner. The chief may disapprove an application 14849  
submitted under division (D)(2)(a) of this section if the chief 14850  
determines that the proposed plugging would not comply with the 14851  
applicable requirements of this chapter and applicable rules 14852  
adopted and orders issued under it, that the cost of the plugging 14853  
under the proposed contract is unreasonable, or that the proposed 14854  
contract is not a bona fide, arm's length contract. 14855

(c) After receiving the chief's notice of the approval of the 14856  
application and permit to plug and abandon a well under division 14857  
(D)(2)(b) of this section, the landowner shall enter into the 14858

proposed contract to plug the well. 14859

(d) Upon determining that the plugging has been completed in 14860  
compliance with the applicable requirements of this chapter and 14861  
applicable rules adopted and orders issued under it, the chief 14862  
shall reimburse the landowner for the cost of the plugging as set 14863  
forth in the proposed contract approved by the chief. The 14864  
reimbursement shall be paid from the oil and gas well fund. If the 14865  
chief determines that the plugging was not completed in accordance 14866  
with the applicable requirements, the chief shall not reimburse 14867  
the landowner for the cost of the plugging, and the landowner or 14868  
the contractor, as applicable, promptly shall transfer back to 14869  
this state title to and possession of the equipment appurtenant to 14870  
the well that previously was transferred to the landowner under 14871  
division (D)(2)(b) of this section. If any such equipment was 14872  
removed from the well during the plugging and sold, the landowner 14873  
shall pay to the chief the proceeds from the sale of the 14874  
equipment, and the chief promptly shall pay the moneys so received 14875  
to the treasurer of state for deposit into the oil and gas well 14876  
fund. 14877

The chief may establish an annual limit on the number of 14878  
wells that may be plugged under division (D)(2) of this section or 14879  
an annual limit on the expenditures to be made under that 14880  
division. 14881

As used in division (D)(2) of this section, "plug" and 14882  
"plugging" include the plugging of the well and the restoration of 14883  
the land surface disturbed by the plugging. 14884

(E) Expenditures from the oil and gas well fund for the 14885  
purpose of division (B)(2) of this section may be made pursuant to 14886  
contracts entered into by the chief with persons who agree to 14887  
furnish all of the materials, equipment, work, and labor as 14888  
specified and provided in such a contract. The competitive bidding 14889  
requirements of Chapter 153. of the Revised Code do not apply if 14890

the chief reasonably determines that an emergency situation exists 14891  
requiring immediate action for the correction of the applicable 14892  
health or safety risk ~~requires immediate action~~. A contract or 14893  
purchase of materials for purposes of addressing the emergency 14894  
situation is not subject to division (B) of section 127.16 of the 14895  
Revised Code. The chief, designated representatives of the chief, 14896  
and agents or employees of persons contracting with the chief 14897  
under this division may enter upon any land, public or private, 14898  
for the purpose of performing the work. 14899

(F) Contracts entered into by the chief under this section 14900  
are not subject to ~~either~~ any of the following: 14901

(1) Chapter 4115. of the Revised Code; 14902

(2) Section 153.54 of the Revised Code, except that the 14903  
contractor shall obtain and provide to the chief as a bid guaranty 14904  
a surety bond or letter of credit in an amount equal to ten per 14905  
cent of the amount of the contract; 14906

(3) Section 4733.17 of the Revised Code. 14907

(G) The owner of land on which a well is located who has 14908  
received notice under division (C)(1)(b) of this section, in lieu 14909  
of plugging the well in accordance with division (D)(2) of this 14910  
section, may cause ownership of the well to be transferred to an 14911  
owner who is lawfully doing business in this state and who has met 14912  
the financial responsibility requirements established under 14913  
section 1509.07 of the Revised Code, subject to the approval of 14914  
the chief. The transfer of ownership also shall be subject to the 14915  
landowner's filing the appropriate forms required under section 14916  
1509.31 of the Revised Code and providing to the chief sufficient 14917  
information to demonstrate the landowner's or owner's right to 14918  
produce a formation or formations. That information may include a 14919  
deed, a lease, or other documentation of ownership or property 14920  
rights. 14921

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. 1533.081.** (A) As used in this section:

(1) "Energy" has the same meaning as in section 1551.01 of the Revised Code.



(2) "Energy facility" means a facility at which energy is produced. 14952  
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(B) A person operating an energy facility whose operation may result in the incidental taking of a wild animal shall obtain a permit to do so from the chief of the division of wildlife under this section. The chief shall adopt rules under section 1531.10 of the Revised Code that are necessary to administer this section. 14954  
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**Sec. 1533.10.** Except as provided in this section or division 14959  
(A)(2) of section 1533.12 of the Revised Code, no person shall 14960  
hunt any wild bird or wild quadruped without a hunting license. 14961  
Each day that any person hunts within the state without procuring 14962  
such a license constitutes a separate offense. Except as otherwise 14963  
provided in this section, every applicant for a hunting license 14964  
who is a resident of the state and eighteen years of age or more 14965  
shall procure a resident hunting license or an apprentice resident 14966  
hunting license, the fee for which shall be eighteen dollars 14967  
unless the rules adopted under division (B) of section 1533.12 of 14968  
the Revised Code provide for issuance of a resident hunting 14969  
license to the applicant free of charge. Except as provided in 14970  
rules adopted under division (B)(2) of that section, each 14971  
applicant who is a resident of this state and who at the time of 14972  
application is sixty-six years of age or older shall procure a 14973  
special senior hunting license, the fee for which shall be 14974  
one-half of the regular hunting license fee. Every applicant who 14975  
is under the age of eighteen years shall procure a special youth 14976  
hunting license or an apprentice youth hunting license, the fee 14977  
for which shall be one-half of the regular hunting license fee. 14978

A resident of this state who owns lands in the state and the 14979  
owner's children of any age and grandchildren under eighteen years 14980  
of age may hunt on the lands without a hunting license. A resident 14981  
of any other state who owns real property in this state, and the 14982

spouse and children living with the property owner, may hunt on 14983  
that property without a license, provided that the state of 14984  
residence of the real property owner allows residents of this 14985  
state owning real property in that state, and the spouse and 14986  
children living with the property owner, to hunt without a 14987  
license. If the owner of land in this state is a limited liability 14988  
company or a limited liability partnership that consists of three 14989  
or fewer individual members or partners, as applicable, an 14990  
individual member or partner who is a resident of this state and 14991  
the member's or partner's children of any age and grandchildren 14992  
under eighteen years of age may hunt on the land owned by the 14993  
limited liability company or limited liability partnership without 14994  
a hunting license. In addition, if the owner of land in this state 14995  
is a trust that has a total of three or fewer trustees and 14996  
beneficiaries, an individual who is a trustee or beneficiary and 14997  
who is a resident of this state and the individual's children of 14998  
any age and grandchildren under eighteen years of age may hunt on 14999  
the land owned by the trust without a hunting license. The tenant 15000  
and children of the tenant, residing on lands in the state, may 15001  
hunt on them without a hunting license. 15002

Except as otherwise provided in division (A)(1) of section 15003  
1533.12 of the Revised Code, every applicant for a hunting license 15004  
who is a nonresident of the state and who is eighteen years of age 15005  
or older shall procure a nonresident hunting license or an 15006  
apprentice nonresident hunting license, the fee for which shall be 15007  
one hundred twenty-four dollars unless the applicant is a resident 15008  
of a state that is a party to an agreement under section 1533.91 15009  
of the Revised Code, in which case the fee shall be eighteen 15010  
dollars. Apprentice resident hunting licenses, apprentice youth 15011  
hunting licenses, and apprentice nonresident hunting licenses are 15012  
subject to the requirements established under section 1533.102 of 15013  
the Revised Code and rules adopted pursuant to it. 15014

The chief of the division of wildlife may issue a small game 15015  
hunting license expiring three days from the effective date of the 15016  
license to a nonresident of the state, the fee for which shall be 15017  
thirty-nine dollars. No person shall take or possess deer, wild 15018  
turkeys, fur-bearing animals, ducks, geese, brant, or any nongame 15019  
animal while possessing only a small game hunting license. A small 15020  
game hunting license or an apprentice nonresident hunting license 15021  
does not authorize the taking or possessing of ducks, geese, or 15022  
brant without having obtained, in addition to the small game 15023  
hunting license or the apprentice nonresident hunting license, a 15024  
wetlands habitat stamp as provided in section 1533.112 of the 15025  
Revised Code. A small game hunting license or an apprentice 15026  
nonresident hunting license does not authorize the taking or 15027  
possessing of deer, wild turkeys, or fur-bearing animals. A 15028  
nonresident of the state who wishes to take or possess deer, wild 15029  
turkeys, or fur-bearing animals in this state shall procure, 15030  
respectively, a deer or wild turkey permit as provided in section 15031  
1533.11 of the Revised Code or a fur taker permit as provided in 15032  
section 1533.111 of the Revised Code in addition to a nonresident 15033  
hunting license, an apprentice nonresident hunting license, a 15034  
special youth hunting license, or an apprentice youth hunting 15035  
license, as applicable, as provided in this section. 15036

No person shall procure or attempt to procure a hunting 15037  
license by fraud, deceit, misrepresentation, or any false 15038  
statement. 15039

This section does not authorize the taking and possessing of 15040  
deer or wild turkeys without first having obtained, in addition to 15041  
the hunting license required by this section, a deer or wild 15042  
turkey permit as provided in section 1533.11 of the Revised Code 15043  
or the taking and possessing of ducks, geese, or brant without 15044  
first having obtained, in addition to the hunting license required 15045  
by this section, a wetlands habitat stamp as provided in section 15046

1533.112 of the Revised Code. 15047

This section does not authorize the hunting or trapping of 15048  
fur-bearing animals without first having obtained, in addition to 15049  
a hunting license required by this section, a fur taker permit as 15050  
provided in section 1533.111 of the Revised Code. 15051

No hunting license shall be issued unless it is accompanied 15052  
by a written explanation of the law in section 1533.17 of the 15053  
Revised Code and the penalty for its violation, including a 15054  
description of terms of imprisonment and fines that may be 15055  
imposed. 15056

No hunting license, other than an apprentice hunting license, 15057  
shall be issued unless the applicant presents to the agent 15058  
authorized to issue the license a previously held hunting license 15059  
or evidence of having held such a license in content and manner 15060  
approved by the chief, a certificate of completion issued upon 15061  
completion of a hunter education and conservation course approved 15062  
by the chief, or evidence of equivalent training in content and 15063  
manner approved by the chief. A previously held apprentice hunting 15064  
license does not satisfy the requirement concerning the 15065  
presentation of a previously held hunting license or evidence of 15066  
it. 15067

No person shall issue a hunting license, except an apprentice 15068  
hunting license, to any person who fails to present the evidence 15069  
required by this section. No person shall purchase or obtain a 15070  
hunting license, other than an apprentice hunting license, without 15071  
presenting to the issuing agent the evidence required by this 15072  
section. Issuance of a hunting license in violation of the 15073  
requirements of this section is an offense by both the purchaser 15074  
of the illegally obtained hunting license and the clerk or agent 15075  
who issued the hunting license. Any hunting license issued in 15076  
violation of this section is void. 15077

The chief, with approval of the wildlife council, shall adopt 15078  
rules prescribing a hunter education and conservation course for 15079  
first-time hunting license buyers, other than buyers of apprentice 15080  
hunting licenses, and for volunteer instructors. The course shall 15081  
consist of subjects including, but not limited to, hunter safety 15082  
and health, use of hunting implements, hunting tradition and 15083  
ethics, the hunter and conservation, the law in section 1533.17 of 15084  
the Revised Code along with the penalty for its violation, 15085  
including a description of terms of imprisonment and fines that 15086  
may be imposed, and other law relating to hunting. Authorized 15087  
personnel of the division or volunteer instructors approved by the 15088  
chief shall conduct such courses with such frequency and at such 15089  
locations throughout the state as to reasonably meet the needs of 15090  
license applicants. The chief shall issue a certificate of 15091  
completion to each person who successfully completes the course 15092  
and passes an examination prescribed by the chief. 15093

**Sec. 1541.26.** There is hereby created in the state treasury 15094  
the parks mineral royalties fund. The fund shall consist of money 15095  
deposited into it under section 1509.73 of the Revised Code and 15096  
money transferred to it under section 1503.012 of the Revised 15097  
Code. Any investment proceeds earned on money in the fund shall be 15098  
credited to the fund. 15099

Money in the fund shall be used by the division of parks and 15100  
recreation to acquire land and to pay capital costs, including 15101  
equipment and repairs and renovations of facilities, that are 15102  
owned by the state and administered by the division. Expenditures 15103  
from the fund shall be approved by the director of natural 15104  
resources. 15105

**Sec. 1551.33.** (A) The director of development shall appoint 15106  
and fix the compensation of the director of the Ohio coal 15107  
development office. The director shall serve at the pleasure of 15108

the director of development.	15109
(B) The director of the office shall do all of the following:	15110
(1) Biennially prepare and maintain the Ohio coal development agenda required under section 1551.34 of the Revised Code;	15111 15112
(2) Propose and support policies for the office consistent with the Ohio coal development agenda and develop means to implement the agenda;	15113 15114 15115
(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;	15116 15117 15118 15119
(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;	15120 15121 15122 15123
(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.	15124 15125 15126 15127 15128
(6) Appoint specified members of and convene the technical advisory committee established under section 1551.35 of the Revised Code;	15129 15130 15131
(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	15132 15133 15134 15135 15136 15137 15138

coal in an environmentally acceptable, cost effective manner, 15139  
promotes energy conservation, is cost effective, and is 15140  
environmentally sound, the director shall submit to the public 15141  
utilities commission a report recommending that the commission 15142  
allow the recovery of costs associated with the facility or 15143  
project under section 4905.304 of the Revised Code and including 15144  
the reasons for the recommendation. 15145

(8) Establish such policies, procedures, and guidelines as 15146  
are necessary to achieve the office's purposes. 15147

(C) ~~The~~ With the approval of the director of development, the 15148  
director of the office may exercise any of the powers and duties 15149  
that the director of ~~the office~~ development considers appropriate 15150  
or desirable to achieve the office's purposes, including, but not 15151  
limited to, the powers and duties enumerated in sections 1551.11, 15152  
1551.12, and 1551.15 of the Revised Code. 15153

Additionally, the director of the office may make loans to 15154  
governmental agencies or persons for projects to carry out the 15155  
office's purposes. Fees, charges, rates of interest, times of 15156  
payment of interest and principal, and other terms, conditions, 15157  
and provisions of the loans shall be such as the director of the 15158  
office determines to be appropriate and in furtherance of the 15159  
purposes for which the loans are made. The mortgage lien securing 15160  
any moneys lent by the director of the office may be subordinate 15161  
to the mortgage lien securing any moneys lent or invested by a 15162  
financial institution, but shall be superior to that securing any 15163  
moneys lent or expended by any other person. The moneys used in 15164  
making the loans shall be disbursed upon order of the director of 15165  
the office. 15166

**Sec. 1555.02.** It is hereby declared to be the public policy 15167  
of this state through the operations of the Ohio coal development 15168  
office under this chapter to contribute toward one or more of the 15169

following: to provide for the comfort, health, safety, and general 15170  
welfare of all employees and other inhabitants of this state 15171  
through research and development directed toward the discovery of 15172  
new technologies or the demonstration or application of existing 15173  
technologies to enable the conversion or use of Ohio coal as a 15174  
fuel or chemical feedstock in an environmentally acceptable manner 15175  
thereby enhancing the marketability and fostering the use of this 15176  
state's vast reserves of coal, to assist in the financing of coal 15177  
research and development and coal research and development 15178  
projects or facilities for persons doing business in this state 15179  
and educational and scientific institutions located in this state, 15180  
to create or preserve jobs and employment opportunities or improve 15181  
the economic welfare of the people of this state, or to assist and 15182  
cooperate with such persons and educational and scientific 15183  
institutions in conducting coal research and development. In 15184  
furtherance of this public policy, the Ohio coal development 15185  
office, with the advice of the technical advisory committee 15186  
created in section 1551.35 of the Revised Code and the approval of 15187  
the director of development, may make loans, guarantee loans, and 15188  
make grants to persons doing business in this state or to 15189  
educational or scientific institutions located in this state for 15190  
coal research and development projects by such persons or 15191  
educational or scientific institutions; may, with the advice of 15192  
the technical advisory committee and the approval of the director 15193  
of development, request the issuance of coal research and 15194  
development general obligations under section 151.07 of the 15195  
Revised Code to provide funds for making such loans, loan 15196  
guarantees, and grants; and may, with the advice of the technical 15197  
advisory committee and the approval of the director of 15198  
development, expend moneys credited to the coal research and 15199  
development fund created in section 1555.15 of the Revised Code 15200  
for the purpose of making such loans, loan guarantees, and grants. 15201  
Determinations by the director of the Ohio coal development office 15202



that coal research and development or a coal research and 15203  
development facility is a coal research and development project 15204  
under this chapter and is consistent with the purposes of Section 15205  
15 of Article VIII, Ohio Constitution, and this chapter shall be 15206  
conclusive as to the validity and enforceability of the coal 15207  
research and development general obligations issued to finance 15208  
such project and of the authorizations, trust agreements or 15209  
indentures, loan agreements, loan guarantee agreements, or grant 15210  
agreements, and other agreements made in connection therewith, all 15211  
in accordance with their terms. 15212

**Sec. 1555.03.** For the purposes of this chapter, the director 15213  
of the Ohio coal development office may: 15214

(A) With the advice of the technical advisory committee 15215  
created in section 1551.35 of the Revised Code and the approval of 15216  
the director of development, make loans, guarantee loans, and make 15217  
grants to persons doing business in this state or to educational 15218  
or scientific institutions located in this state for coal research 15219  
and development projects by any such person or educational or 15220  
scientific institution and adopt rules under Chapter 119. of the 15221  
Revised Code for making such loans, guarantees, and grants. 15222

(B) In making loans, loan guarantees, and grants under 15223  
division (A) of this section and section 1555.04 of the Revised 15224  
Code, the director of the office shall ensure that an adequate 15225  
portion of the total amount of those loans, loan guarantees, and 15226  
grants, as determined by the director with the advice of the 15227  
technical advisory committee, is used for conducting research on 15228  
fundamental scientific problems related to the utilization of Ohio 15229  
coal and shall ensure, to the maximum feasible extent, joint 15230  
financial participation by the federal government or other 15231  
investors or interested parties in conjunction with any such loan, 15232  
loan guarantee, or grant. The director, in each grant agreement or 15233

contract under division (A) of this section, loan contract or 15234  
agreement under this division or section 1555.04 of the Revised 15235  
Code, and contract of guarantee under section 1555.05 of the 15236  
Revised Code, shall require that the facility or project be 15237  
maintained and kept in good condition and repair by the person or 15238  
educational or scientific institution to whom the grant or loan 15239  
was made or for whom the guarantee was made. 15240

(C) From time to time, with the advice of the technical 15241  
advisory committee and the approval of the director of 15242  
development, request the issuance of coal research and development 15243  
general obligations under section 151.07 of the Revised Code, for 15244  
any of the purposes set forth in Section 15 of Article VIII, Ohio 15245  
Constitution, and subject to the limitations therein upon the 15246  
aggregate total amount of obligations that may be outstanding at 15247  
any time. 15248

(D) Include as a condition of any loan, loan guarantee, or 15249  
grant contract or agreement with any such person or educational or 15250  
scientific institution that the director of the office receive, in 15251  
addition to payments of principal and interest on any such loan or 15252  
service charges for any such guarantee, as appropriate, as 15253  
authorized by Section 15~~7~~ of Article VIII, Ohio Constitution, a 15254  
reasonable royalty or portion of the income or profits arising out 15255  
of the developments, discoveries, or inventions, including patents 15256  
or copyrights, that result in whole or in part from coal research 15257  
and development projects conducted under any such contract or 15258  
agreement, in such amounts and for such period of years as may be 15259  
negotiated and provided by the contract or agreement in advance of 15260  
the making of the grant, loan, or loan guarantee. Moneys received 15261  
by the director of the office under this section may be credited 15262  
to the coal research and development bond service fund or used to 15263  
make additional loans, loan guarantees, grants, or agreements 15264  
under this section. 15265

(E) Employ managers, superintendents, and other employees and 15266  
retain or contract with consulting engineers, financial 15267  
consultants, accounting experts, architects, and such other 15268  
consultants and independent contractors as are necessary in the 15269  
judgment of the director of the office to carry out this chapter, 15270  
and fix the compensation thereof. 15271

(F) Receive and accept from any federal agency, subject to 15272  
the approval of the governor, grants for or in aid of the 15273  
construction or operation of any coal research and development 15274  
project or for coal research and development, and receive and 15275  
accept aid or contributions from any source of money, property, 15276  
labor, or other things of value, to be held, used, and applied 15277  
only for the purposes for which such grants and contributions are 15278  
made. 15279

(G) Purchase fire and extended coverage and liability 15280  
insurance for any coal research and development project, insurance 15281  
protecting the office and its officers and employees against 15282  
liability for damage to property or injury to or death of persons 15283  
arising from its operations, and any other insurance the director 15284  
of the office determines necessary or proper under this chapter. 15285  
Any moneys received by the director from the proceeds of any such 15286  
insurance with respect to a coal research and development project 15287  
and any moneys received by the director from the proceeds of any 15288  
settlement, judgment, foreclosure, or other insurance with respect 15289  
to a coal research and development project or facility shall be 15290  
credited to the coal research and development bond service fund. 15291

(H) In the exercise of the powers of the director of the 15292  
office under this chapter, call to the director's assistance, 15293  
temporarily, from time to time, any engineers, technical experts, 15294  
financial experts, and other employees in any state department, 15295  
agency, or commission, or in the Ohio state university, or other 15296  
educational institutions financed wholly or partially by this 15297

state for purposes of assisting the director of the office with 15298  
reviewing and evaluating applications for financial assistance 15299  
under this chapter, monitoring performance of coal research and 15300  
development projects receiving financial assistance under this 15301  
chapter, and reviewing and evaluating the progress and findings of 15302  
those projects. Such engineers, experts, and employees shall not 15303  
receive any additional compensation over that which they receive 15304  
from the department, agency, commission, or educational 15305  
institution by which they are employed, but they shall be 15306  
reimbursed for their actual and necessary expenses incurred while 15307  
working under the direction of the director. 15308

(I) Do all acts necessary or proper to carry out the powers 15309  
expressly granted in this chapter. 15310

**Sec. 1555.04.** (A) With respect to coal research and 15311  
development projects financed wholly or partially from a loan or 15312  
loan guarantee under this chapter, the director of the Ohio coal 15313  
development office, in addition to other powers under this 15314  
chapter, with the advice of the technical advisory committee 15315  
created in section 1551.35 of the Revised Code and the approval of 15316  
the director of development, may enter into loan agreements, 15317  
accept notes and other forms of obligation to evidence such 15318  
indebtedness and mortgages, liens, pledges, assignments, or other 15319  
security interests to secure such indebtedness, which may be prior 15320  
or subordinate to or on a parity with other indebtedness, 15321  
obligations, mortgages, pledges, assignments, other security 15322  
interests, or liens or encumbrances, and take such actions as the 15323  
director of the office considers appropriate to protect such 15324  
security and safeguard against losses, including, without 15325  
limitation, foreclosure and the bidding upon and purchase of 15326  
property upon foreclosure or other sale. 15327

(B) The authority granted by this section is cumulative and 15328

supplementary to all other authority granted in this chapter. The 15329  
authority granted by this section does not alter or impair any 15330  
similar authority granted elsewhere in this chapter with respect 15331  
to other projects. 15332

**Sec. 1555.05.** (A) Subject to any limitations as to aggregate 15333  
amounts thereof that may from time to time be prescribed by the 15334  
general assembly and to other applicable provisions of this 15335  
chapter, and subject to the one-hundred-million-dollar limitation 15336  
provided in Section 15 of Article VIII, Ohio Constitution, the 15337  
director of the Ohio coal development office, on behalf of this 15338  
state, with the advice of the technical advisory committee created 15339  
in section 1551.35 of the Revised Code and the approval of the 15340  
director of development, may enter into contracts to guarantee the 15341  
repayment or payment of the unpaid principal amount of loans made 15342  
to pay the costs of coal research and development projects. 15343

(B) The contract of guarantee may make provision for the 15344  
conditions of, time for, and manner of fulfillment of the 15345  
guarantee commitment, subrogation of this state to the rights of 15346  
the parties guaranteed and exercise of such parties' rights by the 15347  
state, giving the state the option of making payment of the 15348  
principal amount guaranteed in one or more installments and, if 15349  
deferred, to pay interest thereon from the source specified in 15350  
division (A) of this section, and any other terms or conditions 15351  
customary to such guarantees and as the director of the office may 15352  
approve, and may contain provisions for securing the guarantee in 15353  
the manner consistent with this section, covenants on behalf of 15354  
this state to issue obligations under section 1555.08 of the 15355  
Revised Code to provide moneys to fulfill such guarantees and 15356  
covenants, and covenants restricting the aggregate amount of 15357  
guarantees that may be contracted under this section and 15358  
obligations that may be issued under section 151.07 of the Revised 15359  
Code, and terms pertinent to either, to better secure the parties 15360

guaranteed. 15361

(C) The director of the office may fix service charges for 15362  
making a guarantee. Such charges shall be payable at such times 15363  
and place and in such amounts and manner as may be prescribed by 15364  
the director. Moneys received from such charges shall be credited 15365  
to the coal research and development bond service fund. 15366

(D) Any guaranteed parties under this section, by any 15367  
suitable form of legal proceedings and except to the extent that 15368  
their rights are restricted by the guarantee documents, may 15369  
protect and enforce any rights under the laws of this state or 15370  
granted by such guarantee or guarantee documents. Such rights 15371  
include the right to compel the performance of all duties of the 15372  
office required by this section or the guarantee or guarantee 15373  
documents; and in the event of default with respect to the payment 15374  
of any guarantees, to apply to a court having jurisdiction of the 15375  
cause to appoint a receiver to receive and administer the moneys 15376  
pledged to such guarantee with full power to pay, and to provide 15377  
for payment of, such guarantee, and with such powers, subject to 15378  
the direction of the court, as are accorded receivers in general 15379  
equity cases, excluding any power to pledge or apply additional 15380  
revenues or receipts or other income or moneys of this state. Each 15381  
duty of the office and its director and employees required or 15382  
undertaken under this section or a guarantee made under this 15383  
section is hereby established as a duty of the office and of its 15384  
director and each such employee having authority to perform such 15385  
duty, specifically enjoined by the law resulting from an office, 15386  
trust, or station within the meaning of section 2731.01 of the 15387  
Revised Code. The persons who are at the time the director of the 15388  
office, or its employees, are not liable in their personal 15389  
capacities on any guarantees or contracts to make guarantees by 15390  
the director. 15391

**Sec. 1555.06.** Upon application by the director of the Ohio coal development office with the approval of the director of development, the controlling board, from appropriations available to the board, may provide funds for surveys or studies by the office of any proposed coal research and development project subject to repayment by the office from funds available to it, within the time fixed by the board. Funds to be repaid shall be charged by the office to the appropriate coal research and development project and the amount thereof shall be a cost of the project. This section does not abrogate the authority of the controlling board to otherwise provide funds for use by the office in the exercise of the powers granted to it by this chapter.

**Sec. 1707.08.** (A) The transactions enumerated in section 1707.06 of the Revised Code may be consummated on compliance with this section and section 1707.11 of the Revised Code.

(B) A description, verified either by the oath of the individual filing it or of any individual having knowledge of the facts, shall be filed with the division of securities by the issuer, or by a majority of the incorporators of the issuer prior to election of officers if it is an incorporated issuer, or by a licensed dealer, which description shall be on forms prescribed by the division and shall set forth:

(1) The name of the issuer;

(2) A brief description of the securities;

(3) The amount of the securities to be offered after the filing of the description for sale in this state and, if all the securities are not to be offered by the person filing the description, then the respective amounts to be offered by others, so far as those amounts are known, and the names and addresses of the other offerors;

(4) A brief statement of the facts which show that the securities are the subject matter of a transaction enumerated in section 1707.06 of the Revised Code;

(5) The price at which the securities are to be offered for sale.

(C) The individual who executes the application for registration by description on behalf of the applicant shall state the individual's relationship to the applicant and certify all of the following:

(1) The individual has executed the application on behalf of the applicant.

(2) The individual is fully authorized to execute and file the application on behalf of the applicant.

(3) The individual is familiar with the applicant's application.

(4) To the best of the individual's knowledge, information, and belief, the statements made in the application are true, and the documents submitted with the application are true copies of the original documents.

(D) A registration by description is effective seven business days after the division receives the description on applicable forms, together with a any filing fee of fifty dollars required under this division, if no proceeding is pending under section 1707.13 or 1707.131 of the Revised Code. However, the division may permit an earlier effective date by rule or by issuing a certificate of acknowledgment for the registration by description.

For an offering that exceeds fifty thousand dollars, a filing fee of fifty dollars shall be submitted with the registration by description.

(E) In order to correct errors or omissions, a registration



by description may be amended by the person that originally filed 15452  
it, by the filing, in the same manner as in the case of an 15453  
original registration by description, of an amended registration 15454  
by description or of an amendment of the original registration by 15455  
description. 15456

(F) When transactions in any securities enumerated in section 15457  
1707.06 of the Revised Code have been registered and the fees 15458  
prescribed by this section have been paid, the transactions may be 15459  
consummated so long as the registration remains in full force. 15460

**Sec. 1707.391.** When any securities have been sold in reliance 15461  
upon division (Q), (W), (X), or (Y) of section 1707.03 of the 15462  
Revised Code, section 1707.08 of the Revised Code, or any other 15463  
section of this chapter that the division of securities may 15464  
specify by rule, but such reliance was improper because the 15465  
required filings were not timely or properly made due to excusable 15466  
neglect, upon the effective date of an application made to the 15467  
division and payment of ~~the required~~ any applicable fee, if 15468  
required and not already paid, ~~plus and upon payment of~~ a penalty 15469  
fee equal to the greater of the ~~required~~ fee or one hundred 15470  
dollars, the sale of the securities shall be deemed exempt, 15471  
qualified, or registered, as though timely and properly filed. The 15472  
application shall become effective upon the expiration of fourteen 15473  
days after the date of the filing in question if prior thereto the 15474  
division did not give notice to the applicant that the application 15475  
was denied based on a finding of lack of excusable neglect. The 15476  
division shall promptly adopt and promulgate rules establishing 15477  
provisions defining excusable neglect and otherwise establishing 15478  
reasonable standards for determining excusable neglect. 15479

The effectiveness of an application under this section does 15480  
not relieve anyone who has, other than for excusable neglect, 15481  
violated sections 1707.01 to 1707.45 of the Revised Code, or any 15482

previous law in force at the time of sale, from prosecution 15483  
thereunder. 15484

**Sec. 1724.03.** (A) After the articles of incorporation have 15485  
been filed, and at the first meeting of the board of directors of 15486  
a county land reutilization corporation, the board shall adopt 15487  
regulations for the government of the corporation, the conduct of 15488  
its affairs, and the management of its property, consistent with 15489  
law and the articles. The content of the regulations shall be 15490  
governed by section 1702.11 of the Revised Code to the extent not 15491  
inconsistent with this chapter. 15492

(B) The board of directors of a county land reutilization 15493  
corporation shall be composed of five, seven, or nine members, 15494  
including the county treasurer, at least two of the members of the 15495  
board of county commissioners, one representative of the largest 15496  
municipal corporation, based on the population according to the 15497  
most recent federal decennial census, that is located in the 15498  
county, one representative of a township with a population of at 15499  
least ten thousand in the unincorporated area of the township 15500  
according to the most recent federal decennial census, if at least 15501  
two such a ~~township exists~~ townships exist in the county, and any 15502  
remaining members selected by the treasurer and the county 15503  
commissioners who are members of the corporation's board. At least 15504  
one board member shall have private sector or nonprofit experience 15505  
in rehabilitation or real estate acquisitions. A county treasurer 15506  
and the county commissioners each may appoint a representative, as 15507  
a director of the corporation, to act for the officer at any of 15508  
the meetings of the corporation. Except as may otherwise be 15509  
authorized by the regulations of the corporation, all members of 15510  
the board of directors shall serve without compensation, but shall 15511  
be reimbursed for actual and necessary expenses. 15512

**Sec. 1733.47.** Whenever the approval of the superintendent of 15513

credit unions is required under this chapter, or under an order or 15514  
supervisory action issued or taken under this chapter, for a 15515  
person to serve as an organizer, incorporator, director, or 15516  
executive officer of a credit union, or to otherwise participate 15517  
in the management of a credit union, the superintendent shall 15518  
request the superintendent of the bureau of criminal 15519  
identification and investigation, or a vendor approved by the 15520  
bureau, to conduct a criminal records check based on the person's 15521  
fingerprints in accordance with ~~division (A)(14)~~ of section 15522  
109.572 of the Revised Code. The superintendent of credit unions 15523  
shall request that criminal record information from the federal 15524  
bureau of investigation be obtained as part of the criminal 15525  
records check. Any fee required under division (C)(3) of section 15526  
109.572 of the Revised Code shall be paid by the person who is the 15527  
subject of the request. 15528

**Sec. 1751.01.** As used in this chapter: 15529

(A)(1) "Basic health care services" means the following 15530  
services when medically necessary: 15531

(a) Physician's services, except when such services are 15532  
supplemental under division (B) of this section; 15533

(b) Inpatient hospital services; 15534

(c) Outpatient medical services; 15535

(d) Emergency health services; 15536

(e) Urgent care services; 15537

(f) Diagnostic laboratory services and diagnostic and 15538  
therapeutic radiologic services; 15539

(g) Diagnostic and treatment services, other than 15540  
prescription drug services, for biologically based mental 15541  
illnesses; 15542

(h) Preventive health care services, including, but not limited to, voluntary family planning services, infertility services, periodic physical examinations, prenatal obstetrical care, and well-child care;

(i) Routine patient care for patients enrolled in an eligible cancer clinical trial pursuant to section 3923.80 of the Revised Code.

"Basic health care services" does not include experimental procedures.

Except as provided by divisions (A)(2) and (3) of this section in connection with the offering of coverage for diagnostic and treatment services for biologically based mental illnesses, a health insuring corporation shall not offer coverage for a health care service, defined as a basic health care service by this division, unless it offers coverage for all listed basic health care services. However, this requirement does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services.

(2) A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses without offering coverage for all other basic health care services. A health insuring corporation may offer coverage for diagnostic and treatment services for biologically based mental illnesses alone or in combination with one or more supplemental health care services. However, a health insuring

corporation that offers coverage for any other basic health care 15575  
service shall offer coverage for diagnostic and treatment services 15576  
for biologically based mental illnesses in combination with the 15577  
offer of coverage for all other listed basic health care services. 15578

(3) A health insuring corporation that offers coverage for 15579  
basic health care services is not required to offer coverage for 15580  
diagnostic and treatment services for biologically based mental 15581  
illnesses in combination with the offer of coverage for all other 15582  
listed basic health care services if all of the following apply: 15583

(a) The health insuring corporation submits documentation 15584  
certified by an independent member of the American academy of 15585  
actuaries to the superintendent of insurance showing that incurred 15586  
claims for diagnostic and treatment services for biologically 15587  
based mental illnesses for a period of at least six months 15588  
independently caused the health insuring corporation's costs for 15589  
claims and administrative expenses for the coverage of basic 15590  
health care services to increase by more than one per cent per 15591  
year. 15592

(b) The health insuring corporation submits a signed letter 15593  
from an independent member of the American academy of actuaries to 15594  
the superintendent of insurance opining that the increase in costs 15595  
described in division (A)(3)(a) of this section could reasonably 15596  
justify an increase of more than one per cent in the annual 15597  
premiums or rates charged by the health insuring corporation for 15598  
the coverage of basic health care services. 15599

(c) The superintendent of insurance makes the following 15600  
determinations from the documentation and opinion submitted 15601  
pursuant to divisions (A)(3)(a) and (b) of this section: 15602

(i) Incurred claims for diagnostic and treatment services for 15603  
biologically based mental illnesses for a period of at least six 15604  
months independently caused the health insuring corporation's 15605

costs for claims and administrative expenses for the coverage of 15606  
basic health care services to increase by more than one per cent 15607  
per year. 15608

(ii) The increase in costs reasonably justifies an increase 15609  
of more than one per cent in the annual premiums or rates charged 15610  
by the health insuring corporation for the coverage of basic 15611  
health care services. 15612

Any determination made by the superintendent under this 15613  
division is subject to Chapter 119. of the Revised Code. 15614

(B)(1) "Supplemental health care services" means any health 15615  
care services other than basic health care services that a health 15616  
insuring corporation may offer, alone or in combination with 15617  
either basic health care services or other supplemental health 15618  
care services, and includes: 15619

(a) Services of facilities for intermediate or long-term 15620  
care, or both; 15621

(b) Dental care services; 15622

(c) Vision care and optometric services including lenses and 15623  
frames; 15624

(d) Podiatric care or foot care services; 15625

(e) Mental health services, excluding diagnostic and 15626  
treatment services for biologically based mental illnesses; 15627

(f) Short-term outpatient evaluative and crisis-intervention 15628  
mental health services; 15629

(g) Medical or psychological treatment and referral services 15630  
for alcohol and drug abuse or addiction; 15631

(h) Home health services; 15632

(i) Prescription drug services; 15633

(j) Nursing services; 15634

(k) Services of a dietitian licensed under Chapter 4759. of the Revised Code;	15635 15636
(l) Physical therapy services;	15637
(m) Chiropractic services;	15638
(n) Any other category of services approved by the superintendent of insurance.	15639 15640
(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.	15641 15642 15643 15644 15645
(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.	15646 15647 15648 15649 15650
(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.	15651 15652 15653 15654 15655 15656 15657
(E) "Closed panel plan" means a health care plan that requires enrollees to use participating providers.	15658 15659
(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.	15660 15661 15662
(G) "Contractual periodic prepayment" means the formula for determining the premium rate for all subscribers of a health	15663 15664

insuring corporation.	15665
(H) "Corporation" means a corporation formed under Chapter 1701. or 1702. of the Revised Code or the similar laws of another state.	15666 15667 15668
(I) "Emergency health services" means those health care services that must be available on a seven-days-per-week, twenty-four-hours-per-day basis in order to prevent jeopardy to an enrollee's health status that would occur if such services were not received as soon as possible, and includes, where appropriate, provisions for transportation and indemnity payments or service agreements for out-of-area coverage.	15669 15670 15671 15672 15673 15674 15675
(J) "Enrollee" means any natural person who is entitled to receive health care benefits provided by a health insuring corporation.	15676 15677 15678
(K) "Evidence of coverage" means any certificate, agreement, policy, or contract issued to a subscriber that sets out the coverage and other rights to which such person is entitled under a health care plan.	15679 15680 15681 15682
(L) "Health care facility" means any facility, except a health care practitioner's office, that provides preventive, diagnostic, therapeutic, acute convalescent, rehabilitation, mental health, mental retardation, intermediate care, or skilled nursing services.	15683 15684 15685 15686 15687
(M) "Health care services" means basic, supplemental, and specialty health care services.	15688 15689
(N) "Health delivery network" means any group of providers or health care facilities, or both, or any representative thereof, that have entered into an agreement to offer health care services in a panel rather than on an individual basis.	15690 15691 15692 15693
(O) "Health insuring corporation" means a corporation, as	15694



defined in division (H) of this section, that, pursuant to a 15695  
policy, contract, certificate, or agreement, pays for, reimburses, 15696  
or provides, delivers, arranges for, or otherwise makes available, 15697  
basic health care services, supplemental health care services, or 15698  
specialty health care services, or a combination of basic health 15699  
care services and either supplemental health care services or 15700  
specialty health care services, through either an open panel plan 15701  
or a closed panel plan. 15702

"Health insuring corporation" does not include a limited 15703  
liability company formed pursuant to Chapter 1705. of the Revised 15704  
Code, an insurer licensed under Title XXXIX of the Revised Code if 15705  
that insurer offers only open panel plans under which all 15706  
providers and health care facilities participating receive their 15707  
compensation directly from the insurer, a corporation formed by or 15708  
on behalf of a political subdivision or a department, office, or 15709  
institution of the state, or a public entity formed by or on 15710  
behalf of a board of county commissioners, a county board of 15711  
developmental disabilities, an alcohol and drug addiction services 15712  
board, a board of alcohol, drug addiction, and mental health 15713  
services, or a community mental health board, as those terms are 15714  
used in Chapters 340. and 5126. of the Revised Code. Except as 15715  
provided by division (D) of section 1751.02 of the Revised Code, 15716  
or as otherwise provided by law, no board, commission, agency, or 15717  
other entity under the control of a political subdivision may 15718  
accept insurance risk in providing for health care services. 15719  
However, nothing in this division shall be construed as 15720  
prohibiting such entities from purchasing the services of a health 15721  
insuring corporation or a third-party administrator licensed under 15722  
Chapter 3959. of the Revised Code. 15723

(P) "Intermediary organization" means a health delivery 15724  
network or other entity that contracts with licensed health 15725  
insuring corporations or self-insured employers, or both, to 15726

provide health care services, and that enters into contractual 15727  
arrangements with other entities for the provision of health care 15728  
services for the purpose of fulfilling the terms of its contracts 15729  
with the health insuring corporations and self-insured employers. 15730

(Q) "Intermediate care" means residential care above the 15731  
level of room and board for patients who require personal 15732  
assistance and health-related services, but who do not require 15733  
skilled nursing care. 15734

(R) "Medicaid" has the same meaning as in section 5111.01 of 15735  
the Revised Code. 15736

(S) "Medical record" means the personal information that 15737  
relates to an individual's physical or mental condition, medical 15738  
history, or medical treatment. 15739

(T) "Medicare" means the program established under Title 15740  
XVIII of the "Social Security Act" 49 Stat. 620 (1935), 42 U.S.C. 15741  
1395, as amended. 15742

(U)(1) "Open panel plan" means a health care plan that 15743  
provides incentives for enrollees to use participating providers 15744  
and that also allows enrollees to use providers that are not 15745  
participating providers. 15746

(2) No health insuring corporation may offer an open panel 15747  
plan, unless the health insuring corporation is also licensed as 15748  
an insurer under Title XXXIX of the Revised Code, the health 15749  
insuring corporation, on June 4, 1997, holds a certificate of 15750  
authority or license to operate under Chapter 1736. or 1740. of 15751  
the Revised Code, or an insurer licensed under Title XXXIX of the 15752  
Revised Code is responsible for the out-of-network risk as 15753  
evidenced by both an evidence of coverage filing under section 15754  
1751.11 of the Revised Code and a policy and certificate filing 15755  
under section 3923.02 of the Revised Code. 15756

(V) "Osteopathic hospital" means a hospital registered under 15757

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: 15758  
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(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 physician; 15761  
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(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians; 15765  
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(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members. 15767  
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(W) "Panel" means a group of providers or health care facilities that have joined together to deliver health care services through a contractual arrangement with a health insuring corporation, employer group, or other payor. 15769  
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~~(W)~~(X) "Person" has the same meaning as in section 1.59 of the Revised Code, and, unless the context otherwise requires, includes any insurance company holding a certificate of authority under Title XXXIX of the Revised Code, any subsidiary and affiliate of an insurance company, and any government agency. 15773  
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~~(X)~~(Y) "Premium rate" means any set fee regularly paid by a subscriber to a health insuring corporation. A "premium rate" does not include a one-time membership fee, an annual administrative fee, or a nominal access fee, paid to a managed health care system under which the recipient of health care services remains solely responsible for any charges accessed for those services by the provider or health care facility. 15778  
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~~(Y)~~(Z) "Primary care provider" means a provider that is designated by a health insuring corporation to supervise, coordinate, or provide initial care or continuing care to an enrollee, and that may be required by the health insuring 15785  
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corporation to initiate a referral for specialty care and to 15789  
maintain supervision of the health care services rendered to the 15790  
enrollee. 15791

~~(Z)~~(AA) "Provider" means any natural person or partnership of 15792  
natural persons who are licensed, certified, accredited, or 15793  
otherwise authorized in this state to furnish health care 15794  
services, or any professional association organized under Chapter 15795  
1785. of the Revised Code, provided that nothing in this chapter 15796  
or other provisions of law shall be construed to preclude a health 15797  
insuring corporation, health care practitioner, or organized 15798  
health care group associated with a health insuring corporation 15799  
from employing certified nurse practitioners, certified nurse 15800  
anesthetists, clinical nurse specialists, certified nurse 15801  
midwives, dietitians, physician assistants, dental assistants, 15802  
dental hygienists, optometric technicians, or other allied health 15803  
personnel who are licensed, certified, accredited, or otherwise 15804  
authorized in this state to furnish health care services. 15805

~~(AA)~~(BB) "Provider sponsored organization" means a 15806  
corporation, as defined in division (H) of this section, that is 15807  
at least eighty per cent owned or controlled by one or more 15808  
hospitals, as defined in section 3727.01 of the Revised Code, or 15809  
one or more physicians licensed to practice medicine or surgery or 15810  
osteopathic medicine and surgery under Chapter 4731. of the 15811  
Revised Code, or any combination of such physicians and hospitals. 15812  
Such control is presumed to exist if at least eighty per cent of 15813  
the voting rights or governance rights of a provider sponsored 15814  
organization are directly or indirectly owned, controlled, or 15815  
otherwise held by any combination of the physicians and hospitals 15816  
described in this division. 15817

~~(BB)~~(CC) "Solicitation document" means the written materials 15818  
provided to prospective subscribers or enrollees, or both, and 15819  
used for advertising and marketing to induce enrollment in the 15820

health care plans of a health insuring corporation. 15821

~~(CC)~~(DD) "Subscriber" means a person who is responsible for 15822  
making payments to a health insuring corporation for participation 15823  
in a health care plan, or an enrollee whose employment or other 15824  
status is the basis of eligibility for enrollment in a health 15825  
insuring corporation. 15826

~~(DD)~~(EE) "Urgent care services" means those health care 15827  
services that are appropriately provided for an unforeseen 15828  
condition of a kind that usually requires medical attention 15829  
without delay but that does not pose a threat to the life, limb, 15830  
or permanent health of the injured or ill person, and may include 15831  
such health care services provided out of the health insuring 15832  
corporation's approved service area pursuant to indemnity payments 15833  
or service agreements. 15834

**Sec. 1751.02.** (A) Notwithstanding any law in this state to 15835  
the contrary, any corporation, as defined in section 1751.01 of 15836  
the Revised Code, may apply to the superintendent of insurance for 15837  
a certificate of authority to establish and operate a health 15838  
insuring corporation. If the corporation applying for a 15839  
certificate of authority is a foreign corporation domiciled in a 15840  
state without laws similar to those of this chapter, the 15841  
corporation must form a domestic corporation to apply for, obtain, 15842  
and maintain a certificate of authority under this chapter. 15843

(B) No person shall establish, operate, or perform the 15844  
services of a health insuring corporation in this state without 15845  
obtaining a certificate of authority under this chapter. 15846

(C) Except as provided by division (D) of this section, no 15847  
political subdivision or department, office, or institution of 15848  
this state, or corporation formed by or on behalf of any political 15849  
subdivision or department, office, or institution of this state, 15850  
shall establish, operate, or perform the services of a health 15851

insuring corporation. Nothing in this section shall be construed 15852  
to preclude a board of county commissioners, a county board of 15853  
developmental disabilities, an alcohol and drug addiction services 15854  
board, a board of alcohol, drug addiction, and mental health 15855  
services, or a community mental health board, or a public entity 15856  
formed by or on behalf of any of these boards, from using managed 15857  
care techniques in carrying out the board's or public entity's 15858  
duties pursuant to the requirements of Chapters 307., 329., 340., 15859  
and 5126. of the Revised Code. However, no such board or public 15860  
entity may operate so as to compete in the private sector with 15861  
health insuring corporations holding certificates of authority 15862  
under this chapter. 15863

(D) A corporation formed by or on behalf of a publicly owned, 15864  
operated, or funded hospital or health care facility may apply to 15865  
the superintendent for a certificate of authority under division 15866  
(A) of this section to establish and operate a health insuring 15867  
corporation. 15868

(E) A health insuring corporation shall operate in this state 15869  
in compliance with this chapter and Chapter 1753. of the Revised 15870  
Code, ~~and with sections 3702.51 to 3702.62 of the Revised Code,~~ 15871  
and shall operate in conformity with its filings with the 15872  
superintendent under this chapter, including filings made pursuant 15873  
to sections 1751.03, 1751.11, 1751.12, and 1751.31 of the Revised 15874  
Code. 15875

(F) An insurer licensed under Title XXXIX of the Revised Code 15876  
need not obtain a certificate of authority as a health insuring 15877  
corporation to offer an open panel plan as long as the providers 15878  
and health care facilities participating in the open panel plan 15879  
receive their compensation directly from the insurer. If the 15880  
providers and health care facilities participating in the open 15881  
panel plan receive their compensation from any person other than 15882  
the insurer, or if the insurer offers a closed panel plan, the 15883

insurer must obtain a certificate of authority as a health 15884  
insuring corporation. 15885

(G) An intermediary organization need not obtain a 15886  
certificate of authority as a health insuring corporation, 15887  
regardless of the method of reimbursement to the intermediary 15888  
organization, as long as a health insuring corporation or a 15889  
self-insured employer maintains the ultimate responsibility to 15890  
assure delivery of all health care services required by the 15891  
contract between the health insuring corporation and the 15892  
subscriber and the laws of this state or between the self-insured 15893  
employer and its employees. 15894

Nothing in this section shall be construed to require any 15895  
health care facility, provider, health delivery network, or 15896  
intermediary organization that contracts with a health insuring 15897  
corporation or self-insured employer, regardless of the method of 15898  
reimbursement to the health care facility, provider, health 15899  
delivery network, or intermediary organization, to obtain a 15900  
certificate of authority as a health insuring corporation under 15901  
this chapter, unless otherwise provided, in the case of contracts 15902  
with a self-insured employer, by operation of the "Employee 15903  
Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C.A. 15904  
1001, as amended. 15905

(H) Any health delivery network doing business in this state, 15906  
including any health delivery network that is functioning as an 15907  
intermediary organization doing business in this state, that is 15908  
not required to obtain a certificate of authority under this 15909  
chapter shall certify to the superintendent annually, not later 15910  
than the first day of July, and shall provide a statement signed 15911  
by the highest ranking official which includes the following 15912  
information: 15913

(1) The health delivery network's full name and the address 15914  
of its principal place of business; 15915

(2) A statement that the health delivery network is not required to obtain a certificate of authority under this chapter to conduct its business.

(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, 15947  
either directly or indirectly, enter into contracts for the 15948  
provision of health care services with a sufficient number and 15949  
types of providers and health care facilities to ensure that all 15950  
covered health care services will be accessible to enrollees from 15951  
a contracted provider or health care facility. 15952

(b) A health insuring corporation shall not refuse to 15953  
contract with a physician for the provision of health care 15954  
services or refuse to recognize a physician as a specialist on the 15955  
basis that the physician attended an educational program or a 15956  
residency program approved or certified by the American 15957  
osteopathic association. A health insuring corporation shall not 15958  
refuse to contract with a health care facility for the provision 15959  
of health care services on the basis that the health care facility 15960  
is certified or accredited by the American osteopathic association 15961  
or that the health care facility is an osteopathic hospital ~~as~~ 15962  
~~defined in section 3702.51 of the Revised Code.~~ 15963

(c) Nothing in division (A)(1)(b) of this section shall be 15964  
construed to require a health insuring corporation to make a 15965  
benefit payment under a closed panel plan to a physician or health 15966  
care facility with which the health insuring corporation does not 15967  
have a contract, provided that none of the bases set forth in that 15968  
division are used as a reason for failing to make a benefit 15969  
payment. 15970

(2) When a health insuring corporation is unable to provide a 15971  
covered health care service from a contracted provider or health 15972  
care facility, the health insuring corporation must provide that 15973  
health care service from a noncontracted provider or health care 15974  
facility consistent with the terms of the enrollee's policy, 15975  
contract, certificate, or agreement. The health insuring 15976  
corporation shall either ensure that the health care service be 15977

provided at no greater cost to the enrollee than if the enrollee 15978  
had obtained the health care service from a contracted provider or 15979  
health care facility, or make other arrangements acceptable to the 15980  
superintendent of insurance. 15981

(3) Nothing in this section shall prohibit a health insuring 15982  
corporation from entering into contracts with out-of-state 15983  
providers or health care facilities that are licensed, certified, 15984  
accredited, or otherwise authorized in that state. 15985

(B)(1) A health insuring corporation shall, either directly 15986  
or indirectly, enter into contracts with all providers and health 15987  
care facilities through which health care services are provided to 15988  
its enrollees. 15989

(2) A health insuring corporation, upon written request, 15990  
shall assist its contracted providers in finding stop-loss or 15991  
reinsurance carriers. 15992

(C) A health insuring corporation shall file an annual 15993  
certificate with the superintendent certifying that all provider 15994  
contracts and contracts with health care facilities through which 15995  
health care services are being provided contain the following: 15996

(1) A description of the method by which the provider or 15997  
health care facility will be notified of the specific health care 15998  
services for which the provider or health care facility will be 15999  
responsible, including any limitations or conditions on such 16000  
services; 16001

(2) The specific hold harmless provision specifying 16002  
protection of enrollees set forth as follows: 16003

"[Provider/Health Care Facility] agrees that in no event, 16004  
including but not limited to nonpayment by the health insuring 16005  
corporation, insolvency of the health insuring corporation, or 16006  
breach of this agreement, shall [Provider/Health Care Facility] 16007  
bill, charge, collect a deposit from, seek remuneration or 16008

reimbursement from, or have any recourse against, a subscriber, 16009  
enrollee, person to whom health care services have been provided, 16010  
or person acting on behalf of the covered enrollee, for health 16011  
care services provided pursuant to this agreement. This does not 16012  
prohibit [Provider/Health Care Facility] from collecting 16013  
co-insurance, deductibles, or copayments as specifically provided 16014  
in the evidence of coverage, or fees for uncovered health care 16015  
services delivered on a fee-for-service basis to persons 16016  
referenced above, nor from any recourse against the health 16017  
insuring corporation or its successor." 16018

(3) Provisions requiring the provider or health care facility 16019  
to continue to provide covered health care services to enrollees 16020  
in the event of the health insuring corporation's insolvency or 16021  
discontinuance of operations. The provisions shall require the 16022  
provider or health care facility to continue to provide covered 16023  
health care services to enrollees as needed to complete any 16024  
medically necessary procedures commenced but unfinished at the 16025  
time of the health insuring corporation's insolvency or 16026  
discontinuance of operations. The completion of a medically 16027  
necessary procedure shall include the rendering of all covered 16028  
health care services that constitute medically necessary follow-up 16029  
care for that procedure. If an enrollee is receiving necessary 16030  
inpatient care at a hospital, the provisions may limit the 16031  
required provision of covered health care services relating to 16032  
that inpatient care in accordance with division (D)(3) of section 16033  
1751.11 of the Revised Code, and may also limit such required 16034  
provision of covered health care services to the period ending 16035  
thirty days after the health insuring corporation's insolvency or 16036  
discontinuance of operations. 16037

The provisions required by division (C)(3) of this section 16038  
shall not require any provider or health care facility to continue 16039  
to provide any covered health care service after the occurrence of 16040

any of the following: 16041

(a) The end of the thirty-day period following the entry of a 16042  
liquidation order under Chapter 3903. of the Revised Code; 16043

(b) The end of the enrollee's period of coverage for a 16044  
contractual prepayment or premium; 16045

(c) The enrollee obtains equivalent coverage with another 16046  
health insuring corporation or insurer, or the enrollee's employer 16047  
obtains such coverage for the enrollee; 16048

(d) The enrollee or the enrollee's employer terminates 16049  
coverage under the contract; 16050

(e) A liquidator effects a transfer of the health insuring 16051  
corporation's obligations under the contract under division (A)(8) 16052  
of section 3903.21 of the Revised Code. 16053

(4) A provision clearly stating the rights and 16054  
responsibilities of the health insuring corporation, and of the 16055  
contracted providers and health care facilities, with respect to 16056  
administrative policies and programs, including, but not limited 16057  
to, payments systems, utilization review, quality assurance, 16058  
assessment, and improvement programs, credentialing, 16059  
confidentiality requirements, and any applicable federal or state 16060  
programs; 16061

(5) A provision regarding the availability and 16062  
confidentiality of those health records maintained by providers 16063  
and health care facilities to monitor and evaluate the quality of 16064  
care, to conduct evaluations and audits, and to determine on a 16065  
concurrent or retrospective basis the necessity of and 16066  
appropriateness of health care services provided to enrollees. The 16067  
provision shall include terms requiring the provider or health 16068  
care facility to make these health records available to 16069  
appropriate state and federal authorities involved in assessing 16070  
the quality of care or in investigating the grievances or 16071

complaints of enrollees, and requiring the provider or health care facility to comply with applicable state and federal laws related to the confidentiality of medical or health records.

(6) A provision that states that contractual rights and responsibilities may not be assigned or delegated by the provider or health care facility without the prior written consent of the health insuring corporation;

(7) A provision requiring the provider or health care facility to maintain adequate professional liability and malpractice insurance. The provision shall also require the provider or health care facility to notify the health insuring corporation not more than ten days after the provider's or health care facility's receipt of notice of any reduction or cancellation of such coverage.

(8) A provision requiring the provider or health care facility to observe, protect, and promote the rights of enrollees as patients;

(9) A provision requiring the provider or health care facility to provide health care services without discrimination on the basis of a patient's participation in the health care plan, age, sex, ethnicity, religion, sexual preference, health status, or disability, and without regard to the source of payments made for health care services rendered to a patient. This requirement shall not apply to circumstances when the provider or health care facility appropriately does not render services due to limitations arising from the provider's or health care facility's lack of training, experience, or skill, or due to licensing restrictions.

(10) A provision containing the specifics of any obligation on the primary care provider to provide, or to arrange for the provision of, covered health care services twenty-four hours per day, seven days per week;

(11) A provision setting forth procedures for the resolution of disputes arising out of the contract; 16103  
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(12) A provision stating that the hold harmless provision required by division (C)(2) of this section shall survive the termination of the contract with respect to services covered and provided under the contract during the time the contract was in effect, regardless of the reason for the termination, including the insolvency of the health insuring corporation; 16105  
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(13) A provision requiring those terms that are used in the contract and that are defined by this chapter, be used in the contract in a manner consistent with those definitions. 16111  
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This division does not apply to the coverage of beneficiaries enrolled in medicare pursuant to a medicare risk contract or medicare cost contract, or to the coverage of beneficiaries enrolled in the federal employee health benefits program pursuant to 5 U.S.C.A. 8905, or to the coverage of medicaid recipients, or to the coverage of beneficiaries under any federal health care program regulated by a federal regulatory body, or to the coverage of beneficiaries under any contract covering officers or employees of the state that has been entered into by the department of administrative services. 16114  
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(D)(1) No health insuring corporation contract with a provider or health care facility shall contain any of the following: 16124  
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(a) A provision that directly or indirectly offers an inducement to the provider or health care facility to reduce or limit medically necessary health care services to a covered enrollee; 16127  
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(b) A provision that penalizes a provider or health care facility that assists an enrollee to seek a reconsideration of the health insuring corporation's decision to deny or limit benefits 16131  
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to the enrollee; 16134

(c) A provision that limits or otherwise restricts the 16135  
provider's or health care facility's ethical and legal 16136  
responsibility to fully advise enrollees about their medical 16137  
condition and about medically appropriate treatment options; 16138

(d) A provision that penalizes a provider or health care 16139  
facility for principally advocating for medically necessary health 16140  
care services; 16141

(e) A provision that penalizes a provider or health care 16142  
facility for providing information or testimony to a legislative 16143  
or regulatory body or agency. This shall not be construed to 16144  
prohibit a health insuring corporation from penalizing a provider 16145  
or health care facility that provides information or testimony 16146  
that is libelous or slanderous or that discloses trade secrets 16147  
which the provider or health care facility has no privilege or 16148  
permission to disclose. 16149

(f) A provision that violates Chapter 3963. of the Revised 16150  
Code. 16151

(2) Nothing in this division shall be construed to prohibit a 16152  
health insuring corporation from doing either of the following: 16153

(a) Making a determination not to reimburse or pay for a 16154  
particular medical treatment or other health care service; 16155

(b) Enforcing reasonable peer review or utilization review 16156  
protocols, or determining whether a particular provider or health 16157  
care facility has complied with these protocols. 16158

(E) Any contract between a health insuring corporation and an 16159  
intermediary organization shall clearly specify that the health 16160  
insuring corporation must approve or disapprove the participation 16161  
of any provider or health care facility with which the 16162  
intermediary organization contracts. 16163

(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 of the following:

(1) Contain the provisions required by divisions (C) and (G) of this section, as made applicable to an intermediary organization, without the inclusion of inducements or penalties described in division (D) of this section;

(2) Acknowledge that the health insuring corporation is a third-party beneficiary to the agreement;

(3) Acknowledge the health insuring corporation's role in approving the participation of the provider or health care facility, pursuant to division (E) of this section.

(G) Any provider contract or contract with a health care facility shall clearly specify the health insuring corporation's statutory responsibility to monitor and oversee the offering of covered health care services to its enrollees.

(H)(1) A health insuring corporation shall maintain its provider contracts and its contracts with health care facilities at one or more of its places of business in this state, and shall provide copies of these contracts to facilitate regulatory review upon written notice by the superintendent of insurance.

(2) Any contract with an intermediary organization that accepts compensation shall include provisions requiring the intermediary organization to provide the superintendent with regulatory access to all books, records, financial information, and documents related to the provision of health care services to subscribers and enrollees under the contract. The contract shall require the intermediary organization to maintain such books, records, financial information, and documents at its principal



place of business in this state and to preserve them for at least 16195  
three years in a manner that facilitates regulatory review. 16196

(I)(1) A health insuring corporation shall notify its 16197  
affected enrollees of the termination of a contract for the 16198  
provision of health care services between the health insuring 16199  
corporation and a primary care physician or hospital, by mail, 16200  
within thirty days after the termination of the contract. 16201

(a) Notice shall be given to subscribers of the termination 16202  
of a contract with a primary care physician if the subscriber, or 16203  
a dependent covered under the subscriber's health care coverage, 16204  
has received health care services from the primary care physician 16205  
within the previous twelve months or if the subscriber or 16206  
dependent has selected the physician as the subscriber's or 16207  
dependent's primary care physician within the previous twelve 16208  
months. 16209

(b) Notice shall be given to subscribers of the termination 16210  
of a contract with a hospital if the subscriber, or a dependent 16211  
covered under the subscriber's health care coverage, has received 16212  
health care services from that hospital within the previous twelve 16213  
months. 16214

(2) The health insuring corporation shall pay, in accordance 16215  
with the terms of the contract, for all covered health care 16216  
services rendered to an enrollee by a primary care physician or 16217  
hospital between the date of the termination of the contract and 16218  
five days after the notification of the contract termination is 16219  
mailed to a subscriber at the subscriber's last known address. 16220

(J) Divisions (A) and (B) of this section do not apply to any 16221  
health insuring corporation that, on June 4, 1997, holds a 16222  
certificate of authority or license to operate under Chapter 1740. 16223  
of the Revised Code. 16224

(K) Nothing in this section shall restrict the governing body 16225

of a hospital from exercising the authority granted it pursuant to 16226  
section 3701.351 of the Revised Code. 16227

**Sec. 1761.26.** Whenever the approval of the superintendent of 16228  
credit unions is required under this chapter, or under an order or 16229  
supervisory action issued or taken under this chapter, for a 16230  
person to serve as an organizer, incorporator, director, or 16231  
executive officer of a credit union share guaranty corporation, or 16232  
to otherwise participate in the management of such a corporation, 16233  
the superintendent shall request the superintendent of the bureau 16234  
of criminal identification and investigation, or a vendor approved 16235  
by the bureau, to conduct a criminal records check based on the 16236  
person's fingerprints in accordance with ~~division (A)(14) of~~ 16237  
section 109.572 of the Revised Code. The superintendent of credit 16238  
unions shall request that criminal record information from the 16239  
federal bureau of investigation be obtained as part of the 16240  
criminal records check. Any fee required under division (C)(3) of 16241  
section 109.572 of the Revised Code shall be paid by the person 16242  
who is the subject of the request. 16243

**Sec. 1901.01.** (A) There is hereby established a municipal 16244  
court in each of the following municipal corporations: 16245

Akron, Alliance, Ashland, Ashtabula, Athens, Avon Lake, 16246  
Barberton, Bedford, Bellefontaine, Bellevue, Berea, Bowling Green, 16247  
Bryan, Bucyrus, Cambridge, Campbell, Canton, Carrollton, Celina, 16248  
Chardon, Chesapeake, Chillicothe, Cincinnati, Circleville, 16249  
Cleveland, Cleveland Heights, Columbus, Conneaut, Coshocton, 16250  
Cuyahoga Falls, Dayton, Defiance, Delaware, East Cleveland, East 16251  
Liverpool, Eaton, Elyria, Euclid, Fairborn, Fairfield, Findlay, 16252  
Fostoria, Franklin, Fremont, Gallipolis, Garfield Heights, 16253  
Georgetown, Girard, Greenville, Hamilton, Hillsboro, Huron, 16254  
Ironton, Jackson, Kenton, Kettering, Lakewood, Lancaster, Lebanon, 16255  
Lima, Logan, London, Lorain, Lyndhurst, Mansfield, Marietta, 16256

Marion, Marysville, Mason, Massillon, Maumee, Medina, Mentor, 16257  
Miamisburg, Middletown, Millersburg, Mount Gilead, Mount Vernon, 16258  
Napoleon, Newark, New Philadelphia, Newton Falls, Niles, Norwalk, 16259  
Oakwood, Oberlin, Oregon, Ottawa, Painesville, Parma, Perrysburg, 16260  
Port Clinton, Portsmouth, Ravenna, Rocky River, Sandusky, Shaker 16261  
Heights, Shelby, Sidney, South Euclid, Springfield, Steubenville, 16262  
Struthers, Sylvania, Tiffin, Toledo, Troy, Upper Sandusky, Urbana, 16263  
Vandalia, Van Wert, Vermilion, Wadsworth, Wapakoneta, Warren, City 16264  
of Washington in Fayette county, to be known as Washington Court 16265  
House, Willoughby, Wilmington, Wooster, Xenia, Youngstown, and 16266  
Zanesville. 16267

(B) There is hereby established a municipal court within 16268  
Clermont county in Batavia or in any other municipal corporation 16269  
or unincorporated territory within Clermont county that is 16270  
selected by the legislative authority of the Clermont county 16271  
municipal court. The municipal court established by this division 16272  
is a continuation of the municipal court previously established in 16273  
Batavia by this section before the enactment of this division. 16274

(C) There is hereby established a municipal court within 16275  
Columbiana county in Lisbon or in any other municipal corporation 16276  
or unincorporated territory within Columbiana county, except the 16277  
municipal corporation of East Liverpool or Liverpool or St. Clair 16278  
township, that is selected by the judges of the municipal court 16279  
pursuant to division (I) of section 1901.021 of the Revised Code. 16280

(D) Effective January 1, 2008, there is hereby established a 16281  
municipal court within Erie county in Milan or in any other 16282  
municipal corporation or unincorporated territory within Erie 16283  
county that is within the territorial jurisdiction of the Erie 16284  
county municipal court and is selected by the legislative 16285  
authority of that court. 16286

(E) The Cuyahoga Falls municipal court shall remain in 16287  
existence until December 31, 2008, and shall be replaced by the 16288

Stow municipal court on January 1, 2009. 16289

(F) Effective January 1, 2009, there is hereby established a 16290  
municipal court in the municipal corporation of Stow. 16291

(G) Effective July 1, 2010, there is hereby established a 16292  
municipal court within Montgomery county in any municipal 16293  
corporation or unincorporated territory within Montgomery county, 16294  
except the municipal corporations of Centerville, Clayton, Dayton, 16295  
Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, 16296  
Union, Vandalia, and West Carrollton and Butler, German, Harrison, 16297  
Miami, and Washington townships, that is selected by the 16298  
legislative authority of that court. 16299

(H) Effective January 1, 2013, there is hereby established a 16300  
municipal court within Trumbull county in any municipal 16301  
corporation or unincorporated territory within Trumbull county, 16302  
except the municipal corporations of Girard, McDonald, Newton 16303  
Falls, Niles, and Warren and Bloomfield, Braceville, Bristol, 16304  
Champion, Farmington, Howland, Hubbard, Liberty, Lordstown, 16305  
Mesopotamia, Newton, Southington, Vienna, Warren, and 16306  
Weathersfield townships, that is selected by the legislative 16307  
authority of that court. 16308

(I) Effective January 1, 2013, there is hereby established a 16309  
municipal court within Sandusky county in any municipal 16310  
corporation or unincorporated territory within Sandusky county, 16311  
except the municipal corporations of Bellevue and Fremont and 16312  
Ballville, Sandusky, and York townships, that is selected by the 16313  
legislative authority of that court. 16314

**Sec. 1901.02.** (A) The municipal courts established by section 16315  
1901.01 of the Revised Code have jurisdiction within the corporate 16316  
limits of their respective municipal corporations, or, for the 16317  
Clermont county municipal court, the Columbiana county municipal 16318  
court, and, effective January 1, 2008, the Erie county municipal 16319

court, within the municipal corporation or unincorporated 16320  
territory in which they are established, and are courts of record. 16321  
Each of the courts shall be styled 16322  
"..... municipal court," inserting 16323  
the name of the municipal corporation, except the following 16324  
courts, which shall be styled as set forth below: 16325

(1) The municipal court established in Chesapeake that shall 16326  
be styled and known as the "Lawrence county municipal court"; 16327

(2) The municipal court established in Cincinnati that shall 16328  
be styled and known as the "Hamilton county municipal court"; 16329

(3) The municipal court established in Ravenna that shall be 16330  
styled and known as the "Portage county municipal court"; 16331

(4) The municipal court established in Athens that shall be 16332  
styled and known as the "Athens county municipal court"; 16333

(5) The municipal court established in Columbus that shall be 16334  
styled and known as the "Franklin county municipal court"; 16335

(6) The municipal court established in London that shall be 16336  
styled and known as the "Madison county municipal court"; 16337

(7) The municipal court established in Newark that shall be 16338  
styled and known as the "Licking county municipal court"; 16339

(8) The municipal court established in Wooster that shall be 16340  
styled and known as the "Wayne county municipal court"; 16341

(9) The municipal court established in Wapakoneta that shall 16342  
be styled and known as the "Auglaize county municipal court"; 16343

(10) The municipal court established in Troy that shall be 16344  
styled and known as the "Miami county municipal court"; 16345

(11) The municipal court established in Bucyrus that shall be 16346  
styled and known as the "Crawford county municipal court"; 16347

(12) The municipal court established in Logan that shall be 16348

styled and known as the "Hocking county municipal court"; 16349

(13) The municipal court established in Urbana that shall be 16350  
styled and known as the "Champaign county municipal court"; 16351

(14) The municipal court established in Jackson that shall be 16352  
styled and known as the "Jackson county municipal court"; 16353

(15) The municipal court established in Springfield that 16354  
shall be styled and known as the "Clark county municipal court"; 16355

(16) The municipal court established in Kenton that shall be 16356  
styled and known as the "Hardin county municipal court"; 16357

(17) The municipal court established within Clermont county 16358  
in Batavia or in any other municipal corporation or unincorporated 16359  
territory within Clermont county that is selected by the 16360  
legislative authority of that court that shall be styled and known 16361  
as the "Clermont county municipal court"; 16362

(18) The municipal court established in Wilmington that, 16363  
beginning July 1, 1992, shall be styled and known as the "Clinton 16364  
county municipal court"; 16365

(19) The municipal court established in Port Clinton that 16366  
shall be styled and known as "the Ottawa county municipal court"; 16367

(20) The municipal court established in Lancaster that, 16368  
beginning January 2, 2000, shall be styled and known as the 16369  
"Fairfield county municipal court"; 16370

(21) The municipal court established within Columbiana county 16371  
in Lisbon or in any other municipal corporation or unincorporated 16372  
territory selected pursuant to division (I) of section 1901.021 of 16373  
the Revised Code, that shall be styled and known as the 16374  
"Columbiana county municipal court"; 16375

(22) The municipal court established in Georgetown that, 16376  
beginning February 9, 2003, shall be styled and known as the 16377  
"Brown county municipal court"; 16378

(23) The municipal court established in Mount Gilead that, 16379  
beginning January 1, 2003, shall be styled and known as the 16380  
"Morrow county municipal court"; 16381

(24) The municipal court established in Greenville that, 16382  
beginning January 1, 2005, shall be styled and known as the "Darke 16383  
county municipal court"; 16384

(25) The municipal court established in Millersburg that, 16385  
beginning January 1, 2007, shall be styled and known as the 16386  
"Holmes county municipal court"; 16387

(26) The municipal court established in Carrollton that, 16388  
beginning January 1, 2007, shall be styled and known as the 16389  
"Carroll county municipal court"; 16390

(27) The municipal court established within Erie county in 16391  
Milan or established in any other municipal corporation or 16392  
unincorporated territory that is within Erie county, is within the 16393  
territorial jurisdiction of that court, and is selected by the 16394  
legislative authority of that court that, beginning January 1, 16395  
2008, shall be styled and known as the "Erie county municipal 16396  
court"; 16397

(28) The municipal court established in Ottawa that, 16398  
beginning January 1, 2011, shall be styled and known as the 16399  
"Putnam county municipal court"; 16400

(29) The municipal court established within Montgomery county 16401  
in any municipal corporation or unincorporated territory within 16402  
Montgomery county, except the municipal corporations of 16403  
Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, 16404  
Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton 16405  
and Butler, German, Harrison, Miami, and Washington townships, 16406  
that is selected by the legislative authority of that court and 16407  
that, beginning July 1, 2010, shall be styled and known as the 16408  
"Montgomery county municipal court"; 16409

(30) The municipal court established within Trumbull county 16410  
in any municipal corporation or unincorporated territory within 16411  
Trumbull county, except the municipal corporations of Girard, 16412  
McDonald, Newton Falls, Niles, and Warren and Bloomfield, 16413  
Braceville, Bristol, Champion, Farmington, Howland, Hubbard, 16414  
Liberty, Lordstown, Mesopotamia, Newton, Southington, Vienna, 16415  
Warren, and Weathersfield townships that is selected by the 16416  
legislative authority of that court and that, beginning January 1, 16417  
2013, shall be styled and known as the "Trumbull county municipal 16418  
court"; 16419

(31) The municipal court established within Sandusky county 16420  
in any municipal corporation or unincorporated territory within 16421  
Sandusky county, except the municipal corporations of Bellevue and 16422  
Fremont and Ballville, Sandusky, and York townships, that is 16423  
selected by the legislative authority of that court and that, 16424  
beginning January 1, 2013, shall be styled and known as the 16425  
"Sandusky county municipal court." 16426

(B) In addition to the jurisdiction set forth in division (A) 16427  
of this section, the municipal courts established by section 16428  
1901.01 of the Revised Code have jurisdiction as follows: 16429

The Akron municipal court has jurisdiction within Bath, 16430  
Richfield, and Springfield townships, and within the municipal 16431  
corporations of Fairlawn, Lakemore, and Mogadore, in Summit 16432  
county. 16433

The Alliance municipal court has jurisdiction within 16434  
Lexington, Marlboro, Paris, and Washington townships in Stark 16435  
county. 16436

The Ashland municipal court has jurisdiction within Ashland 16437  
county. 16438

The Ashtabula municipal court has jurisdiction within 16439  
Ashtabula, Plymouth, and Saybrook townships in Ashtabula county. 16440



The Athens county municipal court has jurisdiction within Athens county.	16441 16442
The Auglaize county municipal court has jurisdiction within Auglaize county.	16443 16444
The Avon Lake municipal court has jurisdiction within the municipal corporations of Avon and Sheffield in Lorain county.	16445 16446
The Barberton municipal court has jurisdiction within Coventry, Franklin, and Green townships, within all of Copley township except within the municipal corporation of Fairlawn, and within the municipal corporations of Clinton and Norton, in Summit county.	16447 16448 16449 16450 16451
The Bedford municipal court has jurisdiction within the municipal corporations of Bedford Heights, Oakwood, Glenwillow, Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange, Warrensville Heights, North Randall, and Woodmere, and within Warrensville and Chagrin Falls townships, in Cuyahoga county.	16452 16453 16454 16455 16456
The Bellefontaine municipal court has jurisdiction within Logan county.	16457 16458
The Bellevue municipal court has jurisdiction within Lyme and Sherman townships in Huron county and within York township in Sandusky county.	16459 16460 16461
The Berea municipal court has jurisdiction within the municipal corporations of Strongsville, Middleburgh Heights, Brook Park, Westview, and Olmsted Falls, and within Olmsted township, in Cuyahoga county.	16462 16463 16464 16465
The Bowling Green municipal court has jurisdiction within the municipal corporations of Bairdstown, Bloomdale, Bradner, Custar, Cygnet, Grand Rapids, Haskins, Hoytville, Jerry City, Milton Center, North Baltimore, Pemberville, Portage, Rising Sun, Tontogany, Wayne, West Millgrove, and Weston, and within Bloom,	16466 16467 16468 16469 16470

Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton,	16471
Milton, Montgomery, Plain, Portage, Washington, Webster, and	16472
Weston townships in Wood county.	16473
Beginning February 9, 2003, the Brown county municipal court	16474
has jurisdiction within Brown county.	16475
The Bryan municipal court has jurisdiction within Williams	16476
county.	16477
The Cambridge municipal court has jurisdiction within	16478
Guernsey county.	16479
The Campbell municipal court has jurisdiction within	16480
Coitsville township in Mahoning county.	16481
The Canton municipal court has jurisdiction within Canton,	16482
Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in	16483
Stark county.	16484
The Carroll county municipal court has jurisdiction within	16485
Carroll county.	16486
The Celina municipal court has jurisdiction within Mercer	16487
county.	16488
The Champaign county municipal court has jurisdiction within	16489
Champaign county.	16490
The Chardon municipal court has jurisdiction within Geauga	16491
county.	16492
The Chillicothe municipal court has jurisdiction within Ross	16493
county.	16494
The Circleville municipal court has jurisdiction within	16495
Pickaway county.	16496
The Clark county municipal court has jurisdiction within	16497
Clark county.	16498
The Clermont county municipal court has jurisdiction within	16499

Clermont county.	16500
The Cleveland municipal court has jurisdiction within the	16501
municipal corporation of Bratenahl in Cuyahoga county.	16502
Beginning July 1, 1992, the Clinton county municipal court	16503
has jurisdiction within Clinton county.	16504
The Columbiana county municipal court has jurisdiction within	16505
all of Columbiana county except within the municipal corporation	16506
of East Liverpool and except within Liverpool and St. Clair	16507
townships.	16508
The Coshocton municipal court has jurisdiction within	16509
Coshocton county.	16510
The Crawford county municipal court has jurisdiction within	16511
Crawford county.	16512
Until December 31, 2008, the Cuyahoga Falls municipal court	16513
has jurisdiction within Boston, Hudson, Northfield Center,	16514
Sagamore Hills, and Twinsburg townships, and within the municipal	16515
corporations of Boston Heights, Hudson, Munroe Falls, Northfield,	16516
Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg,	16517
and Macedonia, in Summit county.	16518
Beginning January 1, 2005, the Darke county municipal court	16519
has jurisdiction within Darke county except within the municipal	16520
corporation of Bradford.	16521
The Defiance municipal court has jurisdiction within Defiance	16522
county.	16523
The Delaware municipal court has jurisdiction within Delaware	16524
county.	16525
The East Liverpool municipal court has jurisdiction within	16526
Liverpool and St. Clair townships in Columbiana county.	16527
The Eaton municipal court has jurisdiction within Preble	16528
county.	16529

The Elyria municipal court has jurisdiction within the 16530  
municipal corporations of Grafton, LaGrange, and North Ridgeville, 16531  
and within Elyria, Carlisle, Eaton, Columbia, Grafton, and 16532  
LaGrange townships, in Lorain county. 16533

Beginning January 1, 2008, the Erie county municipal court 16534  
has jurisdiction within Erie county except within the townships of 16535  
Florence, Huron, Perkins, and Vermilion and the municipal 16536  
corporations of Bay View, Castalia, Huron, Sandusky, and 16537  
Vermilion. 16538

The Fairborn municipal court has jurisdiction within the 16539  
municipal corporation of Beavercreek and within Bath and 16540  
Beavercreek townships in Greene county. 16541

Beginning January 2, 2000, the Fairfield county municipal 16542  
court has jurisdiction within Fairfield county. 16543

The Findlay municipal court has jurisdiction within all of 16544  
Hancock county except within Washington township. 16545

The Fostoria municipal court has jurisdiction within Loudon 16546  
and Jackson townships in Seneca county, within Washington township 16547  
in Hancock county, and within Perry township, except within the 16548  
municipal corporation of West Millgrove, in Wood county. 16549

The Franklin municipal court has jurisdiction within Franklin 16550  
township in Warren county. 16551

The Franklin county municipal court has jurisdiction within 16552  
Franklin county. 16553

The Fremont municipal court has jurisdiction within Ballville 16554  
and Sandusky townships in Sandusky county. 16555

The Gallipolis municipal court has jurisdiction within Gallia 16556  
county. 16557

The Garfield Heights municipal court has jurisdiction within 16558  
the municipal corporations of Maple Heights, Walton Hills, Valley 16559

View, Cuyahoga Heights, Newburgh Heights, Independence, and Brecksville in Cuyahoga county.	16560 16561
The Girard municipal court has jurisdiction within Liberty, Vienna, and Hubbard townships in Trumbull county.	16562 16563
The Hamilton municipal court has jurisdiction within Ross and St. Clair townships in Butler county.	16564 16565
The Hamilton county municipal court has jurisdiction within Hamilton county.	16566 16567
The Hardin county municipal court has jurisdiction within Hardin county.	16568 16569
The Hillsboro municipal court has jurisdiction within all of Highland county except within Madison township.	16570 16571
The Hocking county municipal court has jurisdiction within Hocking county.	16572 16573
The Holmes county municipal court has jurisdiction within Holmes county.	16574 16575
The Huron municipal court has jurisdiction within all of Huron township in Erie county except within the municipal corporation of Sandusky.	16576 16577 16578
The Ironton municipal court has jurisdiction within Aid, Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington townships in Lawrence county.	16579 16580 16581
The Jackson county municipal court has jurisdiction within Jackson county.	16582 16583
The Kettering municipal court has jurisdiction within the municipal corporations of Centerville and Moraine, and within Washington township, in Montgomery county.	16584 16585 16586
Until January 2, 2000, the Lancaster municipal court has jurisdiction within Fairfield county.	16587 16588

The Lawrence county municipal court has jurisdiction within the townships of Fayette, Mason, Perry, Rome, Symmes, Union, and Windsor in Lawrence county.	16589 16590 16591
The Lebanon municipal court has jurisdiction within Turtlecreek township in Warren county.	16592 16593
The Licking county municipal court has jurisdiction within Licking county.	16594 16595
The Lima municipal court has jurisdiction within Allen county.	16596 16597
The Lorain municipal court has jurisdiction within the municipal corporation of Sheffield Lake, and within Sheffield township, in Lorain county.	16598 16599 16600
The Lyndhurst municipal court has jurisdiction within the municipal corporations of Mayfield Heights, Gates Mills, Mayfield, Highland Heights, and Richmond Heights in Cuyahoga county.	16601 16602 16603
The Madison county municipal court has jurisdiction within Madison county.	16604 16605
The Mansfield municipal court has jurisdiction within Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy, Washington, Monroe, Perry, Jefferson, and Worthington townships, and within sections 35-36-31 and 32 of Butler township, in Richland county.	16606 16607 16608 16609 16610
The Marietta municipal court has jurisdiction within Washington county.	16611 16612
The Marion municipal court has jurisdiction within Marion county.	16613 16614
The Marysville municipal court has jurisdiction within Union county.	16615 16616
The Mason municipal court has jurisdiction within Deerfield township in Warren county.	16617 16618

The Massillon municipal court has jurisdiction within 16619  
Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson 16620  
townships in Stark county. 16621

The Maumee municipal court has jurisdiction within the 16622  
municipal corporations of Waterville and Whitehouse, within 16623  
Waterville and Providence townships, and within those portions of 16624  
Springfield, Monclova, and Swanton townships lying south of the 16625  
northerly boundary line of the Ohio turnpike, in Lucas county. 16626

The Medina municipal court has jurisdiction within the 16627  
municipal corporations of Briarwood Beach, Brunswick, 16628  
Chippewa-on-the-Lake, and Spencer and within the townships of 16629  
Brunswick Hills, Chatham, Granger, Hinckley, Lafayette, 16630  
Litchfield, Liverpool, Medina, Montville, Spencer, and York 16631  
townships, in Medina county. 16632

The Mentor municipal court has jurisdiction within the 16633  
municipal corporation of Mentor-on-the-Lake in Lake county. 16634

The Miami county municipal court has jurisdiction within 16635  
Miami county and within the part of the municipal corporation of 16636  
Bradford that is located in Darke county. 16637

The Miamisburg municipal court has jurisdiction within the 16638  
municipal corporations of Germantown and West Carrollton, and 16639  
within German and Miami townships in Montgomery county. 16640

The Middletown municipal court has jurisdiction within 16641  
Madison township, and within all of Lemon township, except within 16642  
the municipal corporation of Monroe, in Butler county. 16643

Beginning July 1, 2010, the Montgomery county municipal court 16644  
has jurisdiction within all of Montgomery county except for the 16645  
municipal corporations of Centerville, Clayton, Dayton, Englewood, 16646  
Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union, 16647  
Vandalia, and West Carrollton and Butler, German, Harrison, Miami, 16648  
and Washington townships. 16649

Beginning January 1, 2003, the Morrow county municipal court	16650
has jurisdiction within Morrow county.	16651
The Mount Vernon municipal court has jurisdiction within Knox	16652
county.	16653
The Napoleon municipal court has jurisdiction within Henry	16654
county.	16655
The New Philadelphia municipal court has jurisdiction within	16656
the municipal corporation of Dover, and within Auburn, Bucks,	16657
Fairfield, Goshen, Jefferson, Warren, York, Dover, Franklin,	16658
Lawrence, Sandy, Sugarcreek, and Wayne townships in Tuscarawas	16659
county.	16660
The Newton Falls municipal court has jurisdiction within	16661
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington,	16662
Farmington, and Mesopotamia townships in Trumbull county.	16663
The Niles municipal court has jurisdiction within the	16664
municipal corporation of McDonald, and within Weathersfield	16665
township in Trumbull county.	16666
The Norwalk municipal court has jurisdiction within all of	16667
Huron county except within the municipal corporation of Bellevue	16668
and except within Lyme and Sherman townships.	16669
The Oberlin municipal court has jurisdiction within the	16670
municipal corporations of Amherst, Kipton, Rochester, South	16671
Amherst, and Wellington, and within Henrietta, Russia, Camden,	16672
Pittsfield, Brighton, Wellington, Penfield, Rochester, and	16673
Huntington townships, and within all of Amherst township except	16674
within the municipal corporation of Lorain, in Lorain county.	16675
The Oregon municipal court has jurisdiction within the	16676
municipal corporation of Harbor View, and within Jerusalem	16677
township, in Lucas county, and north within Maumee Bay and Lake	16678
Erie to the boundary line between Ohio and Michigan between the	16679



easterly boundary of the court and the easterly boundary of the Toledo municipal court.	16680 16681
The Ottawa county municipal court has jurisdiction within Ottawa county.	16682 16683
The Painesville municipal court has jurisdiction within Painesville, Perry, Leroy, Concord, and Madison townships in Lake county.	16684 16685 16686
The Parma municipal court has jurisdiction within the municipal corporations of Parma Heights, Brooklyn, Linndale, North Royalton, Broadview Heights, Seven Hills, and Brooklyn Heights in Cuyahoga county.	16687 16688 16689 16690
The Perrysburg municipal court has jurisdiction within the municipal corporations of Luckey, Millbury, Northwood, Rossford, and Walbridge, and within Perrysburg, Lake, and Troy townships, in Wood county.	16691 16692 16693 16694
The Portage county municipal court has jurisdiction within Portage county.	16695 16696
The Portsmouth municipal court has jurisdiction within Scioto county.	16697 16698
The Putnam county municipal court has jurisdiction within Putnam county.	16699 16700
The Rocky River municipal court has jurisdiction within the municipal corporations of Bay Village, Westlake, Fairview Park, and North Olmsted, and within Riveredge township, in Cuyahoga county.	16701 16702 16703 16704
The Sandusky municipal court has jurisdiction within the municipal corporations of Castalia and Bay View, and within Perkins township, in Erie county.	16705 16706 16707
<u>Beginning January 1, 2013, the Sandusky county municipal court has jurisdiction within all of Sandusky county except within</u>	16708 16709

the municipal corporations of Bellevue and Fremont and Ballville, 16710  
Sandusky, and York townships. 16711

Beginning January 1, 2013, the Trumbull county municipal 16712  
court has jurisdiction within all of Trumbull county except within 16713  
the municipal corporations of Girard, McDonald, Newton Falls, 16714  
Niles, and Warren and Bloomfield, Braceville, Bristol, Champion, 16715  
Farmington, Howland, Hubbard, Liberty, Lordstown, Mesopotamia, 16716  
Newton, Southington, Vienna, Warren, and Weathersfield townships. 16717

The Shaker Heights municipal court has jurisdiction within 16718  
the municipal corporations of University Heights, Beachwood, 16719  
Pepper Pike, and Hunting Valley in Cuyahoga county. 16720

The Shelby municipal court has jurisdiction within Sharon, 16721  
Jackson, Cass, Plymouth, and Blooming Grove townships, and within 16722  
all of Butler township except sections 35-36-31 and 32, in 16723  
Richland county. 16724

The Sidney municipal court has jurisdiction within Shelby 16725  
county. 16726

Beginning January 1, 2009, the Stow municipal court has 16727  
jurisdiction within Boston, Hudson, Northfield Center, Sagamore 16728  
Hills, and Twinsburg townships, and within the municipal 16729  
corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe 16730  
Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, 16731  
Tallmadge, Twinsburg, and Macedonia, in Summit county. 16732

The Struthers municipal court has jurisdiction within the 16733  
municipal corporations of Lowellville, New Middleton, and Poland, 16734  
and within Poland and Springfield townships in Mahoning county. 16735

The Sylvania municipal court has jurisdiction within the 16736  
municipal corporations of Berkey and Holland, and within Sylvania, 16737  
Richfield, Spencer, and Harding townships, and within those 16738  
portions of Swanton, Monclova, and Springfield townships lying 16739  
north of the northerly boundary line of the Ohio turnpike, in 16740

Lucas county.	16741
The Tiffin municipal court has jurisdiction within Adams, Big Spring, Bloom, Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scipio, Seneca, Thompson, and Venice townships in Seneca county.	16742 16743 16744
The Toledo municipal court has jurisdiction within Washington township, and within the municipal corporation of Ottawa Hills, in Lucas county.	16745 16746 16747
The Upper Sandusky municipal court has jurisdiction within Wyandot county.	16748 16749
The Vandalia municipal court has jurisdiction within the municipal corporations of Clayton, Englewood, and Union, and within Butler, Harrison, and Randolph townships, in Montgomery county.	16750 16751 16752 16753
The Van Wert municipal court has jurisdiction within Van Wert county.	16754 16755
The Vermilion municipal court has jurisdiction within the townships of Vermilion and Florence in Erie county and within all of Brownhelm township except within the municipal corporation of Lorain, in Lorain county.	16756 16757 16758 16759
The Wadsworth municipal court has jurisdiction within the municipal corporations of Gloria Glens Park, Lodi, Seville, and Westfield Center, and within Guilford, Harrisville, Homer, Sharon, Wadsworth, and Westfield townships in Medina county.	16760 16761 16762 16763
The Warren municipal court has jurisdiction within Warren and Champion townships, and within all of Howland township except within the municipal corporation of Niles, in Trumbull county.	16764 16765 16766
The Washington Court House municipal court has jurisdiction within Fayette county.	16767 16768
The Wayne county municipal court has jurisdiction within Wayne county.	16769 16770

The Willoughby municipal court has jurisdiction within the 16771  
municipal corporations of Eastlake, Wickliffe, Willowick, 16772  
Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill, 16773  
Timberlake, and Lakeline, and within Kirtland township, in Lake 16774  
county. 16775

Through June 30, 1992, the Wilmington municipal court has 16776  
jurisdiction within Clinton county. 16777

The Xenia municipal court has jurisdiction within 16778  
Caesarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross, 16779  
Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in 16780  
Greene county. 16781

(C) As used in this section: 16782

(1) "Within a township" includes all land, including, but not 16783  
limited to, any part of any municipal corporation, that is 16784  
physically located within the territorial boundaries of that 16785  
township, whether or not that land or municipal corporation is 16786  
governmentally a part of the township. 16787

(2) "Within a municipal corporation" includes all land within 16788  
the territorial boundaries of the municipal corporation and any 16789  
townships that are coextensive with the municipal corporation. 16790

**Sec. 1901.03.** As used in this chapter: 16791

(A) "Territory" means the geographical areas within which 16792  
municipal courts have jurisdiction as provided in sections 1901.01 16793  
and 1901.02 of the Revised Code. 16794

(B) "Legislative authority" means the legislative authority 16795  
of the municipal corporation in which a municipal court, other 16796  
than a county-operated municipal court, is located, and means the 16797  
respective board of county commissioners of the county in which a 16798  
county-operated municipal court is located. 16799

(C) "Chief executive" means the chief executive of the 16800

municipal corporation in which a municipal court, other than a 16801  
county-operated municipal court, is located, and means the 16802  
respective chairman of the board of county commissioners of the 16803  
county in which a county-operated municipal court is located. 16804

(D) "City treasury" means the treasury of the municipal 16805  
corporation in which a municipal court, other than a 16806  
county-operated municipal court, is located. 16807

(E) "City treasurer" means the treasurer of the municipal 16808  
corporation in which a municipal court, other than a 16809  
county-operated municipal court, is located. 16810

(F) "County-operated municipal court" means the Auglaize 16811  
county, Brown county, Carroll county, Clermont county, Columbiana 16812  
county, Crawford county, Darke county, Erie county, Hamilton 16813  
county, Hocking county, Holmes county, Jackson county, Lawrence 16814  
county, Madison county, Miami county, Montgomery county, Morrow 16815  
county, Ottawa county, Portage county, Putnam county, or Wayne 16816  
county municipal court and, effective January 1, ~~2008~~ 2013, also 16817  
includes the Erie Sandusky county municipal court and the Trumbull 16818  
county municipal court. 16819

(G) "A municipal corporation in which a municipal court is 16820  
located" includes each municipal corporation named in section 16821  
1901.01 of the Revised Code, but does not include one in which a 16822  
judge sits pursuant to any provision of section 1901.021 of the 16823  
Revised Code except division (M) of that section. 16824

**Sec. 1901.06.** A municipal judge during the judge's term of 16825  
office shall be a qualified elector and a resident of the 16826  
territory of the court to which the judge is elected or appointed. 16827  
A municipal judge shall have been admitted to the practice of law 16828  
in this state and shall have been, for a total of at least six 16829  
years preceding appointment or the commencement of the judge's 16830  
term, engaged in the practice of law in this state or served as a 16831

judge of a court of record in any jurisdiction in the United 16832  
States, or both. ~~At least two of the years of practice or service~~ 16833  
~~that qualify a judge shall have been in this state.~~ 16834

Except as provided in section 1901.08 of the Revised Code, 16835  
the first election of any newly created office of a municipal 16836  
judge shall be held at the next regular municipal election 16837  
occurring not less than one hundred days after the creation of the 16838  
office. Except as otherwise provided in division (G) of section 16839  
1901.01 of the Revised Code, the institution of a new municipal 16840  
court shall take place on the first day of January next after the 16841  
first election for the court. 16842

**Sec. 1901.07.** (A) All municipal court judges shall be elected 16843  
on the nonpartisan ballot for terms of six years. In a municipal 16844  
court in which only one judge is to be elected in any one year, 16845  
that judge's term commences on the first day of January after the 16846  
election. In a municipal court in which two or more judges are to 16847  
be elected in any one year, their terms commence on successive 16848  
days beginning the first day of January, following the election, 16849  
unless otherwise provided by section 1901.08 of the Revised Code. 16850  
16851

(B) All candidates for municipal court judge may be nominated 16852  
either by nominating petition or by primary election, except that 16853  
if the jurisdiction of a municipal court extends only to the 16854  
corporate limits of the municipal corporation in which the court 16855  
is located and that municipal corporation operates under a 16856  
charter, all candidates shall be nominated in the same manner 16857  
provided in the charter for the office of municipal court judge 16858  
or, if no specific provisions are made in the charter for the 16859  
office of municipal court judge, in the same manner as the charter 16860  
prescribes for the nomination and election of the legislative 16861  
authority of the municipal corporation. 16862

If the jurisdiction of a municipal court extends beyond the corporate limits of the municipal corporation in which it is located or if the jurisdiction of the court does not extend beyond the corporate limits of the municipal corporation in which it is located and no charter provisions apply, all candidates for party nomination to the office of municipal court judge shall file a declaration of candidacy and petition not later than four p.m. of the ninetieth day before the day of the primary election in the form prescribed by section 3513.07 of the Revised Code. The petition shall conform to the requirements provided for those petitions of candidacy contained in section 3513.05 of the Revised Code, except that the petition shall be signed by at least fifty electors of the territory of the court. If no valid declaration of candidacy is filed for nomination as a candidate of a political party for election to the office of municipal court judge, or if the number of persons filing the declarations of candidacy for nominations as candidates of one political party for election to the office does not exceed the number of candidates that that party is entitled to nominate as its candidates for election to the office, no primary election shall be held for the purpose of nominating candidates of that party for election to the office, and the candidates shall be issued certificates of nomination in the manner set forth in section 3513.02 of the Revised Code.

If the jurisdiction of a municipal court extends beyond the corporate limits of the municipal corporation in which it is located or if the jurisdiction of the court does not extend beyond the corporate limits of the municipal corporation in which it is located and no charter provisions apply, nonpartisan candidates for the office of municipal court judge shall file nominating petitions not later than four p.m. of the day before the day of the primary election in the form prescribed by section 3513.261 of the Revised Code. The petition shall conform to the requirements provided for those petitions of candidacy contained in section

3513.257 of the Revised Code, except that the petition shall be 16896  
signed by at least fifty electors of the territory of the court. 16897

The nominating petition or declaration of candidacy for a 16898  
municipal court judge shall contain a designation of the term for 16899  
which the candidate seeks election. At the following regular 16900  
municipal election, the candidacies of the judges nominated shall 16901  
be submitted to the electors of the territory on a nonpartisan, 16902  
judicial ballot in the same manner as provided for judges of the 16903  
court of common pleas, except that, in a municipal corporation 16904  
operating under a charter, all candidates for municipal court 16905  
judge shall be elected in conformity with the charter if 16906  
provisions are made in the charter for the election of municipal 16907  
court judges. 16908

(C) Notwithstanding divisions (A) and (B) of this section, in 16909  
the following municipal courts, the judges shall be nominated and 16910  
elected as follows: 16911

(1) In the Cleveland municipal court, the judges shall be 16912  
nominated only by petition. The petition shall be signed by at 16913  
least fifty electors of the territory of the court. It shall be in 16914  
the statutory form and shall be filed in the manner and within the 16915  
time prescribed by the charter of the city of Cleveland for filing 16916  
petitions of candidates for municipal offices. Each elector shall 16917  
have the right to sign petitions for as many candidates as are to 16918  
be elected, but no more. The judges shall be elected by the 16919  
electors of the territory of the court in the manner provided by 16920  
law for the election of judges of the court of common pleas. 16921

(2) In the Toledo municipal court, the judges shall be 16922  
nominated only by petition. The petition shall be signed by at 16923  
least fifty electors of the territory of the court. It shall be in 16924  
the statutory form and shall be filed in the manner and within the 16925  
time prescribed by the charter of the city of Toledo for filing 16926  
nominating petitions for city council. Each elector shall have the 16927



right to sign petitions for as many candidates as are to be 16928  
elected, but no more. The judges shall be elected by the electors 16929  
of the territory of the court in the manner provided by law for 16930  
the election of judges of the court of common pleas. 16931

(3) In the Akron municipal court, the judges shall be 16932  
nominated only by petition. The petition shall be signed by at 16933  
least fifty electors of the territory of the court. It shall be in 16934  
statutory form and shall be filed in the manner and within the 16935  
time prescribed by the charter of the city of Akron for filing 16936  
nominating petitions of candidates for municipal offices. Each 16937  
elector shall have the right to sign petitions for as many 16938  
candidates as are to be elected, but no more. The judges shall be 16939  
elected by the electors of the territory of the court in the 16940  
manner provided by law for the election of judges of the court of 16941  
common pleas. 16942

(4) In the Hamilton county municipal court, the judges shall 16943  
be nominated only by petition. The petition shall be signed by at 16944  
least one hundred electors of the judicial district of the county 16945  
from which the candidate seeks election, which petitions shall be 16946  
signed and filed not later than four p.m. of the day before the 16947  
day of the primary election in the form prescribed by section 16948  
3513.261 of the Revised Code. Unless otherwise provided in this 16949  
section, the petition shall conform to the requirements provided 16950  
for nominating petitions in section 3513.257 of the Revised Code. 16951  
The judges shall be elected by the electors of the relative 16952  
judicial district of the county at the regular municipal election 16953  
and in the manner provided by law for the election of judges of 16954  
the court of common pleas. 16955

(5) In the Franklin county municipal court, the judges shall 16956  
be nominated only by petition. The petition shall be signed by at 16957  
least fifty electors of the territory of the court. The petition 16958  
shall be in the statutory form and shall be filed in the manner 16959

and within the time prescribed by the charter of the city of 16960  
Columbus for filing petitions of candidates for municipal offices. 16961  
The judges shall be elected by the electors of the territory of 16962  
the court in the manner provided by law for the election of judges 16963  
of the court of common pleas. 16964

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 16965  
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, Putnam, 16966  
Sandusky, Trumbull, and Wayne county municipal courts, the judges 16967  
shall be nominated only by petition. The petitions shall be signed 16968  
by at least fifty electors of the territory of the court and shall 16969  
conform to the provisions of this section. 16970

(D) In the Portage county municipal court, the judges shall 16971  
be nominated either by nominating petition or by primary election, 16972  
as provided in division (B) of this section. 16973

(E) As used in this section, as to an election for either a 16974  
full or an unexpired term, "the territory within the jurisdiction 16975  
of the court" means that territory as it will be on the first day 16976  
of January after the election. 16977

**Sec. 1901.08.** The number of, and the time for election of, 16978  
judges of the following municipal courts and the beginning of 16979  
their terms shall be as follows: 16980

In the Akron municipal court, two full-time judges shall be 16981  
elected in 1951, two full-time judges shall be elected in 1953, 16982  
one full-time judge shall be elected in 1967, and one full-time 16983  
judge shall be elected in 1975. 16984

In the Alliance municipal court, one full-time judge shall be 16985  
elected in 1953. 16986

In the Ashland municipal court, one full-time judge shall be 16987  
elected in 1951. 16988

In the Ashtabula municipal court, one full-time judge shall 16989

be elected in 1953.	16990
In the Athens county municipal court, one full-time judge shall be elected in 1967.	16991 16992
In the Auglaize county municipal court, one full-time judge shall be elected in 1975.	16993 16994
In the Avon Lake municipal court, one part-time judge shall be elected in 1957.	16995 16996
In the Barberton municipal court, one full-time judge shall be elected in 1969, and one full-time judge shall be elected in 1971.	16997 16998 16999
In the Bedford municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.	17000 17001
In the Bellefontaine municipal court, one full-time judge shall be elected in 1993.	17002 17003
In the Bellevue municipal court, one part-time judge shall be elected in 1951.	17004 17005
In the Berea municipal court, one full-time judge shall be elected in 2005.	17006 17007
In the Bowling Green municipal court, one full-time judge shall be elected in 1983.	17008 17009
In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county county court that existed prior to that date whose term commenced on January 2, 2001, shall serve as the full-time judge of the Brown county municipal court until December 31, 2005.	17010 17011 17012 17013 17014 17015
In the Bryan municipal court, one full-time judge shall be elected in 1965.	17016 17017
In the Cambridge municipal court, one full-time judge shall	17018

be elected in 1951. 17019

In the Campbell municipal court, one part-time judge shall be 17020  
elected in 1963. 17021

In the Canton municipal court, one full-time judge shall be 17022  
elected in 1951, one full-time judge shall be elected in 1969, and 17023  
two full-time judges shall be elected in 1977. 17024

In the Carroll county municipal court, one full-time judge 17025  
shall be elected in 2009. Beginning January 1, 2007, the judge 17026  
elected in 2006 to the part-time judgeship of the Carroll county 17027  
county court that existed prior to that date shall serve as the 17028  
full-time judge of the Carroll county municipal court until 17029  
December 31, 2009. 17030

In the Celina municipal court, one full-time judge shall be 17031  
elected in 1957. 17032

In the Champaign county municipal court, one full-time judge 17033  
shall be elected in 2001. 17034

In the Chardon municipal court, one full-time judge shall be 17035  
elected in 1963. 17036

In the Chillicothe municipal court, one full-time judge shall 17037  
be elected in 1951, and one full-time judge shall be elected in 17038  
1977. 17039

In the Circleville municipal court, one full-time judge shall 17040  
be elected in 1953. 17041

In the Clark county municipal court, one full-time judge 17042  
shall be elected in 1989, and two full-time judges shall be 17043  
elected in 1991. The full-time judges of the Springfield municipal 17044  
court who were elected in 1983 and 1985 shall serve as the judges 17045  
of the Clark county municipal court from January 1, 1988, until 17046  
the end of their respective terms. 17047

In the Clermont county municipal court, two full-time judges 17048

shall be elected in 1991, and one full-time judge shall be elected 17049  
in 1999. 17050

In the Cleveland municipal court, six full-time judges shall 17051  
be elected in 1975, three full-time judges shall be elected in 17052  
1953, and four full-time judges shall be elected in 1955. 17053

In the Cleveland Heights municipal court, one full-time judge 17054  
shall be elected in 1957. 17055

In the Clinton county municipal court, one full-time judge 17056  
shall be elected in 1997. The full-time judge of the Wilmington 17057  
municipal court who was elected in 1991 shall serve as the judge 17058  
of the Clinton county municipal court from July 1, 1992, until the 17059  
end of that judge's term on December 31, 1997. 17060

In the Columbiana county municipal court, two full-time 17061  
judges shall be elected in 2001. 17062

In the Conneaut municipal court, one full-time judge shall be 17063  
elected in 1953. 17064

In the Coshocton municipal court, one full-time judge shall 17065  
be elected in 1951. 17066

In the Crawford county municipal court, one full-time judge 17067  
shall be elected in 1977. 17068

In the Cuyahoga Falls municipal court, one full-time judge 17069  
shall be elected in 1953, and one full-time judge shall be elected 17070  
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 17071  
court shall cease to exist; however, the judges of the Cuyahoga 17072  
Falls municipal court who were elected pursuant to this section in 17073  
2003 and 2007 for terms beginning on January 1, 2004, and January 17074  
1, 2008, respectively, shall serve as full-time judges of the Stow 17075  
municipal court until December 31, 2009, and December 31, 2013, 17076  
respectively. 17077

In the Darke county municipal court, one full-time judge 17078

shall be elected in 2005. Beginning January 1, 2005, the part-time judge of the Darke county court that existed prior to that date whose term began on January 1, 2001, shall serve as the full-time judge of the Darke county municipal court until December 31, 2005.

In the Dayton municipal court, three full-time judges shall be elected in 1987, their terms to commence on successive days beginning on the first day of January next after their election, and two full-time judges shall be elected in 1955, their terms to commence on successive days beginning on the second day of January next after their election.

In the Defiance municipal court, one full-time judge shall be elected in 1957.

In the Delaware municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 2007.

In the East Cleveland municipal court, one full-time judge shall be elected in 1957.

In the East Liverpool municipal court, one full-time judge shall be elected in 1953.

In the Eaton municipal court, one full-time judge shall be elected in 1973.

In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973.

In the Erie county municipal court, one full-time judge shall be elected in 2007.

In the Euclid municipal court, one full-time judge shall be elected in 1951.

In the Fairborn municipal court, one full-time judge shall be elected in 1977.

In the Fairfield county municipal court, one full-time judge

shall be elected in 2003, and one full-time judge shall be elected 17109  
in 2005. 17110

In the Fairfield municipal court, one full-time judge shall 17111  
be elected in 1989. 17112

In the Findlay municipal court, one full-time judge shall be 17113  
elected in 1955, and one full-time judge shall be elected in 1993. 17114

In the Fostoria municipal court, one full-time judge shall be 17115  
elected in 1975. 17116

In the Franklin municipal court, one part-time judge shall be 17117  
elected in 1951. 17118

In the Franklin county municipal court, two full-time judges 17119  
shall be elected in 1969, three full-time judges shall be elected 17120  
in 1971, seven full-time judges shall be elected in 1967, one 17121  
full-time judge shall be elected in 1975, one full-time judge 17122  
shall be elected in 1991, and one full-time judge shall be elected 17123  
in 1997. 17124

In the Fremont municipal court, one full-time judge shall be 17125  
elected in 1975. 17126

In the Gallipolis municipal court, one full-time judge shall 17127  
be elected in 1981. 17128

In the Garfield Heights municipal court, one full-time judge 17129  
shall be elected in 1951, and one full-time judge shall be elected 17130  
in 1981. 17131

In the Girard municipal court, one full-time judge shall be 17132  
elected in 1963. 17133

In the Hamilton municipal court, one full-time judge shall be 17134  
elected in 1953. 17135

In the Hamilton county municipal court, five full-time judges 17136  
shall be elected in 1967, five full-time judges shall be elected 17137  
in 1971, two full-time judges shall be elected in 1981, and two 17138

full-time judges shall be elected in 1983. All terms of judges of 17139  
the Hamilton county municipal court shall commence on the first 17140  
day of January next after their election, except that the terms of 17141  
the additional judges to be elected in 1981 shall commence on 17142  
January 2, 1982, and January 3, 1982, and that the terms of the 17143  
additional judges to be elected in 1983 shall commence on January 17144  
4, 1984, and January 5, 1984. 17145

In the Hardin county municipal court, one part-time judge 17146  
shall be elected in 1989. 17147

In the Hillsboro municipal court, one full-time judge shall 17148  
be elected in 2011. On and after December 30, 2008, the part-time 17149  
judge of the Hillsboro municipal court who was elected in 2005 17150  
shall serve as a full-time judge of the court until the end of 17151  
that judge's term on December 31, 2011. 17152

In the Hocking county municipal court, one full-time judge 17153  
shall be elected in 1977. 17154

In the Holmes county municipal court, one full-time judge 17155  
shall be elected in 2007. Beginning January 1, 2007, the part-time 17156  
judge of the Holmes county county court that existed prior to that 17157  
date whose term commenced on January 1, 2007, shall serve as the 17158  
full-time judge of the Holmes county municipal court until 17159  
December 31, 2007. 17160

In the Huron municipal court, one part-time judge shall be 17161  
elected in 1967. 17162

In the Ironton municipal court, one full-time judge shall be 17163  
elected in 1951. 17164

In the Jackson county municipal court, one full-time judge 17165  
shall be elected in 2001. On and after March 31, 1997, the 17166  
part-time judge of the Jackson county municipal court who was 17167  
elected in 1995 shall serve as a full-time judge of the court 17168  
until the end of that judge's term on December 31, 2001. 17169



In the Kettering municipal court, one full-time judge shall 17170  
be elected in 1971, and one full-time judge shall be elected in 17171  
1975. 17172

In the Lakewood municipal court, one full-time judge shall be 17173  
elected in 1955. 17174

In the Lancaster municipal court, one full-time judge shall 17175  
be elected in 1951, and one full-time judge shall be elected in 17176  
1979. Beginning January 2, 2000, the full-time judges of the 17177  
Lancaster municipal court who were elected in 1997 and 1999 shall 17178  
serve as judges of the Fairfield county municipal court until the 17179  
end of those judges' terms. 17180

In the Lawrence county municipal court, one part-time judge 17181  
shall be elected in 1981. 17182

In the Lebanon municipal court, one part-time judge shall be 17183  
elected in 1955. 17184

In the Licking county municipal court, one full-time judge 17185  
shall be elected in 1951, and one full-time judge shall be elected 17186  
in 1971. 17187

In the Lima municipal court, one full-time judge shall be 17188  
elected in 1951, and one full-time judge shall be elected in 1967. 17189

In the Lorain municipal court, one full-time judge shall be 17190  
elected in 1953, and one full-time judge shall be elected in 1973. 17191

In the Lyndhurst municipal court, one full-time judge shall 17192  
be elected in 1957. 17193

In the Madison county municipal court, one full-time judge 17194  
shall be elected in 1981. 17195

In the Mansfield municipal court, one full-time judge shall 17196  
be elected in 1951, and one full-time judge shall be elected in 17197  
1969. 17198

In the Marietta municipal court, one full-time judge shall be 17199

elected in 1957.	17200
In the Marion municipal court, one full-time judge shall be	17201
elected in 1951.	17202
In the Marysville municipal court, one full-time judge shall	17203
be elected in 2011. On and after January 18, 2007, the part-time	17204
judge of the Marysville municipal court who was elected in 2005	17205
shall serve as a full-time judge of the court until the end of	17206
that judge's term on December 31, 2011.	17207
In the Mason municipal court, one part-time judge shall be	17208
elected in 1965.	17209
In the Massillon municipal court, one full-time judge shall	17210
be elected in 1953, and one full-time judge shall be elected in	17211
1971.	17212
In the Maumee municipal court, one full-time judge shall be	17213
elected in 1963.	17214
In the Medina municipal court, one full-time judge shall be	17215
elected in 1957.	17216
In the Mentor municipal court, one full-time judge shall be	17217
elected in 1971.	17218
In the Miami county municipal court, one full-time judge	17219
shall be elected in 1975, and one full-time judge shall be elected	17220
in 1979.	17221
In the Miamisburg municipal court, one full-time judge shall	17222
be elected in 1951.	17223
In the Middletown municipal court, one full-time judge shall	17224
be elected in 1953.	17225
In the Montgomery county municipal court:	17226
One judge shall be elected in 2011 to a part-time judgeship	17227
for a term to begin on January 1, 2012. If any one of the other	17228

judgeships of the court becomes vacant and is abolished after July 17229  
1, 2010, this judgeship shall become a full-time judgeship on that 17230  
date. If only one other judgeship of the court becomes vacant and 17231  
is abolished as of December 31, 2021, this judgeship shall be 17232  
abolished as of that date. Beginning July 1, 2010, the part-time 17233  
judge of the Montgomery county county court that existed before 17234  
that date whose term commenced on January 1, 2005, shall serve as 17235  
a part-time judge of the Montgomery county municipal court until 17236  
December 31, 2011. 17237

One judge shall be elected in 2011 to a full-time judgeship 17238  
for a term to begin on January 2, 2012, and this judgeship shall 17239  
be abolished on January 1, 2016. Beginning July 1, 2010, the 17240  
part-time judge of the Montgomery county county court that existed 17241  
before that date whose term commenced on January 2, 2005, shall 17242  
serve as a full-time judge of the Montgomery county municipal 17243  
court until January 1, 2012. 17244

One judge shall be elected in 2013 to a full-time judgeship 17245  
for a term to begin on January 2, 2014. Beginning July 1, 2010, 17246  
the part-time judge of the Montgomery county county court that 17247  
existed before that date whose term commenced on January 2, 2007, 17248  
shall serve as a full-time judge of the Montgomery county 17249  
municipal court until January 1, 2014. 17250

One judge shall be elected in 2013 to a judgeship for a term 17251  
to begin on January 1, 2014. If no other judgeship of the court 17252  
becomes vacant and is abolished by January 1, 2014, this judgeship 17253  
shall be a part-time judgeship. When one or more of the other 17254  
judgeships of the court becomes vacant and is abolished after July 17255  
1, 2010, this judgeship shall become a full-time judgeship. 17256  
Beginning July 1, 2010, the part-time judge of the Montgomery 17257  
county county court that existed before that date whose term 17258  
commenced on January 1, 2007, shall serve as this judge of the 17259  
Montgomery county municipal court until December 31, 2013. 17260

If any one of the judgeships of the court becomes vacant 17261  
before December 31, 2021, that judgeship is abolished on the date 17262  
that it becomes vacant, and the other judges of the court shall be 17263  
or serve as full-time judges. The abolishment of judgeships for 17264  
the Montgomery county municipal court shall cease when the court 17265  
has two full-time judgeships. 17266

In the Morrow county municipal court, one full-time judge 17267  
shall be elected in 2005. Beginning January 1, 2003, the part-time 17268  
judge of the Morrow county county court that existed prior to that 17269  
date shall serve as the full-time judge of the Morrow county 17270  
municipal court until December 31, 2005. 17271

In the Mount Vernon municipal court, one full-time judge 17272  
shall be elected in 1951. 17273

In the Napoleon municipal court, one full-time judge shall be 17274  
elected in 2005. 17275

In the New Philadelphia municipal court, one full-time judge 17276  
shall be elected in 1975. 17277

In the Newton Falls municipal court, one full-time judge 17278  
shall be elected in 1963. 17279

In the Niles municipal court, one full-time judge shall be 17280  
elected in 1951. 17281

In the Norwalk municipal court, one full-time judge shall be 17282  
elected in 1975. 17283

In the Oakwood municipal court, one part-time judge shall be 17284  
elected in 1953. 17285

In the Oberlin municipal court, one full-time judge shall be 17286  
elected in 1989. 17287

In the Oregon municipal court, one full-time judge shall be 17288  
elected in 1963. 17289

In the Ottawa county municipal court, one full-time judge 17290

shall be elected in 1995, and the full-time judge of the Port 17291  
Clinton municipal court who is elected in 1989 shall serve as the 17292  
judge of the Ottawa county municipal court from February 4, 1994, 17293  
until the end of that judge's term. 17294

In the Painesville municipal court, one full-time judge shall 17295  
be elected in 1951. 17296

In the Parma municipal court, one full-time judge shall be 17297  
elected in 1951, one full-time judge shall be elected in 1967, and 17298  
one full-time judge shall be elected in 1971. 17299

In the Perrysburg municipal court, one full-time judge shall 17300  
be elected in 1977. 17301

In the Portage county municipal court, two full-time judges 17302  
shall be elected in 1979, and one full-time judge shall be elected 17303  
in 1971. 17304

In the Port Clinton municipal court, one full-time judge 17305  
shall be elected in 1953. The full-time judge of the Port Clinton 17306  
municipal court who is elected in 1989 shall serve as the judge of 17307  
the Ottawa county municipal court from February 4, 1994, until the 17308  
end of that judge's term. 17309

In the Portsmouth municipal court, one full-time judge shall 17310  
be elected in 1951, and one full-time judge shall be elected in 17311  
1985. 17312

In the Putnam county municipal court, one full-time judge 17313  
shall be elected in 2011. Beginning January 1, 2011, the part-time 17314  
judge of the Putnam county county court that existed prior to that 17315  
date whose term commenced on January 1, 2007, shall serve as the 17316  
full-time judge of the Putnam county municipal court until 17317  
December 31, 2011. 17318

In the Rocky River municipal court, one full-time judge shall 17319  
be elected in 1957, and one full-time judge shall be elected in 17320

1971. 17321

In the Sandusky municipal court, one full-time judge shall be 17322  
elected in 1953. 17323

In the Sandusky county municipal court, one full-time judge 17324  
shall be elected in 2013. Beginning on January 1, 2013, the two 17325  
part-time judges of the Sandusky county county court that existed 17326  
prior to that date shall serve as part-time judges of the Sandusky 17327  
county municipal court until December 31, 2013. If either 17328  
judgeship becomes vacant before January 1, 2014, that judgeship is 17329  
abolished on the date it becomes vacant, and the person who holds 17330  
the other judgeship shall serve as the full-time judge of the 17331  
Sandusky county municipal court until December 31, 2013. 17332

In the Trumbull county municipal court, one full-time judge 17333  
shall be elected in 2017. Beginning on January 1, 2013, the 17334  
part-time judge of the Trumbull county county court that existed 17335  
prior to that date who was elected in 2010 shall serve as the 17336  
full-time judge of the Trumbull county municipal court until 17337  
December 31, 2017. 17338

In the Shaker Heights municipal court, one full-time judge 17339  
shall be elected in 1957. 17340

In the Shelby municipal court, one part-time judge shall be 17341  
elected in 1957. 17342

In the Sidney municipal court, one full-time judge shall be 17343  
elected in 1995. 17344

In the South Euclid municipal court, one full-time judge 17345  
shall be elected in 1999. The part-time judge elected in 1993, 17346  
whose term commenced on January 1, 1994, shall serve until 17347  
December 31, 1999, and the office of that judge is abolished on 17348  
January 1, 2000. 17349

In the Springfield municipal court, two full-time judges 17350

shall be elected in 1985, and one full-time judge shall be elected 17351  
in 1983, all of whom shall serve as the judges of the Springfield 17352  
municipal court through December 31, 1987, and as the judges of 17353  
the Clark county municipal court from January 1, 1988, until the 17354  
end of their respective terms. 17355

In the Steubenville municipal court, one full-time judge 17356  
shall be elected in 1953. 17357

In the Stow municipal court, one full-time judge shall be 17358  
elected in 2009, and one full-time judge shall be elected in 2013. 17359  
Beginning January 1, 2009, the judge of the Cuyahoga Falls 17360  
municipal court that existed prior to that date whose term 17361  
commenced on January 1, 2008, shall serve as a full-time judge of 17362  
the Stow municipal court until December 31, 2013. Beginning 17363  
January 1, 2009, the judge of the Cuyahoga Falls municipal court 17364  
that existed prior to that date whose term commenced on January 1, 17365  
2004, shall serve as a full-time judge of the Stow municipal court 17366  
until December 31, 2009. 17367

In the Struthers municipal court, one part-time judge shall 17368  
be elected in 1963. 17369

In the Sylvania municipal court, one full-time judge shall be 17370  
elected in 1963. 17371

In the Tiffin municipal court, one full-time judge shall be 17372  
elected in 1953. 17373

In the Toledo municipal court, two full-time judges shall be 17374  
elected in 1971, four full-time judges shall be elected in 1975, 17375  
and one full-time judge shall be elected in 1973. 17376

In the Upper Sandusky municipal court, one full-time judge 17377  
shall be elected in 2011. The part-time judge elected in 2005, 17378  
whose term commenced on January 1, 2006, shall serve as a 17379  
full-time judge on and after January 1, 2008, until the expiration 17380  
of that judge's term on December 31, 2011, and the office of that 17381

judge is abolished on January 1, 2012. 17382

In the Vandalia municipal court, one full-time judge shall be 17383  
elected in 1959. 17384

In the Van Wert municipal court, one full-time judge shall be 17385  
elected in 1957. 17386

In the Vermilion municipal court, one part-time judge shall 17387  
be elected in 1965. 17388

In the Wadsworth municipal court, one full-time judge shall 17389  
be elected in 1981. 17390

In the Warren municipal court, one full-time judge shall be 17391  
elected in 1951, and one full-time judge shall be elected in 1971. 17392

In the Washington Court House municipal court, one full-time 17393  
judge shall be elected in 1999. The part-time judge elected in 17394  
1993, whose term commenced on January 1, 1994, shall serve until 17395  
December 31, 1999, and the office of that judge is abolished on 17396  
January 1, 2000. 17397

In the Wayne county municipal court, one full-time judge 17398  
shall be elected in 1975, and one full-time judge shall be elected 17399  
in 1979. 17400

In the Willoughby municipal court, one full-time judge shall 17401  
be elected in 1951. 17402

In the Wilmington municipal court, one full-time judge shall 17403  
be elected in 1991, who shall serve as the judge of the Wilmington 17404  
municipal court through June 30, 1992, and as the judge of the 17405  
Clinton county municipal court from July 1, 1992, until the end of 17406  
that judge's term on December 31, 1997. 17407

In the Xenia municipal court, one full-time judge shall be 17408  
elected in 1977. 17409

In the Youngstown municipal court, one full-time judge shall 17410  
be elected in 1951, and two full-time judges shall be elected in 17411



1953.	17412
In the Zanesville municipal court, one full-time judge shall	17413
be elected in 1953.	17414
<b>Sec. 1901.18.</b> (A) Except as otherwise provided in this	17415
division or section 1901.181 of the Revised Code, subject to the	17416
monetary jurisdiction of municipal courts as set forth in section	17417
1901.17 of the Revised Code, a municipal court has original	17418
jurisdiction within its territory in all of the following actions	17419
or proceedings and to perform all of the following functions:	17420
(1) In any civil action, of whatever nature or remedy, of	17421
which judges of county courts have jurisdiction;	17422
(2) In any action or proceeding at law for the recovery of	17423
money or personal property of which the court of common pleas has	17424
jurisdiction;	17425
(3) In any action at law based on contract, to determine,	17426
preserve, and enforce all legal and equitable rights involved in	17427
the contract, to decree an accounting, reformation, or	17428
cancellation of the contract, and to hear and determine all legal	17429
and equitable remedies necessary or proper for a complete	17430
determination of the rights of the parties to the contract;	17431
(4) In any action or proceeding for the sale of personal	17432
property under chattel mortgage, lien, encumbrance, or other	17433
charge, for the foreclosure and marshalling of liens on personal	17434
property of that nature, and for the rendering of personal	17435
judgment in the action or proceeding;	17436
(5) In any action or proceeding to enforce the collection of	17437
its own judgments or the judgments rendered by any court within	17438
the territory to which the municipal court has succeeded, and to	17439
subject the interest of a judgment debtor in personal property to	17440
satisfy judgments enforceable by the municipal court;	17441

(6) In any action or proceeding in the nature of interpleader;	17442 17443
(7) In any action of replevin;	17444
(8) In any action of forcible entry and detainer;	17445
(9) In any action concerning the issuance and enforcement of temporary protection orders pursuant to section 2919.26 of the Revised Code or protection orders pursuant to section 2903.213 of the Revised Code or the enforcement of protection orders issued by courts of another state, as defined in section 2919.27 of the Revised Code;	17446 17447 17448 17449 17450 17451
(10) If the municipal court has a housing or environmental division, in any action over which the division is given jurisdiction by section 1901.181 of the Revised Code, provided that, except as specified in division (B) of that section, no judge of the court other than the judge of the division shall hear or determine any action over which the division has jurisdiction;	17452 17453 17454 17455 17456 17457
(11) In any action brought pursuant to division (I) of section <del>3733.11</del> <u>4781.40</u> of the Revised Code, if the residential premises that are the subject of the action are located within the territorial jurisdiction of the court;	17458 17459 17460 17461
(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;	17462 17463 17464 17465 17466
(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.	17467 17468 17469
(B) The Cleveland municipal court also shall have jurisdiction within its territory in all of the following actions	17470 17471

or proceedings and to perform all of the following functions: 17472

(1) In all actions and proceedings for the sale of real 17473  
property under lien of a judgment of the municipal court or a lien 17474  
for machinery, material, or fuel furnished or labor performed, 17475  
irrespective of amount, and, in those actions and proceedings, the 17476  
court may proceed to foreclose and marshal all liens and all 17477  
vested or contingent rights, to appoint a receiver, and to render 17478  
personal judgment irrespective of amount in favor of any party. 17479

(2) In all actions for the foreclosure of a mortgage on real 17480  
property given to secure the payment of money or the enforcement 17481  
of a specific lien for money or other encumbrance or charge on 17482  
real property, when the amount claimed by the plaintiff does not 17483  
exceed fifteen thousand dollars and the real property is situated 17484  
within the territory, and, in those actions, the court may proceed 17485  
to foreclose all liens and all vested and contingent rights and 17486  
may proceed to render judgments and make findings and orders 17487  
between the parties in the same manner and to the same extent as 17488  
in similar actions in the court of common pleas. 17489

(3) In all actions for the recovery of real property situated 17490  
within the territory to the same extent as courts of common pleas 17491  
have jurisdiction; 17492

(4) In all actions for injunction to prevent or terminate 17493  
violations of the ordinances and regulations of the city of 17494  
Cleveland enacted or promulgated under the police power of the 17495  
city of Cleveland, pursuant to Section 3 of Article XVIII, Ohio 17496  
Constitution, over which the court of common pleas has or may have 17497  
jurisdiction, and, in those actions, the court may proceed to 17498  
render judgments and make findings and orders in the same manner 17499  
and to the same extent as in similar actions in the court of 17500  
common pleas. 17501

**Sec. 1901.31.** The clerk and deputy clerks of a municipal 17502

court shall be selected, be compensated, give bond, and have 17503  
powers and duties as follows: 17504

(A) There shall be a clerk of the court who is appointed or 17505  
elected as follows: 17506

(1)(a) Except in the Akron, Barberton, Toledo, Hamilton 17507  
county, Miami county, Montgomery county, Portage county, and Wayne 17508  
county municipal courts and through December 31, 2008, the 17509  
Cuyahoga Falls municipal court, if the population of the territory 17510  
equals or exceeds one hundred thousand at the regular municipal 17511  
election immediately preceding the expiration of the term of the 17512  
present clerk, the clerk shall be nominated and elected by the 17513  
qualified electors of the territory in the manner that is provided 17514  
for the nomination and election of judges in section 1901.07 of 17515  
the Revised Code. 17516

The clerk so elected shall hold office for a term of six 17517  
years, which term shall commence on the first day of January 17518  
following the clerk's election and continue until the clerk's 17519  
successor is elected and qualified. 17520

(b) In the Hamilton county municipal court, the clerk of 17521  
courts of Hamilton county shall be the clerk of the municipal 17522  
court and may appoint an assistant clerk who shall receive the 17523  
compensation, payable out of the treasury of Hamilton county in 17524  
semimonthly installments, that the board of county commissioners 17525  
prescribes. The clerk of courts of Hamilton county, acting as the 17526  
clerk of the Hamilton county municipal court and assuming the 17527  
duties of that office, shall receive compensation at one-fourth 17528  
the rate that is prescribed for the clerks of courts of common 17529  
pleas as determined in accordance with the population of the 17530  
county and the rates set forth in sections 325.08 and 325.18 of 17531  
the Revised Code. This compensation shall be paid from the county 17532  
treasury in semimonthly installments and is in addition to the 17533  
annual compensation that is received for the performance of the 17534

duties of the clerk of courts of Hamilton county, as provided in 17535  
sections 325.08 and 325.18 of the Revised Code. 17536

(c) In the Portage county and Wayne county municipal courts, 17537  
the clerks of courts of Portage county and Wayne county shall be 17538  
the clerks, respectively, of the Portage county and Wayne county 17539  
municipal courts and may appoint a chief deputy clerk for each 17540  
branch that is established pursuant to section 1901.311 of the 17541  
Revised Code and assistant clerks as the judges of the municipal 17542  
court determine are necessary, all of whom shall receive the 17543  
compensation that the legislative authority prescribes. The clerks 17544  
of courts of Portage county and Wayne county, acting as the clerks 17545  
of the Portage county and Wayne county municipal courts and 17546  
assuming the duties of these offices, shall receive compensation 17547  
payable from the county treasury in semimonthly installments at 17548  
one-fourth the rate that is prescribed for the clerks of courts of 17549  
common pleas as determined in accordance with the population of 17550  
the county and the rates set forth in sections 325.08 and 325.18 17551  
of the Revised Code. 17552

(d) In the Montgomery county and Miami county municipal 17553  
courts, the clerks of courts of Montgomery county and Miami county 17554  
shall be the clerks, respectively, of the Montgomery county and 17555  
Miami county municipal courts. The clerks of courts of Montgomery 17556  
county and Miami county, acting as the clerks of the Montgomery 17557  
county and Miami county municipal courts and assuming the duties 17558  
of these offices, shall receive compensation at one-fourth the 17559  
rate that is prescribed for the clerks of courts of common pleas 17560  
as determined in accordance with the population of the county and 17561  
the rates set forth in sections 325.08 and 325.18 of the Revised 17562  
Code. This compensation shall be paid from the county treasury in 17563  
semimonthly installments and is in addition to the annual 17564  
compensation that is received for the performance of the duties of 17565  
the clerks of courts of Montgomery county and Miami county, as 17566

provided in sections 325.08 and 325.18 of the Revised Code. 17567

(e) Except as otherwise provided in division (A)(1)(e) of 17568  
this section, in the Akron municipal court, candidates for 17569  
election to the office of clerk of the court shall be nominated by 17570  
primary election. The primary election shall be held on the day 17571  
specified in the charter of the city of Akron for the nomination 17572  
of municipal officers. Notwithstanding any contrary provision of 17573  
section 3513.05 or 3513.257 of the Revised Code, the declarations 17574  
of candidacy and petitions of partisan candidates and the 17575  
nominating petitions of independent candidates for the office of 17576  
clerk of the Akron municipal court shall be signed by at least 17577  
fifty qualified electors of the territory of the court. 17578

The candidates shall file a declaration of candidacy and 17579  
petition, or a nominating petition, whichever is applicable, not 17580  
later than four p.m. of the ninetieth day before the day of the 17581  
primary election, in the form prescribed by section 3513.07 or 17582  
3513.261 of the Revised Code. The declaration of candidacy and 17583  
petition, or the nominating petition, shall conform to the 17584  
applicable requirements of section 3513.05 or 3513.257 of the 17585  
Revised Code. 17586

If no valid declaration of candidacy and petition is filed by 17587  
any person for nomination as a candidate of a particular political 17588  
party for election to the office of clerk of the Akron municipal 17589  
court, a primary election shall not be held for the purpose of 17590  
nominating a candidate of that party for election to that office. 17591  
If only one person files a valid declaration of candidacy and 17592  
petition for nomination as a candidate of a particular political 17593  
party for election to that office, a primary election shall not be 17594  
held for the purpose of nominating a candidate of that party for 17595  
election to that office, and the candidate shall be issued a 17596  
certificate of nomination in the manner set forth in section 17597  
3513.02 of the Revised Code. 17598

Declarations of candidacy and petitions, nominating 17599  
petitions, and certificates of nomination for the office of clerk 17600  
of the Akron municipal court shall contain a designation of the 17601  
term for which the candidate seeks election. At the following 17602  
regular municipal election, all candidates for the office shall be 17603  
submitted to the qualified electors of the territory of the court 17604  
in the manner that is provided in section 1901.07 of the Revised 17605  
Code for the election of the judges of the court. The clerk so 17606  
elected shall hold office for a term of six years, which term 17607  
shall commence on the first day of January following the clerk's 17608  
election and continue until the clerk's successor is elected and 17609  
qualified. 17610

(f) Except as otherwise provided in division (A)(1)(f) of 17611  
this section, in the Barberton municipal court, candidates for 17612  
election to the office of clerk of the court shall be nominated by 17613  
primary election. The primary election shall be held on the day 17614  
specified in the charter of the city of Barberton for the 17615  
nomination of municipal officers. Notwithstanding any contrary 17616  
provision of section 3513.05 or 3513.257 of the Revised Code, the 17617  
declarations of candidacy and petitions of partisan candidates and 17618  
the nominating petitions of independent candidates for the office 17619  
of clerk of the Barberton municipal court shall be signed by at 17620  
least fifty qualified electors of the territory of the court. 17621

The candidates shall file a declaration of candidacy and 17622  
petition, or a nominating petition, whichever is applicable, not 17623  
later than four p.m. of the ninetieth day before the day of the 17624  
primary election, in the form prescribed by section 3513.07 or 17625  
3513.261 of the Revised Code. The declaration of candidacy and 17626  
petition, or the nominating petition, shall conform to the 17627  
applicable requirements of section 3513.05 or 3513.257 of the 17628  
Revised Code. 17629

If no valid declaration of candidacy and petition is filed by 17630

any person for nomination as a candidate of a particular political party for election to the office of clerk of the Barberton municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Barberton municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(g)(i) Through December 31, 2008, except as otherwise provided in division (A)(1)(g)(i) of this section, in the Cuyahoga Falls municipal court, candidates for election to the office of clerk of the court shall be nominated by primary election. The primary election shall be held on the day specified in the charter of the city of Cuyahoga Falls for the nomination of municipal officers. Notwithstanding any contrary provision of section 3513.05 or 3513.257 of the Revised Code, the declarations of candidacy and petitions of partisan candidates and the nominating



petitions of independent candidates for the office of clerk of the Cuyahoga Falls municipal court shall be signed by at least fifty qualified electors of the territory of the court.

The candidates shall file a declaration of candidacy and petition, or a nominating petition, whichever is applicable, not later than four p.m. of the ninetieth day before the day of the primary election, in the form prescribed by section 3513.07 or 3513.261 of the Revised Code. The declaration of candidacy and petition, or the nominating petition, shall conform to the applicable requirements of section 3513.05 or 3513.257 of the Revised Code.

If no valid declaration of candidacy and petition is filed by any person for nomination as a candidate of a particular political party for election to the office of clerk of the Cuyahoga Falls municipal court, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office. If only one person files a valid declaration of candidacy and petition for nomination as a candidate of a particular political party for election to that office, a primary election shall not be held for the purpose of nominating a candidate of that party for election to that office, and the candidate shall be issued a certificate of nomination in the manner set forth in section 3513.02 of the Revised Code.

Declarations of candidacy and petitions, nominating petitions, and certificates of nomination for the office of clerk of the Cuyahoga Falls municipal court shall contain a designation of the term for which the candidate seeks election. At the following regular municipal election, all candidates for the office shall be submitted to the qualified electors of the territory of the court in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six

years, which term shall commence on the first day of January 17695  
following the clerk's election and continue until the clerk's 17696  
successor is elected and qualified. 17697

(ii) Division (A)(1)(g)(i) of this section shall have no 17698  
effect after December 31, 2008. 17699

(h) Except as otherwise provided in division (A)(1)(h) of 17700  
this section, in the Toledo municipal court, candidates for 17701  
election to the office of clerk of the court shall be nominated by 17702  
primary election. The primary election shall be held on the day 17703  
specified in the charter of the city of Toledo for the nomination 17704  
of municipal officers. Notwithstanding any contrary provision of 17705  
section 3513.05 or 3513.257 of the Revised Code, the declarations 17706  
of candidacy and petitions of partisan candidates and the 17707  
nominating petitions of independent candidates for the office of 17708  
clerk of the Toledo municipal court shall be signed by at least 17709  
fifty qualified electors of the territory of the court. 17710

The candidates shall file a declaration of candidacy and 17711  
petition, or a nominating petition, whichever is applicable, not 17712  
later than four p.m. of the ninetieth day before the day of the 17713  
primary election, in the form prescribed by section 3513.07 or 17714  
3513.261 of the Revised Code. The declaration of candidacy and 17715  
petition, or the nominating petition, shall conform to the 17716  
applicable requirements of section 3513.05 or 3513.257 of the 17717  
Revised Code. 17718

If no valid declaration of candidacy and petition is filed by 17719  
any person for nomination as a candidate of a particular political 17720  
party for election to the office of clerk of the Toledo municipal 17721  
court, a primary election shall not be held for the purpose of 17722  
nominating a candidate of that party for election to that office. 17723  
If only one person files a valid declaration of candidacy and 17724  
petition for nomination as a candidate of a particular political 17725  
party for election to that office, a primary election shall not be 17726

held for the purpose of nominating a candidate of that party for 17727  
election to that office, and the candidate shall be issued a 17728  
certificate of nomination in the manner set forth in section 17729  
3513.02 of the Revised Code. 17730

Declarations of candidacy and petitions, nominating 17731  
petitions, and certificates of nomination for the office of clerk 17732  
of the Toledo municipal court shall contain a designation of the 17733  
term for which the candidate seeks election. At the following 17734  
regular municipal election, all candidates for the office shall be 17735  
submitted to the qualified electors of the territory of the court 17736  
in the manner that is provided in section 1901.07 of the Revised 17737  
Code for the election of the judges of the court. The clerk so 17738  
elected shall hold office for a term of six years, which term 17739  
shall commence on the first day of January following the clerk's 17740  
election and continue until the clerk's successor is elected and 17741  
qualified. 17742

(2)(a) Except for the Alliance, Auglaize county, Brown 17743  
county, Columbiana county, Holmes county, Putnam county, Sandusky 17744  
county, Lorain, Massillon, and Youngstown municipal courts, in a 17745  
municipal court for which the population of the territory is less 17746  
than one hundred thousand, the clerk shall be appointed by the 17747  
court, and the clerk shall hold office until the clerk's successor 17748  
is appointed and qualified. 17749

(b) In the Alliance, Lorain, Massillon, and Youngstown 17750  
municipal courts, the clerk shall be elected for a term of office 17751  
as described in division (A)(1)(a) of this section. 17752

(c) In the Auglaize county, Brown county, Holmes county, ~~and~~ 17753  
Putnam county, and Sandusky county municipal courts, the clerks of 17754  
courts of Auglaize county, Brown county, Holmes county, ~~and~~ Putnam 17755  
county, and Sandusky county shall be the clerks, respectively, of 17756  
the Auglaize county, Brown county, Holmes county, ~~and~~ Putnam 17757  
county, and Sandusky county municipal courts and may appoint a 17758

chief deputy clerk for each branch office that is established 17759  
pursuant to section 1901.311 of the Revised Code, and assistant 17760  
clerks as the judge of the court determines are necessary, all of 17761  
whom shall receive the compensation that the legislative authority 17762  
prescribes. The clerks of courts of Auglaize county, Brown county, 17763  
Holmes county, ~~and~~ Putnam county, and Sandusky county, acting as 17764  
the clerks of the Auglaize county, Brown county, Holmes county, 17765  
~~and~~ Putnam county, and Sandusky county municipal courts and 17766  
assuming the duties of these offices, shall receive compensation 17767  
payable from the county treasury in semimonthly installments at 17768  
one-fourth the rate that is prescribed for the clerks of courts of 17769  
common pleas as determined in accordance with the population of 17770  
the county and the rates set forth in sections 325.08 and 325.18 17771  
of the Revised Code. 17772

(d) In the Columbiana county municipal court, the clerk of 17773  
courts of Columbiana county shall be the clerk of the municipal 17774  
court, may appoint a chief deputy clerk for each branch office 17775  
that is established pursuant to section 1901.311 of the Revised 17776  
Code, and may appoint any assistant clerks that the judges of the 17777  
court determine are necessary. All of the chief deputy clerks and 17778  
assistant clerks shall receive the compensation that the 17779  
legislative authority prescribes. The clerk of courts of 17780  
Columbiana county, acting as the clerk of the Columbiana county 17781  
municipal court and assuming the duties of that office, shall 17782  
receive in either biweekly installments or semimonthly 17783  
installments, as determined by the payroll administrator, 17784  
compensation payable from the county treasury at one-fourth the 17785  
rate that is prescribed for the clerks of courts of common pleas 17786  
as determined in accordance with the population of the county and 17787  
the rates set forth in sections 325.08 and 325.18 of the Revised 17788  
Code. 17789

(3) During the temporary absence of the clerk due to illness, 17790

vacation, or other proper cause, the court may appoint a temporary 17791  
clerk, who shall be paid the same compensation, have the same 17792  
authority, and perform the same duties as the clerk. 17793

(B) Except in the Hamilton county, Montgomery county, Miami 17794  
county, Portage county, and Wayne county municipal courts, if a 17795  
vacancy occurs in the office of the clerk of the Alliance, Lorain, 17796  
Massillon, or Youngstown municipal court or occurs in the office 17797  
of the clerk of a municipal court for which the population of the 17798  
territory equals or exceeds one hundred thousand because the clerk 17799  
ceases to hold the office before the end of the clerk's term or 17800  
because a clerk-elect fails to take office, the vacancy shall be 17801  
filled, until a successor is elected and qualified, by a person 17802  
chosen by the residents of the territory of the court who are 17803  
members of the county central committee of the political party by 17804  
which the last occupant of that office or the clerk-elect was 17805  
nominated. Not less than five nor more than fifteen days after a 17806  
vacancy occurs, those members of that county central committee 17807  
shall meet to make an appointment to fill the vacancy. At least 17808  
four days before the date of the meeting, the chairperson or a 17809  
secretary of the county central committee shall notify each such 17810  
member of that county central committee by first class mail of the 17811  
date, time, and place of the meeting and its purpose. A majority 17812  
of all such members of that county central committee constitutes a 17813  
quorum, and a majority of the quorum is required to make the 17814  
appointment. If the office so vacated was occupied or was to be 17815  
occupied by a person not nominated at a primary election, or if 17816  
the appointment was not made by the committee members in 17817  
accordance with this division, the court shall make an appointment 17818  
to fill the vacancy. A successor shall be elected to fill the 17819  
office for the unexpired term at the first municipal election that 17820  
is held more than one hundred thirty-five days after the vacancy 17821  
occurred. 17822

(C)(1) In a municipal court, other than the Auglaize county, 17823  
the Brown county, the Columbiana county, the Holmes county, the 17824  
Putnam county, the Sandusky county, and the Lorain municipal 17825  
courts, for which the population of the territory is less than one 17826  
hundred thousand, the clerk of the municipal court shall receive 17827  
the annual compensation that the presiding judge of the court 17828  
prescribes, if the revenue of the court for the preceding calendar 17829  
year, as certified by the auditor or chief fiscal officer of the 17830  
municipal corporation in which the court is located or, in the 17831  
case of a county-operated municipal court, the county auditor, is 17832  
equal to or greater than the expenditures, including any debt 17833  
charges, for the operation of the court payable under this chapter 17834  
from the city treasury or, in the case of a county-operated 17835  
municipal court, the county treasury for that calendar year, as 17836  
also certified by the auditor or chief fiscal officer. If the 17837  
revenue of a municipal court, other than the Auglaize county, the 17838  
Brown county, the Columbiana county, the Putnam county, the 17839  
Sandusky county, and the Lorain municipal courts, for which the 17840  
population of the territory is less than one hundred thousand for 17841  
the preceding calendar year as so certified is not equal to or 17842  
greater than those expenditures for the operation of the court for 17843  
that calendar year as so certified, the clerk of a municipal court 17844  
shall receive the annual compensation that the legislative 17845  
authority prescribes. As used in this division, "revenue" means 17846  
the total of all costs and fees that are collected and paid to the 17847  
city treasury or, in a county-operated municipal court, the county 17848  
treasury by the clerk of the municipal court under division (F) of 17849  
this section and all interest received and paid to the city 17850  
treasury or, in a county-operated municipal court, the county 17851  
treasury in relation to the costs and fees under division (G) of 17852  
this section. 17853

(2) In a municipal court, other than the Hamilton county, 17854  
Montgomery county, Miami county, Portage county, and Wayne county 17855

municipal courts, for which the population of the territory is one 17856  
hundred thousand or more, and in the Lorain municipal court, the 17857  
clerk of the municipal court shall receive annual compensation in 17858  
a sum equal to eighty-five per cent of the salary of a judge of 17859  
the court. 17860

(3) The compensation of a clerk described in division (C)(1) 17861  
or (2) of this section and of the clerk of the Columbiana county 17862  
municipal court is payable in either semimonthly installments or 17863  
biweekly installments, as determined by the payroll administrator, 17864  
from the same sources and in the same manner as provided in 17865  
section 1901.11 of the Revised Code, except that the compensation 17866  
of the clerk of the Carroll county municipal court is payable in 17867  
biweekly installments. 17868

(D) Before entering upon the duties of the clerk's office, 17869  
the clerk of a municipal court shall give bond of not less than 17870  
six thousand dollars to be determined by the judges of the court, 17871  
conditioned upon the faithful performance of the clerk's duties. 17872

(E) The clerk of a municipal court may do all of the 17873  
following: administer oaths, take affidavits, and issue executions 17874  
upon any judgment rendered in the court, including a judgment for 17875  
unpaid costs; issue, sign, and attach the seal of the court to all 17876  
writs, process, subpoenas, and papers issuing out of the court; 17877  
and approve all bonds, sureties, recognizances, and undertakings 17878  
fixed by any judge of the court or by law. The clerk may refuse to 17879  
accept for filing any pleading or paper submitted for filing by a 17880  
person who has been found to be a vexatious litigator under 17881  
section 2323.52 of the Revised Code and who has failed to obtain 17882  
leave to proceed under that section. The clerk shall do all of the 17883  
following: file and safely keep all journals, records, books, and 17884  
papers belonging or appertaining to the court; record the 17885  
proceedings of the court; perform all other duties that the judges 17886  
of the court may prescribe; and keep a book showing all receipts 17887

and disbursements, which book shall be open for public inspection 17888  
at all times. 17889

The clerk shall prepare and maintain a general index, a 17890  
docket, and other records that the court, by rule, requires, all 17891  
of which shall be the public records of the court. In the docket, 17892  
the clerk shall enter, at the time of the commencement of an 17893  
action, the names of the parties in full, the names of the 17894  
counsel, and the nature of the proceedings. Under proper dates, 17895  
the clerk shall note the filing of the complaint, issuing of 17896  
summons or other process, returns, and any subsequent pleadings. 17897  
The clerk also shall enter all reports, verdicts, orders, 17898  
judgments, and proceedings of the court, clearly specifying the 17899  
relief granted or orders made in each action. The court may order 17900  
an extended record of any of the above to be made and entered, 17901  
under the proper action heading, upon the docket at the request of 17902  
any party to the case, the expense of which record may be taxed as 17903  
costs in the case or may be required to be prepaid by the party 17904  
demanding the record, upon order of the court. 17905

(F) The clerk of a municipal court shall receive, collect, 17906  
and issue receipts for all costs, fees, fines, bail, and other 17907  
moneys payable to the office or to any officer of the court. The 17908  
clerk shall each month disburse to the proper persons or officers, 17909  
and take receipts for, all costs, fees, fines, bail, and other 17910  
moneys that the clerk collects. Subject to sections 307.515 and 17911  
4511.193 of the Revised Code and to any other section of the 17912  
Revised Code that requires a specific manner of disbursement of 17913  
any moneys received by a municipal court and except for the 17914  
Hamilton county, Lawrence county, and Ottawa county municipal 17915  
courts, the clerk shall pay all fines received for violation of 17916  
municipal ordinances into the treasury of the municipal 17917  
corporation the ordinance of which was violated and shall pay all 17918  
fines received for violation of township resolutions adopted 17919



pursuant to section 503.52 or 503.53 or Chapter 504. of the 17920  
Revised Code into the treasury of the township the resolution of 17921  
which was violated. Subject to sections 1901.024 and 4511.193 of 17922  
the Revised Code, in the Hamilton county, Lawrence county, and 17923  
Ottawa county municipal courts, the clerk shall pay fifty per cent 17924  
of the fines received for violation of municipal ordinances and 17925  
fifty per cent of the fines received for violation of township 17926  
resolutions adopted pursuant to section 503.52 or 503.53 or 17927  
Chapter 504. of the Revised Code into the treasury of the county. 17928  
Subject to sections 307.515, 4511.19, and 5503.04 of the Revised 17929  
Code and to any other section of the Revised Code that requires a 17930  
specific manner of disbursement of any moneys received by a 17931  
municipal court, the clerk shall pay all fines collected for the 17932  
violation of state laws into the county treasury. Except in a 17933  
county-operated municipal court, the clerk shall pay all costs and 17934  
fees the disbursement of which is not otherwise provided for in 17935  
the Revised Code into the city treasury. The clerk of a 17936  
county-operated municipal court shall pay the costs and fees the 17937  
disbursement of which is not otherwise provided for in the Revised 17938  
Code into the county treasury. Moneys deposited as security for 17939  
costs shall be retained pending the litigation. The clerk shall 17940  
keep a separate account of all receipts and disbursements in civil 17941  
and criminal cases, which shall be a permanent public record of 17942  
the office. On the expiration of the term of the clerk, the clerk 17943  
shall deliver the records to the clerk's successor. The clerk 17944  
shall have other powers and duties as are prescribed by rule or 17945  
order of the court. 17946

(G) All moneys paid into a municipal court shall be noted on 17947  
the record of the case in which they are paid and shall be 17948  
deposited in a state or national bank, or a domestic savings and 17949  
loan association, as defined in section 1151.01 of the Revised 17950  
Code, that is selected by the clerk. Any interest received upon 17951  
the deposits shall be paid into the city treasury, except that, in 17952

a county-operated municipal court, the interest shall be paid into 17953  
the treasury of the county in which the court is located. 17954

On the first Monday in January of each year, the clerk shall 17955  
make a list of the titles of all cases in the court that were 17956  
finally determined more than one year past in which there remains 17957  
unclaimed in the possession of the clerk any funds, or any part of 17958  
a deposit for security of costs not consumed by the costs in the 17959  
case. The clerk shall give notice of the moneys to the parties who 17960  
are entitled to the moneys or to their attorneys of record. All 17961  
the moneys remaining unclaimed on the first day of April of each 17962  
year shall be paid by the clerk to the city treasurer, except 17963  
that, in a county-operated municipal court, the moneys shall be 17964  
paid to the treasurer of the county in which the court is located. 17965  
The treasurer shall pay any part of the moneys at any time to the 17966  
person who has the right to the moneys upon proper certification 17967  
of the clerk. 17968

(H) Deputy clerks of a municipal court other than the Carroll 17969  
county municipal court may be appointed by the clerk and shall 17970  
receive the compensation, payable in either biweekly installments 17971  
or semimonthly installments, as determined by the payroll 17972  
administrator, out of the city treasury, that the clerk may 17973  
prescribe, except that the compensation of any deputy clerk of a 17974  
county-operated municipal court shall be paid out of the treasury 17975  
of the county in which the court is located. The judge of the 17976  
Carroll county municipal court may appoint deputy clerks for the 17977  
court, and the deputy clerks shall receive the compensation, 17978  
payable in biweekly installments out of the county treasury, that 17979  
the judge may prescribe. Each deputy clerk shall take an oath of 17980  
office before entering upon the duties of the deputy clerk's 17981  
office and, when so qualified, may perform the duties appertaining 17982  
to the office of the clerk. The clerk may require any of the 17983  
deputy clerks to give bond of not less than three thousand 17984

dollars, conditioned for the faithful performance of the deputy clerk's duties. 17985  
17986

(I) For the purposes of this section, whenever the population of the territory of a municipal court falls below one hundred thousand but not below ninety thousand, and the population of the territory prior to the most recent regular federal census exceeded one hundred thousand, the legislative authority of the municipal corporation may declare, by resolution, that the territory shall be considered to have a population of at least one hundred thousand. 17987  
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(J) The clerk or a deputy clerk shall be in attendance at all sessions of the municipal court, although not necessarily in the courtroom, and may administer oaths to witnesses and jurors and receive verdicts. 17995  
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**Sec. 1907.11.** (A) Each county court district shall have the following county court judges, to be elected as follows: 17999  
18000

In the Adams county county court, one part-time judge shall be elected in 1982. 18001  
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In the Ashtabula county county court, one part-time judge shall be elected in 1980, and one part-time judge shall be elected in 1982. 18003  
18004  
18005

In the Belmont county county court, one part-time judge shall be elected in 1992, term to commence on January 1, 1993, and two part-time judges shall be elected in 1994, terms to commence on January 1, 1995, and January 2, 1995, respectively. 18006  
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In the Butler county county court, one part-time judge shall be elected in 1992, term to commence on January 1, 1993, and two part-time judges shall be elected in 1994, terms to commence on January 1, 1995, and January 2, 1995, respectively. 18010  
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Until December 31, 2007, in the Erie county county court, one 18014

part-time judge shall be elected in 1982. Effective January 1, 18015  
2008, the Erie county county court shall cease to exist. 18016

In the Fulton county county court, one part-time judge shall 18017  
be elected in 1980, and one part-time judge shall be elected in 18018  
1982. 18019

In the Harrison county county court, one part-time judge 18020  
shall be elected in 1982. 18021

In the Highland county county court, one part-time judge 18022  
shall be elected in 1982. 18023

In the Jefferson county county court, one part-time judge 18024  
shall be elected in 1992, term to commence on January 1, 1993, and 18025  
two part-time judges shall be elected in 1994, terms to commence 18026  
on January 1, 1995, and January 2, 1995, respectively. 18027

In the Mahoning county county court, one part-time judge 18028  
shall be elected in 1992, term to commence on January 1, 1993, and 18029  
three part-time judges shall be elected in 1994, terms to commence 18030  
on January 1, 1995, January 2, 1995, and January 3, 1995, 18031  
respectively. 18032

In the Meigs county county court, one part-time judge shall 18033  
be elected in 1982. 18034

In the Monroe county county court, one part-time judge shall 18035  
be elected in 1982. 18036

In the Morgan county county court, one part-time judge shall 18037  
be elected in 1982. 18038

In the Muskingum county county court, one part-time judge 18039  
shall be elected in 1980, and one part-time judge shall be elected 18040  
in 1982. 18041

In the Noble county county court, one part-time judge shall 18042  
be elected in 1982. 18043

In the Paulding county county court, one part-time judge 18044

shall be elected in 1982. 18045

In the Perry county county court, one part-time judge shall 18046  
be elected in 1982. 18047

In the Pike county county court, one part-time judge shall be 18048  
elected in 1982. 18049

~~In~~ Until December 31, 2006, in the Sandusky county county 18050  
court, two part-time judges shall be elected in 1994, terms to 18051  
commence on January 1, 1995, and January 2, 1995, respectively. 18052  
The judges elected in 2006 shall serve until December 31, 2012. 18053  
The Sandusky county county court shall cease to exist on January 18054  
1, 2013. 18055

~~In~~ Until December 31, 2010, in the Trumbull county county 18056  
court, one part-time judge shall be elected in 1992, and one 18057  
part-time judge shall be elected in 1994. The judges elected in 18058  
2006 and 2010 shall serve until December 31, 2012. The Trumbull 18059  
county county court shall cease to exist on January 1, 2013. 18060

In the Tuscarawas county county court, one part-time judge 18061  
shall be elected in 1982. 18062

In the Vinton county county court, one part-time judge shall 18063  
be elected in 1982. 18064

In the Warren county county court, one part-time judge shall 18065  
be elected in 1980, and one part-time judge shall be elected in 18066  
1982. 18067

(B)(1) Additional judges shall be elected at the next regular 18068  
election for a county court judge as provided in section 1907.13 18069  
of the Revised Code. 18070

(2) Vacancies caused by the death or the resignation from, 18071  
forfeiture of, or removal from office of a judge shall be filled 18072  
in accordance with section 107.08 of the Revised Code, except as 18073  
provided in section 1907.15 of the Revised Code. 18074

Sec. 1907.13. A county court judge, at the time of filing a 18075  
nominating petition for the office or at the time of appointment 18076  
to the office and during the judge's term of office, shall be a 18077  
qualified elector and a resident of the county court district in 18078  
which the judge is elected or appointed. A county court judge does 18079  
not have to be a resident of an area of separate jurisdiction in 18080  
the county court district to which the judge may be assigned 18081  
pursuant to section 1907.15 of the Revised Code. Every county 18082  
court judge shall have been admitted to the practice of law in 18083  
this state and shall have been engaged, for a total of at least 18084  
six years preceding the judge's appointment or the commencement of 18085  
the judge's term, in the practice of law in ~~any jurisdiction in~~ 18086  
~~the United States~~ this state, except that the six-year practice 18087  
requirement does not apply to a county court judge who is holding 18088  
office on ~~July 2, 2010~~ the effective date of the amendment of this 18089  
section by H.B. 487 of the 129th general assembly, and who 18090  
subsequently is a candidate for that office. ~~At least two of the~~ 18091  
~~years of practice that qualify a judge shall have been in this~~ 18092  
~~state.~~ 18093

Judges shall be elected by the electors of the county court 18094  
district at the general election in even-numbered years as set 18095  
forth in section 1907.11 of the Revised Code for a term of six 18096  
years commencing on the first day of January following the 18097  
election for the county court or on the dates specified in section 18098  
1907.11 of the Revised Code for particular county court judges. 18099  
Their successors shall be elected in even-numbered years every six 18100  
years. 18101

All candidates for county court judge shall be nominated by 18102  
petition. The nominating petition shall be in the general form and 18103  
signed and verified as prescribed by section 3513.261 of the 18104  
Revised Code and shall be signed by the lesser of fifty qualified 18105  
electors of the county court district or a number of qualified 18106

electors of the county court district not less than one per cent 18107  
of the number of electors who voted for governor at the most 18108  
recent regular state election in the district. A nominating 18109  
petition shall not be accepted for filing or filed if it appears 18110  
on its face to contain signatures aggregating in number more than 18111  
twice the minimum aggregate number of signatures required by this 18112  
section. A nominating petition shall be filed with the board of 18113  
elections not later than four p.m. of the ninetieth day before the 18114  
day of the general election. 18115

**Sec. 1909.11.** A county court judge has jurisdiction in any 18116  
action brought pursuant to division (I) of section ~~3733.11~~ 4781.40 18117  
of the Revised Code if the residential premises that are the 18118  
subject of the action are located within the territorial 18119  
jurisdiction of the judge's county court district. 18120

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 18121  
county or municipal court or a court of common pleas, within the 18122  
judge's proper area of jurisdiction, may inquire about persons who 18123  
make unlawful and forcible entry into lands or tenements and 18124  
detain them, and about persons who make a lawful and peaceable 18125  
entry into lands or tenements and hold them unlawfully and by 18126  
force. If, upon the inquiry, it is found that an unlawful and 18127  
forcible entry has been made and the lands or tenements are 18128  
detained, or that, after a lawful entry, lands or tenements are 18129  
held unlawfully and by force, a judge shall cause the plaintiff in 18130  
an action under this chapter to have restitution of the lands or 18131  
tenements. 18132

(B) An action shall be brought under this chapter within two 18133  
years after the cause of action accrues. 18134

(C) As used in this chapter: 18135

(1) "Tenant" means a person who is entitled under a rental 18136

agreement to the use or occupancy of premises, other than premises 18137  
located in a manufactured home park, to the exclusion of others, 18138  
except that as used in division (A)(6) of section 1923.02 and 18139  
section 1923.051 of the Revised Code, "tenant" includes a 18140  
manufactured home park resident. 18141

(2) "Landlord" means the owner, lessor, or sublessor of 18142  
premises, or the agent or person the landlord authorizes to manage 18143  
premises or to receive rent from a tenant under a rental 18144  
agreement, except, if required by the facts of the action to which 18145  
the term is applied, "landlord" means a park operator. 18146

(3) "Resident" has the same meaning as in section ~~3733.01~~ 18147  
4781.01 of the Revised Code. 18148

(4) "Residential premises" has the same meaning as in section 18149  
5321.01 of the Revised Code, except, if required by the facts of 18150  
the action to which the term is applied, "residential premises" 18151  
has the same meaning as in section ~~3733.01~~ 4781.01 of the Revised 18152  
Code. 18153

(5) "Rental agreement" means any agreement or lease, written 18154  
or oral, that establishes or modifies the terms, conditions, 18155  
rules, or other provisions concerning the use or occupancy of 18156  
premises by one of the parties to the agreement or lease, except 18157  
that "rental agreement," as used in division (A)(13) of section 18158  
1923.02 of the Revised Code and where the context requires as used 18159  
in this chapter, means a rental agreement as defined in division 18160  
(D) of section 5322.01 of the Revised Code. 18161

(6) "Controlled substance" has the same meaning as in section 18162  
3719.01 of the Revised Code. 18163

(7) "School premises" has the same meaning as in section 18164  
2925.01 of the Revised Code. 18165

(8) "Sexually oriented offense" and "child-victim oriented 18166  
offense" have the same meanings as in section 2950.01 of the 18167



Revised Code.	18168
(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.	18169 18170
(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.	18171 18172
(11) "Manufactured home park" has the same meaning as in section <del>3733.01</del> <u>4781.01</u> 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.	18173 18174 18175 18176 18177 18178 18179
(12) "Park operator" has the same meaning as in section <del>3733.01</del> <u>4781.01</u> 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 <del>3733.</del> <u>4781.</u> of the Revised Code.	18180 18181 18182 18183 18184 18185 18186 18187
(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.	18188 18189 18190
(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.	18191 18192
<b>Sec. 1923.02.</b> (A) Proceedings under this chapter may be had as follows:	18193 18194
(1) Against tenants or manufactured home park residents holding over their terms;	18195 18196
(2) Against tenants or manufactured home park residents in	18197

possession under an oral tenancy, who are in default in the	18198
payment of rent as provided in division (B) of this section;	18199
(3) In sales of real estate, on executions, orders, or other	18200
judicial process, when the judgment debtor was in possession at	18201
the time of the rendition of the judgment or decree, by virtue of	18202
which the sale was made;	18203
(4) In sales by executors, administrators, or guardians, and	18204
on partition, when any of the parties to the complaint were in	18205
possession at the commencement of the action, after the sales, so	18206
made on execution or otherwise, have been examined by the proper	18207
court and adjudged legal;	18208
(5) When the defendant is an occupier of lands or tenements,	18209
without color of title, and the complainant has the right of	18210
possession to them;	18211
(6) In any other case of the unlawful and forcible detention	18212
of lands or tenements. For purposes of this division, in addition	18213
to any other type of unlawful and forcible detention of lands or	18214
tenements, such a detention may be determined to exist when both	18215
of the following apply:	18216
(a) A tenant fails to vacate residential premises within	18217
three days after both of the following occur:	18218
(i) The tenant's landlord has actual knowledge of or has	18219
reasonable cause to believe that the tenant, any person in the	18220
tenant's household, or any person on the premises with the consent	18221
of the tenant previously has or presently is engaged in a	18222
violation of Chapter 2925. or 3719. of the Revised Code, or of a	18223
municipal ordinance that is substantially similar to any section	18224
in either of those chapters, which involves a controlled substance	18225
and which occurred in, is occurring in, or otherwise was or is	18226
connected with the premises, whether or not the tenant or other	18227
person has been charged with, has pleaded guilty to or been	18228

convicted of, or has been determined to be a delinquent child for 18229  
an act that, if committed by an adult, would be a violation as 18230  
described in this division. For purposes of this division, a 18231  
landlord has "actual knowledge of or has reasonable cause to 18232  
believe" that a tenant, any person in the tenant's household, or 18233  
any person on the premises with the consent of the tenant 18234  
previously has or presently is engaged in a violation as described 18235  
in this division if a search warrant was issued pursuant to 18236  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 18237  
affidavit presented to obtain the warrant named or described the 18238  
tenant or person as the individual to be searched and particularly 18239  
described the tenant's premises as the place to be searched, named 18240  
or described one or more controlled substances to be searched for 18241  
and seized, stated substantially the offense under Chapter 2925. 18242  
or 3719. of the Revised Code or the substantially similar 18243  
municipal ordinance that occurred in, is occurring in, or 18244  
otherwise was or is connected with the tenant's premises, and 18245  
states the factual basis for the affiant's belief that the 18246  
controlled substances are located on the tenant's premises; the 18247  
warrant was properly executed by a law enforcement officer and any 18248  
controlled substance described in the affidavit was found by that 18249  
officer during the search and seizure; and, subsequent to the 18250  
search and seizure, the landlord was informed by that or another 18251  
law enforcement officer of the fact that the tenant or person has 18252  
or presently is engaged in a violation as described in this 18253  
division and it occurred in, is occurring in, or otherwise was or 18254  
is connected with the tenant's premises. 18255

(ii) The landlord gives the tenant the notice required by 18256  
division (C) of section 5321.17 of the Revised Code. 18257

(b) The court determines, by a preponderance of the evidence, 18258  
that the tenant, any person in the tenant's household, or any 18259  
person on the premises with the consent of the tenant previously 18260

has or presently is engaged in a violation as described in 18261  
division (A)(6)(a)(i) of this section. 18262

(7) In cases arising out of Chapter 5313. of the Revised 18263  
Code. In those cases, the court has the authority to declare a 18264  
forfeiture of the vendee's rights under a land installment 18265  
contract and to grant any other claims arising out of the 18266  
contract. 18267

(8) Against tenants who have breached an obligation that is 18268  
imposed by section 5321.05 of the Revised Code, other than the 18269  
obligation specified in division (A)(9) of that section, and that 18270  
materially affects health and safety. Prior to the commencement of 18271  
an action under this division, notice shall be given to the tenant 18272  
and compliance secured with section 5321.11 of the Revised Code. 18273

(9) Against tenants who have breached an obligation imposed 18274  
upon them by a written rental agreement; 18275

(10) Against manufactured home park residents who have 18276  
defaulted in the payment of rent or breached the terms of a rental 18277  
agreement with a park operator. Nothing in this division precludes 18278  
the commencement of an action under division (A)(12) of this 18279  
section when the additional circumstances described in that 18280  
division apply. 18281

(11) Against manufactured home park residents who have 18282  
committed two material violations of the rules of the manufactured 18283  
home park, of the ~~public health council~~ manufactured homes 18284  
commission, or of applicable state and local health and safety 18285  
codes and who have been notified of the violations in compliance 18286  
with section ~~3733.13~~ 4781.45 of the Revised Code; 18287

(12) Against a manufactured home park resident, or the estate 18288  
of a manufactured home park resident, who as a result of death or 18289  
otherwise has been absent from the manufactured home park for a 18290  
period of thirty consecutive days prior to the commencement of an 18291

action under this division and whose manufactured home or mobile 18292  
home, or recreational vehicle that is parked in the manufactured 18293  
home park, has been left unoccupied for that thirty-day period, 18294  
without notice to the park operator and without payment of rent 18295  
due under the rental agreement with the park operator; 18296

(13) Against occupants of self-service storage facilities, as 18297  
defined in division (A) of section 5322.01 of the Revised Code, 18298  
who have breached the terms of a rental agreement or violated 18299  
section 5322.04 of the Revised Code; 18300

(14) Against any resident or occupant who, pursuant to a 18301  
rental agreement, resides in or occupies residential premises 18302  
located within one thousand feet of any school premises or 18303  
preschool or child day-care center premises and to whom both of 18304  
the following apply: 18305

(a) The resident's or occupant's name appears on the state 18306  
registry of sex offenders and child-victim offenders maintained 18307  
under section 2950.13 of the Revised Code. 18308

(b) The state registry of sex offenders and child-victim 18309  
offenders indicates that the resident or occupant was convicted of 18310  
or pleaded guilty to a sexually oriented offense or a child-victim 18311  
oriented offense in a criminal prosecution and was not sentenced 18312  
to a serious youthful offender dispositional sentence for that 18313  
offense. 18314

(15) Against any tenant who permits any person to occupy 18315  
residential premises located within one thousand feet of any 18316  
school premises or preschool or child day-care center premises if 18317  
both of the following apply to the person: 18318

(a) The person's name appears on the state registry of sex 18319  
offenders and child-victim offenders maintained under section 18320  
2950.13 of the Revised Code. 18321

(b) The state registry of sex offenders and child-victim 18322

offenders indicates that the person was convicted of or pleaded 18323  
guilty to a sexually oriented offense or a child-victim oriented 18324  
offense in a criminal prosecution and was not sentenced to a 18325  
serious youthful offender dispositional sentence for that offense. 18326

(B) If a tenant or manufactured home park resident holding 18327  
under an oral tenancy is in default in the payment of rent, the 18328  
tenant or resident forfeits the right of occupancy, and the 18329  
landlord may, at the landlord's option, terminate the tenancy by 18330  
notifying the tenant or resident, as provided in section 1923.04 18331  
of the Revised Code, to leave the premises, for the restitution of 18332  
which an action may then be brought under this chapter. 18333

(C)(1) If a tenant or any other person with the tenant's 18334  
permission resides in or occupies residential premises that are 18335  
located within one thousand feet of any school premises and is a 18336  
resident or occupant of the type described in division (A)(14) of 18337  
this section or a person of the type described in division (A)(15) 18338  
of this section, the landlord for those residential premises, upon 18339  
discovery that the tenant or other person is a resident, occupant, 18340  
or person of that nature, may terminate the rental agreement or 18341  
tenancy for those residential premises by notifying the tenant and 18342  
all other occupants, as provided in section 1923.04 of the Revised 18343  
Code, to leave the premises. 18344

(2) If a landlord is authorized to terminate a rental 18345  
agreement or tenancy pursuant to division (C)(1) of this section 18346  
but does not so terminate the rental agreement or tenancy, the 18347  
landlord is not liable in a tort or other civil action in damages 18348  
for any injury, death, or loss to person or property that 18349  
allegedly result from that decision. 18350

(D) This chapter does not apply to a student tenant as 18351  
defined by division (H) of section 5321.01 of the Revised Code 18352  
when the college or university proceeds to terminate a rental 18353  
agreement pursuant to section 5321.031 of the Revised Code. 18354

**Sec. 1923.061.** (A) Any defense in an action under this 18355  
chapter may be asserted at trial. 18356

(B) In an action for possession of residential premises based 18357  
upon nonpayment of the rent or in an action for rent when the 18358  
tenant or manufactured home park resident is in possession, the 18359  
tenant or resident may counterclaim for any amount ~~he~~ the tenant 18360  
or resident may recover under the rental agreement or under 18361  
Chapter ~~3733-~~ 4781. or 5321. of the Revised Code. In that event, 18362  
the court from time to time may order the tenant or resident to 18363  
pay into court all or part of the past due rent and rent becoming 18364  
due during the pendency of the action. After trial and judgment, 18365  
the party to whom a net judgment is owed shall be paid first from 18366  
the money paid into court, and any balance shall be satisfied as 18367  
any other judgment. If no rent remains due after application of 18368  
this division, judgment shall be entered for the tenant or 18369  
resident in the action for possession. If the tenant or resident 18370  
has paid into court an amount greater than that necessary to 18371  
satisfy a judgment obtained by the landlord, the balance shall be 18372  
returned by the court to the tenant or resident. 18373

**Sec. 1923.15.** During any proceeding involving residential 18374  
premises under this chapter, the court may order an appropriate 18375  
governmental agency to inspect the residential premises. If the 18376  
agency determines and the court finds conditions which constitute 18377  
a violation of section ~~3733.10~~ 4781.38 or 5321.04 of the Revised 18378  
Code, and if the premises have been vacated or are to be restored 18379  
to the landlord, the court may issue an order forbidding the 18380  
re-rental of the property until such conditions are corrected. If 18381  
the agency determines and the court finds such conditions, and if 18382  
the court finds that the tenant or manufactured home park resident 18383  
may remain in possession, the court may order such conditions 18384  
corrected. If such conditions have been caused by the tenant or 18385

resident, the court may award damages to the landlord equal to the 18386  
reasonable cost of correcting such conditions. 18387

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 18388  
entity that appoints or employs any person responsible for a 18389  
child's care in out-of-home care shall request the superintendent 18390  
of BCII to conduct a criminal records check with respect to any 18391  
person who is under final consideration for appointment or 18392  
employment as a person responsible for a child's care in 18393  
out-of-home care, except that section 3319.39 of the Revised Code 18394  
shall apply instead of this section if the out-of-home care entity 18395  
is a public school, educational service center, or chartered 18396  
nonpublic school. 18397

(2) At the times specified in this division, the 18398  
administrative director of an agency, or attorney, who arranges an 18399  
adoption for a prospective adoptive parent shall request the 18400  
superintendent of BCII to conduct a criminal records check with 18401  
respect to that prospective adoptive parent and a criminal records 18402  
check with respect to all persons eighteen years of age or older 18403  
who reside with the prospective adoptive parent. The 18404  
administrative director or attorney shall request a criminal 18405  
records check pursuant to this division at the time of the initial 18406  
home study, every four years after the initial home study at the 18407  
time of an update, and at the time that an adoptive home study is 18408  
completed as a new home study. 18409

(3) Before a recommending agency submits a recommendation to 18410  
the department of job and family services on whether the 18411  
department should issue a certificate to a foster home under 18412  
section 5103.03 of the Revised Code, and every four years 18413  
thereafter prior to a recertification under that section, the 18414  
administrative director of the agency shall request that the 18415  
superintendent of BCII conduct a criminal records check with 18416



respect to the prospective foster caregiver and a criminal records 18417  
check with respect to all other persons eighteen years of age or 18418  
older who reside with the foster caregiver. 18419

(B)(1) If a person subject to a criminal records check under 18420  
division (A)(1) of this section does not present proof that the 18421  
person has been a resident of this state for the five-year period 18422  
immediately prior to the date upon which the criminal records 18423  
check is requested or does not provide evidence that within that 18424  
five-year period the superintendent of BCII has requested 18425  
information about the person from the federal bureau of 18426  
investigation in a criminal records check, the appointing or 18427  
hiring officer shall request that the superintendent of BCII 18428  
obtain information from the federal bureau of investigation as a 18429  
part of the criminal records check, including fingerprint-based 18430  
checks of national crime information databases as described in 42 18431  
U.S.C. 671. If a person subject to a criminal records check under 18432  
division (A)(1) of this section presents proof that the person has 18433  
been a resident of this state for that five-year period, the 18434  
appointing or hiring officer or attorney may request that the 18435  
superintendent of BCII include information from the federal bureau 18436  
of investigation in the criminal records check, including 18437  
fingerprint-based checks of national crime information databases 18438  
as described in 42 U.S.C. 671. 18439

When the administrative director of an agency, or attorney, 18440  
who arranges an adoption for a prospective parent requests, at the 18441  
time of the initial home study, a criminal records check for a 18442  
person pursuant to division (A)(2) of this section, the 18443  
administrative director or attorney shall request that the 18444  
superintendent of BCII obtain information from the federal bureau 18445  
of investigation as part of the criminal records check, including 18446  
fingerprint-based checks of national crime information databases 18447  
as described in 42 U.S.C. 671, for the person subject to the 18448

criminal records check. In all other cases in which the 18449  
administrative director of an agency, or attorney, who arranges an 18450  
adoption for a prospective parent requests a criminal records 18451  
check for a person pursuant to division (A)(2) of this section, 18452  
the administrative director or attorney may request that the 18453  
superintendent of BCII include information from the federal bureau 18454  
of investigation in the criminal records check, including 18455  
fingerprint-based checks of national crime information databases 18456  
as described in 42 U.S.C. 671. 18457

When the administrative director of a recommending agency 18458  
requests, before submitting a recommendation to the department of 18459  
job and family services on whether the department should issue a 18460  
certificate to a foster home under section 5103.03 of the Revised 18461  
Code, a criminal records check for a person pursuant to division 18462  
(A)(3) of this section, the administrative director shall request 18463  
that the superintendent of BCII obtain information from the 18464  
federal bureau of investigation as part of a criminal records 18465  
check, including fingerprint-based checks of national crime 18466  
information databases as described in 42 U.S.C. 671, for the 18467  
person subject to the criminal records check. In all other cases 18468  
in which the administrative director of a recommending agency 18469  
requests a criminal records check for a person pursuant to 18470  
division (A)(3) of this section, the administrative director may 18471  
request that the superintendent of BCII include information from 18472  
the federal bureau of investigation in the criminal records check, 18473  
including fingerprint-based checks of national crime information 18474  
databases as described in 42 U.S.C. 671. 18475

Prior to a hearing on a final decree of adoption or 18476  
interlocutory order of adoption by a probate court, the 18477  
administrative director of an agency, or an attorney, who arranges 18478  
an adoption for a prospective parent shall provide to the clerk of 18479  
the probate court either of the following: 18480

(a) Any information received pursuant to a request made under 18481  
this division from the superintendent of BCII or the federal 18482  
bureau of investigation as part of the criminal records check, 18483  
including fingerprint-based checks of national crime information 18484  
databases as described in 42 U.S.C. 671, for the person subject to 18485  
the criminal records check; 18486

(b) Written notification that the person subject to a 18487  
criminal records check pursuant to this division failed upon 18488  
request to provide the information necessary to complete the form 18489  
or failed to provide impressions of the person's fingerprints as 18490  
required under division (B)(2) of this section. 18491

(2) An appointing or hiring officer, administrative director, 18492  
or attorney required by division (A) of this section to request a 18493  
criminal records check shall provide to each person subject to a 18494  
criminal records check a copy of the form prescribed pursuant to 18495  
division (C)(1) of section 109.572 of the Revised Code and a 18496  
standard impression sheet to obtain fingerprint impressions 18497  
prescribed pursuant to division (C)(2) of section 109.572 of the 18498  
Revised Code, obtain the completed form and impression sheet from 18499  
the person, and forward the completed form and impression sheet to 18500  
the superintendent of BCII at the time the criminal records check 18501  
is requested. 18502

Any person subject to a criminal records check who receives 18503  
pursuant to this division a copy of the form prescribed pursuant 18504  
to division (C)(1) of section 109.572 of the Revised Code and a 18505  
copy of an impression sheet prescribed pursuant to division (C)(2) 18506  
of that section and who is requested to complete the form and 18507  
provide a set of fingerprint impressions shall complete the form 18508  
or provide all the information necessary to complete the form and 18509  
shall provide the impression sheet with the impressions of the 18510  
person's fingerprints. If a person subject to a criminal records 18511  
check, upon request, fails to provide the information necessary to 18512

complete the form or fails to provide impressions of the person's 18513  
fingerprints, the appointing or hiring officer shall not appoint 18514  
or employ the person as a person responsible for a child's care in 18515  
out-of-home care, a probate court may not issue a final decree of 18516  
adoption or an interlocutory order of adoption making the person 18517  
an adoptive parent, and the department of job and family services 18518  
shall not issue a certificate authorizing the prospective foster 18519  
caregiver to operate a foster home. 18520

(C)(1) No appointing or hiring officer shall appoint or 18521  
employ a person as a person responsible for a child's care in 18522  
out-of-home care, the department of job and family services shall 18523  
not issue a certificate under section 5103.03 of the Revised Code 18524  
authorizing a prospective foster caregiver to operate a foster 18525  
home, and no probate court shall issue a final decree of adoption 18526  
or an interlocutory order of adoption making a person an adoptive 18527  
parent if the person or, in the case of a prospective foster 18528  
caregiver or prospective adoptive parent, any person eighteen 18529  
years of age or older who resides with the prospective foster 18530  
caregiver or prospective adoptive parent previously has been 18531  
convicted of or pleaded guilty to any of the violations described 18532  
in division (A)~~(8)~~(5) of section 109.572 of the Revised Code, 18533  
unless the person meets rehabilitation standards established in 18534  
rules adopted under division (F) of this section. 18535

(2) The appointing or hiring officer may appoint or employ a 18536  
person as a person responsible for a child's care in out-of-home 18537  
care conditionally until the criminal records check required by 18538  
this section is completed and the officer receives the results of 18539  
the criminal records check. If the results of the criminal records 18540  
check indicate that, pursuant to division (C)(1) of this section, 18541  
the person subject to the criminal records check does not qualify 18542  
for appointment or employment, the officer shall release the 18543  
person from appointment or employment. 18544

(3) Prior to certification or recertification under section 18545  
5103.03 of the Revised Code, the prospective foster caregiver 18546  
subject to a criminal records check under division (A)(3) of this 18547  
section shall notify the recommending agency of the revocation of 18548  
any foster home license, certificate, or other similar 18549  
authorization in another state occurring within the five years 18550  
prior to the date of application to become a foster caregiver in 18551  
this state. The failure of a prospective foster caregiver to 18552  
notify the recommending agency of any revocation of that type in 18553  
another state that occurred within that five-year period shall be 18554  
grounds for denial of the person's foster home application or the 18555  
revocation of the person's foster home certification, whichever is 18556  
applicable. If a person has had a revocation in another state 18557  
within the five years prior to the date of the application, the 18558  
department of job and family services shall not issue a foster 18559  
home certificate to the prospective foster caregiver. 18560

(D) The appointing or hiring officer, administrative 18561  
director, or attorney shall pay to the bureau of criminal 18562  
identification and investigation the fee prescribed pursuant to 18563  
division (C)(3) of section 109.572 of the Revised Code for each 18564  
criminal records check conducted in accordance with that section 18565  
upon a request pursuant to division (A) of this section. The 18566  
officer, director, or attorney may charge the person subject to 18567  
the criminal records check a fee for the costs the officer, 18568  
director, or attorney incurs in obtaining the criminal records 18569  
check. A fee charged under this division shall not exceed the 18570  
amount of fees the officer, director, or attorney pays for the 18571  
criminal records check. If a fee is charged under this division, 18572  
the officer, director, or attorney shall notify the person who is 18573  
the applicant at the time of the person's initial application for 18574  
appointment or employment, an adoption to be arranged, or a 18575  
certificate to operate a foster home of the amount of the fee and 18576  
that, unless the fee is paid, the person who is the applicant will 18577

not be considered for appointment or employment or as an adoptive parent or foster caregiver. 18578  
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(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 (A) 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: 18580  
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(1) The person who is the subject of the criminal records check or the person's representative; 18586  
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(2) The appointing or hiring officer, administrative director, or attorney requesting the criminal records check or the officer's, director's, or attorney's representative; 18588  
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(3) The department of job and family services, a county department of job and family services, or a public children services agency; 18591  
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(4) Any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment, a final decree of adoption or interlocutory order of adoption, or a foster home certificate. 18594  
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(F) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall include rehabilitation standards a person who has been convicted of or pleaded guilty to an offense listed in division (A)~~(4)~~(5) of section 109.572 of the Revised Code must meet for an appointing or hiring officer to appoint or employ the person as a person responsible for a child's care in out-of-home care, a probate court to issue a final decree of adoption or interlocutory order of adoption making the person an adoptive parent, or the department to issue a certificate authorizing the prospective foster caregiver to operate a foster 18598  
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home or not revoke a foster home certificate for a violation 18609  
specified in section 5103.0328 of the Revised Code. 18610

(G) An appointing or hiring officer, administrative director, 18611  
or attorney required by division (A) of this section to request a 18612  
criminal records check shall inform each person who is the 18613  
applicant, at the time of the person's initial application for 18614  
appointment or employment, an adoption to be arranged, or a foster 18615  
home certificate, that the person subject to the criminal records 18616  
check is required to provide a set of impressions of the person's 18617  
fingerprints and that a criminal records check is required to be 18618  
conducted and satisfactorily completed in accordance with section 18619  
109.572 of the Revised Code. 18620

(H) The department of job and family services may waive the 18621  
requirement that a criminal records check based on fingerprints be 18622  
conducted for an adult resident of a prospective adoptive or 18623  
foster home or the home of a foster caregiver if the recommending 18624  
agency documents to the department's satisfaction that the adult 18625  
resident is physically unable to comply with the fingerprinting 18626  
requirement and poses no danger to foster children or adoptive 18627  
children who may be placed in the home. In such cases, the 18628  
recommending or approving agency shall request that the bureau of 18629  
criminal identification and investigation conduct a criminal 18630  
records check using the person's name and social security number. 18631

(I) As used in this section: 18632

(1) "Children's hospital" means any of the following: 18633

(a) A hospital registered under section 3701.07 of the 18634  
Revised Code that provides general pediatric medical and surgical 18635  
care, and in which at least seventy-five per cent of annual 18636  
inpatient discharges for the preceding two calendar years were 18637  
individuals less than eighteen years of age; 18638

(b) A distinct portion of a hospital registered under section 18639

3701.07 of the Revised Code that provides general pediatric 18640  
medical and surgical care, has a total of at least one hundred 18641  
fifty registered pediatric special care and pediatric acute care 18642  
beds, and in which at least seventy-five per cent of annual 18643  
inpatient discharges for the preceding two calendar years were 18644  
individuals less than eighteen years of age; 18645

(c) A distinct portion of a hospital, if the hospital is 18646  
registered under section 3701.07 of the Revised Code as a 18647  
children's hospital and the children's hospital meets all the 18648  
requirements of division (I)(1)(a) of this section. 18649

(2) "Criminal records check" has the same meaning as in 18650  
section 109.572 of the Revised Code. 18651

(3) "Person responsible for a child's care in out-of-home 18652  
care" has the same meaning as in section 2151.011 of the Revised 18653  
Code, except that it does not include a prospective employee of 18654  
the department of youth services or a person responsible for a 18655  
child's care in a hospital or medical clinic other than a 18656  
children's hospital. 18657

(4) "Person subject to a criminal records check" means the 18658  
following: 18659

(a) A person who is under final consideration for appointment 18660  
or employment as a person responsible for a child's care in 18661  
out-of-home care; 18662

(b) A prospective adoptive parent; 18663

(c) A prospective foster caregiver; 18664

(d) A person eighteen years old or older who resides with a 18665  
prospective foster caregiver or a prospective adoptive parent. 18666

(5) "Recommending agency" means a public children services 18667  
agency, private child placing agency, or private noncustodial 18668  
agency to which the department of job and family services has 18669



delegated a duty to inspect and approve foster homes. 18670

(6) "Superintendent of BCII" means the superintendent of the 18671  
bureau of criminal identification and investigation. 18672

**Sec. 2152.121.** (A) If a complaint is filed against a child 18673  
alleging that the child is a delinquent child and the case is 18674  
transferred pursuant to division (A)(1)(a)(i) or (A)(1)(b)(ii) of 18675  
section 2152.12 of the Revised Code, the juvenile court that 18676  
transferred the case shall retain jurisdiction for purposes of 18677  
making disposition of the child when required under division (B) 18678  
of this section. 18679

(B) If a complaint is filed against a child alleging that the 18680  
child is a delinquent child, if the case is transferred pursuant 18681  
to division (A)(1)(a)(i) or (A)(1)(b)(ii) of section 2152.12 of 18682  
the Revised Code, and if the child subsequently is convicted of or 18683  
pleads guilty to an offense in that case, the sentence to be 18684  
imposed or disposition to be made of the child shall be determined 18685  
as follows: 18686

(1) The court in which the child is convicted of or pleads 18687  
guilty to the offense shall determine whether, had a complaint 18688  
been filed in juvenile court alleging that the child was a 18689  
delinquent child for committing an act that would be that offense 18690  
if committed by an adult, division (A) of section 2152.12 of the 18691  
Revised Code would have required mandatory transfer of the case or 18692  
division (B) of that section would have allowed discretionary 18693  
transfer of the case. The court shall not consider the factor 18694  
specified in division (B)(3) of section 2152.12 of the Revised 18695  
Code in making its determination under this division. 18696

(2) If the court in which the child is convicted of or pleads 18697  
guilty to the offense determines under division (B)(1) of this 18698  
section that, had a complaint been filed in juvenile court 18699  
alleging that the child was a delinquent child for committing an 18700

act that would be that offense if committed by an adult, division 18701  
(A) of section 2152.12 of the Revised Code would not have required 18702  
mandatory transfer of the case, and division (B) of that section 18703  
would not have allowed discretionary transfer of the case, the 18704  
court shall transfer jurisdiction of the case back to the juvenile 18705  
court that initially transferred the case, the court and all other 18706  
agencies that have any record of the conviction of the child or 18707  
the child's guilty plea shall expunge the conviction or guilty 18708  
plea and all records of it, the conviction or guilty plea shall be 18709  
considered and treated for all purposes other than as provided in 18710  
this section to have never occurred, the conviction or guilty plea 18711  
shall be considered and treated for all purposes other than as 18712  
provided in this section to have been a delinquent child 18713  
adjudication of the child, and the juvenile court shall impose one 18714  
or more traditional juvenile dispositions upon the child under 18715  
sections 2152.19 and 2152.20 of the Revised Code. 18716

(3) If the court in which the child is convicted of or pleads 18717  
guilty to the offense determines under division (B)(1) of this 18718  
section that, had a complaint been filed in juvenile court 18719  
alleging that the child was a delinquent child for committing an 18720  
act that would be that offense if committed by an adult, division 18721  
(A) of section 2152.12 of the Revised Code would not have required 18722  
mandatory transfer of the case but division (B) of that section 18723  
would have allowed discretionary transfer of the case, the court 18724  
shall determine the sentence it believes should be imposed upon 18725  
the child under Chapter 2929. of the Revised Code, shall impose 18726  
that sentence upon the child, and shall stay that sentence pending 18727  
completion of the procedures specified in this division. Upon 18728  
imposition and staying of the sentence, the court shall transfer 18729  
jurisdiction of the case back to the juvenile court that initially 18730  
transferred the case and the juvenile court shall proceed in 18731  
accordance with this division. In no case may the child waive a 18732  
right to a hearing of the type described in division (B)(3)(b) of 18733

this section, regarding a motion filed as described in that 18734  
division by the prosecuting attorney in the case. Upon transfer of 18735  
jurisdiction of the case back to the juvenile court, both of the 18736  
following apply: 18737

(a) Except as otherwise provided in division (B)(3)(b) of 18738  
this section, the juvenile court shall impose a serious youthful 18739  
offender dispositional sentence upon the child under division 18740  
(D)(1) of section 2152.13 of the Revised Code. In imposing the 18741  
adult portion of that sentence, the juvenile court shall consider 18742  
and give preference to the sentence imposed upon the child by the 18743  
court in which the child was convicted of or pleaded guilty to the 18744  
offense. Upon imposing a serious youthful offender dispositional 18745  
sentence upon the child as described in this division, the 18746  
juvenile court shall notify the court in which the child was 18747  
convicted of or pleaded guilty to the offense, the sentence 18748  
imposed upon the child by that court shall terminate, the court 18749  
and all other agencies that have any record of the conviction of 18750  
the child shall expunge the conviction or guilty plea and all 18751  
records of it, the conviction or guilty plea shall be considered 18752  
and treated for all purposes other than as provided in this 18753  
section to have never occurred, and the conviction or guilty plea 18754  
shall be considered and treated for all purposes other than as 18755  
provided in this section to have been a delinquent child 18756  
adjudication of the child. 18757

(b) Upon the transfer, the prosecuting attorney in the case 18758  
may file a motion in the juvenile court that objects to the 18759  
imposition of a serious youthful offender dispositional sentence 18760  
upon the child and requests that the sentence imposed upon the 18761  
child by the court in which the child was convicted of or pleaded 18762  
guilty to the offense be invoked. Upon the filing of a motion 18763  
under this division, the juvenile court shall hold a hearing to 18764  
determine whether the child is not amenable to care or 18765

rehabilitation within the juvenile system and whether the safety 18766  
of the community may require that the child be subject solely to 18767  
adult sanctions. If the juvenile court at the hearing finds that 18768  
the child is not amenable to care or rehabilitation within the 18769  
juvenile system or that the safety of the community may require 18770  
that the child be subject solely to adult sanctions, the court 18771  
shall grant the motion. Absent such a finding, the juvenile court 18772  
shall deny the motion. In making its decision under this division, 18773  
the juvenile court shall consider the factors listed in division 18774  
(D) of section 2152.12 of the Revised Code as factors indicating 18775  
that the motion should be granted, shall consider the factors 18776  
listed in division (E) of that section as factors indicating that 18777  
the motion should not be granted, and shall consider whether the 18778  
applicable factors listed in division (D) of that section outweigh 18779  
the applicable factors listed in division (E) of that section. 18780

If the juvenile court grants the motion of the prosecuting 18781  
attorney under this division, the juvenile court shall transfer 18782  
jurisdiction of the case back to the court in which the child was 18783  
convicted of or pleaded guilty to the offense, and the sentence 18784  
imposed by that court shall be invoked. If the juvenile court 18785  
denies the motion of the prosecuting attorney under this section, 18786  
the juvenile court shall impose a serious youthful offender 18787  
dispositional sentence upon the child in accordance with division 18788  
(B)(3)(a) of this section. 18789

(4) If the court in which the child is convicted of or pleads 18790  
guilty to the offense determines under division (B)(1) of this 18791  
section that, had a complaint been filed in juvenile court 18792  
alleging that the child was a delinquent child for committing an 18793  
act that would be that offense if committed by an adult, division 18794  
(A) of section 2152.12 of the Revised Code would have required 18795  
mandatory transfer of the case, the court shall impose sentence 18796  
upon the child under Chapter 2929. of the Revised Code. 18797

Sec. 2152.22. (A) When a child is committed to the legal 18798  
custody of the department of youth services under this chapter, 18799  
the juvenile court relinquishes control with respect to the child 18800  
so committed, except as provided in divisions (B), (C), (D), and 18801  
(H) of this section or in sections 2152.82 to 2152.86 of the 18802  
Revised Code. Subject to divisions (B), (C), and (D) of this 18803  
section, sections 2151.353 and 2151.412 to 2151.421 of the Revised 18804  
Code, sections 2152.82 to 2152.86 of the Revised Code, and any 18805  
other provision of law that specifies a different duration for a 18806  
dispositional order, all other dispositional orders made by the 18807  
court under this chapter shall be temporary and shall continue for 18808  
a period that is designated by the court in its order, until 18809  
terminated or modified by the court or until the child attains 18810  
twenty-one years of age. 18811

The department shall not release the child from a department 18812  
facility and as a result shall not discharge the child or order 18813  
the child's release on supervised release prior to the expiration 18814  
of the minimum period specified by the court in division (A)(1) of 18815  
section 2152.16 of the Revised Code and any term of commitment 18816  
imposed under section 2152.17 of the Revised Code or prior to the 18817  
child's attainment of twenty-one years of age, except upon the 18818  
order of a court pursuant to division (B), (C), or (D) of this 18819  
section or in accordance with section 5139.54 of the Revised Code. 18820

(B)(1) The Unless the court grants judicial release under 18821  
division (D)(1)(b) of this section, the court that commits a 18822  
delinquent child to the department of youth services may grant 18823  
judicial release of the child to court supervision under this 18824  
division during the first half of the prescribed minimum term for 18825  
which the child was committed to the department or, if the child 18826  
was committed to the department until the child attains twenty-one 18827  
years of age, during the first half of the prescribed period of 18828  
commitment that begins on the first day of commitment and ends on 18829

the child's twenty-first birthday, provided any commitment imposed 18830  
under division (A), (B), (C), or (D) of section 2152.17 of the 18831  
Revised Code has ended. 18832

(2) If the department desires to release a child during a 18833  
period specified in division (B)(1) of this section, it shall 18834  
request the court that committed the child to grant a judicial 18835  
release of the child to court supervision under this division. 18836  
During whichever of those periods is applicable, the child or the 18837  
parents of the child also may request that court to grant a 18838  
judicial release of the child to court supervision. Upon receipt 18839  
of a request for a judicial release to court supervision under 18840  
this division from the department, the child, or the child's 18841  
parent, or upon its own motion, the court that committed the child 18842  
shall do one of the following: approve the release by journal 18843  
entry; schedule within thirty days after the request is received a 18844  
time for a hearing on whether the child is to be released; or 18845  
reject the request by journal entry without conducting a hearing. 18846

If the court rejects an initial request for a release under 18847  
this division by the child or the child's parent, the child or the 18848  
child's parent may make one additional request for a judicial 18849  
release to court supervision within the applicable period. The 18850  
additional request may be made no earlier than thirty days after 18851  
the filing of the prior request for a judicial release to court 18852  
supervision. Upon the filing of a second request for a judicial 18853  
release to court supervision, the court shall either approve or 18854  
disapprove the release by journal entry or schedule within thirty 18855  
days after the request is received a time for a hearing on whether 18856  
the child is to be released. 18857

(3) If a court schedules a hearing under division (B)(2) of 18858  
this section, it may order the department to deliver the child to 18859  
the court on the date set for the hearing and may order the 18860  
department to present to the court a report on the child's 18861

progress in the institution to which the child was committed and 18862  
recommendations for conditions of supervision of the child by the 18863  
court after release. The court may conduct the hearing without the 18864  
child being present. The court shall determine at the hearing 18865  
whether the child should be granted a judicial release to court 18866  
supervision. 18867

If the court approves the release under this division, it 18868  
shall order its staff to prepare a written treatment and 18869  
rehabilitation plan for the child that may include any conditions 18870  
of the child's release that were recommended by the department and 18871  
approved by the court. The committing court shall send the 18872  
juvenile court of the county in which the child is placed a copy 18873  
of the recommended plan. The court of the county in which the 18874  
child is placed may adopt the recommended conditions set by the 18875  
committing court as an order of the court and may add any 18876  
additional consistent conditions it considers appropriate. If a 18877  
child is granted a judicial release to court supervision, the 18878  
release discharges the child from the custody of the department of 18879  
youth services. 18880

(C)(1) ~~The~~ Unless the court grants judicial release under 18881  
division (D)(1)(b) of this section, the court that commits a 18882  
delinquent child to the department of youth services may grant 18883  
judicial release of the child to department of youth services 18884  
supervision under this division during the second half of the 18885  
prescribed minimum term for which the child was committed to the 18886  
department or, if the child was committed to the department until 18887  
the child attains twenty-one years of age, during the second half 18888  
of the prescribed period of commitment that begins on the first 18889  
day of commitment and ends on the child's twenty-first birthday, 18890  
provided any commitment imposed under division (A), (B), (C), or 18891  
(D) of section 2152.17 of the Revised Code has ended. 18892

(2) If the department desires to release a child during a 18893

period specified in division (C)(1) of this section, it shall 18894  
request the court that committed the child to grant a judicial 18895  
release to department of youth services supervision. During 18896  
whichever of those periods is applicable, the child or the child's 18897  
parent also may request the court that committed the child to 18898  
grant a judicial release to department of youth services 18899  
supervision. Upon receipt of a request for judicial release to 18900  
department of youth services supervision, the child, or the 18901  
child's parent, or upon its own motion at any time during that 18902  
period, the court shall do one of the following: approve the 18903  
release by journal entry; schedule a time within thirty days after 18904  
receipt of the request for a hearing on whether the child is to be 18905  
released; or reject the request by journal entry without 18906  
conducting a hearing. 18907

If the court rejects an initial request for release under 18908  
this division by the child or the child's parent, the child or the 18909  
child's parent may make one or more subsequent requests for a 18910  
release within the applicable period, but may make no more than 18911  
one request during each period of ninety days that the child is in 18912  
a secure department facility after the filing of a prior request 18913  
for early release. Upon the filing of a request for release under 18914  
this division subsequent to an initial request, the court shall 18915  
either approve or disapprove the release by journal entry or 18916  
schedule a time within thirty days after receipt of the request 18917  
for a hearing on whether the child is to be released. 18918

(3) If a court schedules a hearing under division (C)(2) of 18919  
this section, it may order the department to deliver the child to 18920  
the court on the date set for the hearing and shall order the 18921  
department to present to the court at that time a treatment plan 18922  
for the child's post-institutional care. The court may conduct the 18923  
hearing without the child being present. The court shall determine 18924  
at the hearing whether the child should be granted a judicial 18925



release to department of youth services supervision. 18926

If the court approves the judicial release to department of 18927  
youth services supervision, the department shall prepare a written 18928  
treatment and rehabilitation plan for the child pursuant to 18929  
division (F) of this section that shall include the conditions of 18930  
the child's release. It shall send the committing court and the 18931  
juvenile court of the county in which the child is placed a copy 18932  
of the plan. The court of the county in which the child is placed 18933  
may adopt the conditions set by the department as an order of the 18934  
court and may add any additional consistent conditions it 18935  
considers appropriate, provided that the court may not add any 18936  
condition that decreases the level or degree of supervision 18937  
specified by the department in its plan, that substantially 18938  
increases the financial burden of supervision that will be 18939  
experienced by the department, or that alters the placement 18940  
specified by the department in its plan. If the court of the 18941  
county in which the child is placed adds to the department's plan 18942  
any additional conditions, it shall enter those additional 18943  
conditions in its journal and shall send to the department a copy 18944  
of the journal entry of the additional conditions. 18945

If the court approves the judicial release to department of 18946  
youth services supervision, the actual date on which the 18947  
department shall release the child is contingent upon the 18948  
department finding a suitable placement for the child. If the 18949  
child is to be returned to the child's home, the department shall 18950  
return the child on the date that the court schedules for the 18951  
child's release or shall bear the expense of any additional time 18952  
that the child remains in a department facility. If the child is 18953  
unable to return to the child's home, the department shall 18954  
exercise reasonable diligence in finding a suitable placement for 18955  
the child, and the child shall remain in a department facility 18956  
while the department finds the suitable placement. 18957

(D)(1) Subject to division (D)(3) of this section, the court 18958  
that commits a delinquent child to the department of youth 18959  
services may grant judicial release of the child under this 18960  
division at any time after the expiration of one of the following 18961  
periods of time: 18962

(a) Except as otherwise provided in division (D)(1)(b) of 18963  
this section, if the child was committed to the department for a 18964  
prescribed minimum period and a maximum period not to exceed the 18965  
child's attainment of twenty-one years, the court may grant 18966  
judicial release of the child at any time after the expiration of 18967  
the prescribed minimum term for which the child was committed to 18968  
the department. 18969

(b) If the child was committed to the department for both one 18970  
or more definite periods under division (A), (B), (C), or (D) of 18971  
section 2152.17 of the Revised Code and a period of the type 18972  
described in division (D)(1)(a) of this section, all of the 18973  
prescribed minimum periods of commitment imposed under division 18974  
(A), (B), (C), or (D) of section 2152.17 of the Revised Code and 18975  
the prescribed period of commitment of the type described in 18976  
division (D)(1)(a) of this section shall be aggregated for 18977  
purposes of this division, and the court may grant judicial 18978  
release of the child at any time after the expiration of one year 18979  
after the child begins serving the aggregate period of commitment. 18980

(2) If a court grants a judicial release of a child under 18981  
division (D)(1) of this section, the release shall be a judicial 18982  
release to department of youth services supervision, if the 18983  
release is granted during a period described in division (C)(1) of 18984  
this section, and the second and third paragraphs of division 18985  
(C)(3) of this section apply regarding the release. In all other 18986  
cases, the release shall be a judicial release to court 18987  
supervision, and the second paragraph of division (B)(3) of this 18988  
section applies regarding the release. 18989

(3) A court at the time of making the disposition of a child shall provide notice in the order of disposition that the judge is retaining jurisdiction over the child for the purpose of a possible grant of judicial release of the child under division (D)(1) of this section. The failure of a court to provide this notice does not affect the authority of the court to grant a judicial release under that division and does not constitute grounds for setting aside the child's delinquent child adjudication or disposition or for granting any post-adjudication relief to the child.

(4) The department of youth services, a child committed to the department, or the parents of the child, during a period specified in division (D)(1) of this section, may request the court that committed the child to grant a judicial release of the child under that division. Upon receipt of a request for judicial release of a child under this division from the department, the child, or the child's parent, or upon its own motion, the court that committed the child shall do one of the following:

(a) Approve the request by journal entry;

(b) Schedule within thirty days after the request is received a time for a hearing on whether the child is to be released;

(c) Reject the request by journal entry without conducting a hearing.

If the court rejects an initial request for a release under this division by the child or the child's parent, division (C)(2) of this section applies regarding the making of additional requests.

If the court schedules a hearing under this division to consider the judicial release, the first paragraph of division (B)(3) of this section applies regarding the hearing.

(E) If a child is released under division (B), (C), or (D) of

this section and the court of the county in which the child is placed has reason to believe that the child's department is not in accordance with the conditions of the child's judicial release, the court of the county in which the child is placed shall schedule a time for a hearing to determine whether the child violated any of the post-release conditions, and, if the child was released under division (C) of this section or under division (D) of this section under department supervision, divisions (A) to (E) of section 5139.52 of the Revised Code apply regarding the child.

If that court determines at the hearing that the child violated any of the post-release conditions, the court, if it determines that the violation was a serious violation, may order the child to be returned to the department for institutionalization, consistent with the original order of commitment of the child, or in any case may make any other disposition of the child authorized by law that the court considers proper. If the court of the county in which the child is placed orders the child to be returned to a department of youth services institution, the time during which the child was held in a secure department facility prior to the child's judicial release shall be considered as time served in fulfilling the prescribed period of institutionalization that is applicable to the child under the child's original order of commitment. If the court orders the child returned to a department institution, the child shall remain in institutional care for a minimum of three months or until the child successfully completes a revocation program of a duration of not less than thirty days operated either by the department or by an entity with which the department has contracted to provide a revocation program.

(F) The department of youth services, prior to the release of a child pursuant to division (C) of this section or pursuant to division (D) of this section on department supervision, shall do

all of the following: 19053

(1) After reviewing the child's rehabilitative progress 19054  
history and medical and educational records, prepare a written 19055  
treatment and rehabilitation plan for the child that includes 19056  
conditions of the release; 19057

(2) Completely discuss the conditions of the plan prepared 19058  
pursuant to division (F)(1) of this section and the possible 19059  
penalties for violation of the plan with the child and the child's 19060  
parents, guardian, or legal custodian; 19061

(3) Have the plan prepared pursuant to division (F)(1) of 19062  
this section signed by the child, the child's parents, legal 19063  
guardian, or custodian, and any authority or person that is to 19064  
supervise, control, and provide supportive assistance to the child 19065  
at the time of the child's release pursuant to division (C) or (D) 19066  
of this section; 19067

(4) Prior to the child's release, file a copy of the 19068  
treatment plan prepared pursuant to division (F)(1) of this 19069  
section with the committing court and the juvenile court of the 19070  
county in which the child is to be placed. 19071

(G) The department of youth services shall file a written 19072  
progress report with the committing court regarding each child 19073  
released pursuant to division (C) of this section or released 19074  
pursuant to division (D) of this section on judicial release to 19075  
department supervision at least once every thirty days unless 19076  
specifically directed otherwise by the court. The report shall 19077  
indicate the treatment and rehabilitative progress of the child 19078  
and the child's family, if applicable, and shall include any 19079  
suggestions for altering the program, custody, living 19080  
arrangements, or treatment. The department shall retain legal 19081  
custody of a child so released until it discharges the child or 19082  
until the custody is terminated as otherwise provided by law. 19083

(H) When a child is committed to the legal custody of the department of youth services, the court retains jurisdiction to perform the functions specified in section 5139.51 of the Revised Code with respect to the granting of supervised release by the release authority and to perform the functions specified in section 5139.52 of the Revised Code with respect to violations of the conditions of supervised release granted by the release authority and to the revocation of supervised release granted by the release authority.

**Sec. 2301.01.** There shall be a court of common pleas in each county held by one or more judges, each of whom has been admitted to practice as an attorney at law in this state and has, for a total of at least six years preceding the judge's appointment or commencement of the judge's term, engaged in the practice of law in this state or served as a judge of a court of record in any jurisdiction in the United States, or both, resides in the county, and is elected by the electors therein. ~~At least two of the years of practice or service that qualify a judge shall have been in this state.~~ Each judge shall be elected for six years at the general election immediately preceding the year in which the term, as provided in sections 2301.02 and 2301.03 of the Revised Code, commences, and the judge's successor shall be elected at the general election immediately preceding the expiration of that term.

**Sec. 2301.27.** (A)(1)(a) The court of common pleas may establish a county department of probation. The establishment of the department shall be entered upon the journal of the court, and the clerk of the court of common pleas shall certify a copy of the journal entry establishing the department to each elective officer and board of the county. The department shall consist of a chief probation officer and the number of other probation officers and

employees, clerks, and stenographers that is fixed from time to 19115  
time by the court. The court shall appoint those individuals, fix 19116  
their salaries, and supervise their work. 19117

(b) When appointing a chief probation officer, the court 19118  
shall do all of the following: 19119

(i) Publicly advertise the position on the court's web site, 19120  
including, but not limited to, the job description, qualifications 19121  
for the position, and the application requirements; 19122

(ii) Conduct a competitive hiring process that adheres to 19123  
state and federal equal employment opportunity laws; 19124

(iii) Review applicants who meet the posted qualifications 19125  
and comply with the application requirements. 19126

(c) The court shall not appoint as a probation officer any 19127  
person who does not possess the training, experience, and other 19128  
qualifications prescribed by the adult parole authority created by 19129  
section 5149.02 of the Revised Code. Probation officers have all 19130  
the powers of regular police officers and shall perform any duties 19131  
that are designated by the judge or judges of the court. All 19132  
positions within the department of probation shall be in the 19133  
classified service of the civil service of the county. 19134

(2) If two or more counties desire to jointly establish a 19135  
probation department for those counties, the judges of the courts 19136  
of common pleas of those counties may establish a probation 19137  
department for those counties. If a probation department is 19138  
established pursuant to division (A)(2) of this section to serve 19139  
more than one county, the judges of the courts of common pleas 19140  
that established the department shall designate the county 19141  
treasurer of one of the counties served by the department as the 19142  
treasurer to whom probation fees paid under section 2951.021 of 19143  
the Revised Code are to be appropriated and transferred under 19144  
division (A)(2) of section 321.44 of the Revised Code for deposit 19145

into the multicounty probation services fund established under 19146  
division (B) of section 321.44 of the Revised Code. 19147

The cost of the administration and operation of a probation 19148  
department established for two or more counties shall be prorated 19149  
to the respective counties on the basis of population. 19150

(3) Probation officers shall receive, in addition to their 19151  
respective salaries, their necessary and reasonable travel and 19152  
other expenses incurred in the performance of their duties. Their 19153  
salaries and expenses shall be paid monthly from the county 19154  
treasury in the manner provided for the payment of the 19155  
compensation of other appointees of the court. 19156

(4) ~~Probation~~ Adult probation officers shall be trained in 19157  
accordance with a set of minimum standards that are established by 19158  
the adult parole authority of the department of rehabilitation and 19159  
correction. 19160

(B)(1) In lieu of establishing a county department of 19161  
probation under division (A) of this section and in lieu of 19162  
entering into an agreement with the adult parole authority as 19163  
described in division (B) of section 2301.32 of the Revised Code, 19164  
the court of common pleas may request the board of county 19165  
commissioners to contract with, and upon that request the board 19166  
may contract with, any nonprofit, public or private agency, 19167  
association, or organization for the provision of probation 19168  
services and supervisory services for persons placed under 19169  
community control sanctions. The contract shall specify that each 19170  
individual providing the probation services and supervisory 19171  
services shall possess the training, experience, and other 19172  
qualifications prescribed by the adult parole authority. The 19173  
individuals who provide the probation services and supervisory 19174  
services shall not be included in the classified or unclassified 19175  
civil service of the county. 19176



(2) In lieu of establishing a county department of probation 19177  
under division (A) of this section and in lieu of entering into an 19178  
agreement with the adult parole authority as described in division 19179  
(B) of section 2301.32 of the Revised Code, the courts of common 19180  
pleas of two or more adjoining counties jointly may request the 19181  
boards of county commissioners of those counties to contract with, 19182  
and upon that request the boards of county commissioners of two or 19183  
more adjoining counties jointly may contract with, any nonprofit, 19184  
public or private agency, association, or organization for the 19185  
provision of probation services and supervisory services for 19186  
persons placed under community control sanctions for those 19187  
counties. The contract shall specify that each individual 19188  
providing the probation services and supervisory services shall 19189  
possess the training, experience, and other qualifications 19190  
prescribed by the adult parole authority. The individuals who 19191  
provide the probation services and supervisory services shall not 19192  
be included in the classified or unclassified civil service of any 19193  
of those counties. 19194

(C) The chief probation officer may grant permission to a 19195  
probation officer to carry firearms when required in the discharge 19196  
of official duties if the probation officer has successfully 19197  
completed a basic firearm training program that is approved by the 19198  
executive director of the Ohio peace officer training commission. 19199  
A probation officer who has been granted permission to carry a 19200  
firearm in the discharge of official duties, annually shall 19201  
successfully complete a firearms requalification program in 19202  
accordance with section 109.801 of the Revised Code. 19203

(D) As used in this section and sections 2301.28 to 2301.32 19204  
of the Revised Code, "community control sanction" has the same 19205  
meaning as in section 2929.01 of the Revised Code. 19206

**Sec. 2301.271.** (A) The adult parole authority of the 19207

department of rehabilitation and correction shall develop minimum 19208  
standards for the training of adult probation officers as provided 19209  
by section 2301.27 of the Revised Code. The adult parole authority 19210  
shall consult and collaborate with the supreme court in developing 19211  
the standards. 19212

(B) Within six months after ~~the effective date of this~~ 19213  
~~section~~ September 30, 2011, the department of rehabilitation and 19214  
correction shall make available a copy of the minimum standards to 19215  
the following entities: 19216

(1) Every municipal court, county court, and court of common 19217  
pleas; 19218

(2) Every probation department. 19219

**Sec. 2301.571.** (A) A person who has been convicted of or 19220  
pleaded guilty to an offense and who is confined in a 19221  
community-based correctional facility or district community-based 19222  
correctional facility, ~~unless indigent~~, is financially responsible 19223  
for the payment of any medical expense or service requested by and 19224  
provided to that person. 19225

(B) ~~Notwithstanding any contrary provision of section 2929.38~~ 19226  
~~of the Revised Code, the facility governing board of a~~ 19227  
~~community based correctional facility or district community based~~ 19228  
~~correctional facility shall establish a policy that requires any~~ 19229  
~~person who is not indigent and who is confined in the correctional~~ 19230  
~~facility to pay for any medical treatment or service requested by~~ 19231  
~~and provided to that person. The fee for the medical treatment or~~ 19232  
~~service shall not exceed the actual cost of the treatment or~~ 19233  
~~service provided.~~ No person confined in a community-based 19234  
correctional facility or district community-based correctional 19235  
facility shall be denied any necessary medical care because of 19236  
inability to pay for medical treatment or service. 19237

(C) ~~Any fee paid by a person under~~ Nothing in this section 19238  
~~shall be deducted from~~ cause a community-based correctional 19239  
~~facility or district community-based correctional facility to be~~ 19240  
~~responsible for the payment of any medical or dental costs that~~ 19241  
~~the person is ordered to reimburse under a financial sanction~~ 19242  
~~imposed pursuant to section 2929.28 of the Revised Code or to~~ 19243  
~~repay under a policy adopted under~~ other health care expenses 19244  
incurred in connection with an offender who is serving a term in 19245  
the facility pursuant to section 2929.37 2929.16 of the Revised 19246  
Code. 19247

**Sec. 2305.01.** Except as otherwise provided by this section or 19248  
section 2305.03 of the Revised Code, the court of common pleas has 19249  
original jurisdiction in all civil cases in which the sum or 19250  
matter in dispute exceeds the exclusive original jurisdiction of 19251  
county courts and appellate jurisdiction from the decisions of 19252  
boards of county commissioners. The court of common pleas shall 19253  
not have jurisdiction, in any tort action to which the amounts 19254  
apply, to award punitive or exemplary damages that exceed the 19255  
amounts set forth in section 2315.21 of the Revised Code. The 19256  
court of common pleas shall not have jurisdiction in any tort 19257  
action to which the limits apply to enter judgment on an award of 19258  
compensatory damages for noneconomic loss in excess of the limits 19259  
set forth in section 2315.18 of the Revised Code. 19260

The court of common pleas may on its own motion transfer for 19261  
trial any action in the court to any municipal court in the county 19262  
having concurrent jurisdiction of the subject matter of, and the 19263  
parties to, the action, if the amount sought by the plaintiff does 19264  
not exceed one thousand dollars and if the judge or presiding 19265  
judge of the municipal court concurs in the proposed transfer. 19266  
Upon the issuance of an order of transfer, the clerk of courts 19267  
shall remove to the designated municipal court the entire case 19268  
file. Any untaxed portion of the common pleas deposit for court 19269

costs shall be remitted to the municipal court by the clerk of 19270  
courts to be applied in accordance with section 1901.26 of the 19271  
Revised Code, and the costs taxed by the municipal court shall be 19272  
added to any costs taxed in the common pleas court. 19273

The court of common pleas has jurisdiction in any action 19274  
brought pursuant to division (I) of section ~~3733.11~~ 4781.40 of the 19275  
Revised Code if the residential premises that are the subject of 19276  
the action are located within the territorial jurisdiction of the 19277  
court. 19278

The courts of common pleas of Adams, Athens, Belmont, Brown, 19279  
Clermont, Columbiana, Gallia, Hamilton, Jefferson, Lawrence, 19280  
Meigs, Monroe, Scioto, and Washington counties have jurisdiction 19281  
beyond the north or northwest shore of the Ohio river extending to 19282  
the opposite shore line, between the extended boundary lines of 19283  
any adjacent counties or adjacent state. Each of those courts of 19284  
common pleas has concurrent jurisdiction on the Ohio river with 19285  
any adjacent court of common pleas that borders on that river and 19286  
with any court of Kentucky or of West Virginia that borders on the 19287  
Ohio river and that has jurisdiction on the Ohio river under the 19288  
law of Kentucky or the law of West Virginia, whichever is 19289  
applicable, or under federal law. 19290

**Sec. 2307.89.** The following apply to all tort actions for 19291  
silicosis or mixed dust disease claims brought against a premises 19292  
owner to recover damages or other relief for exposure to silica or 19293  
mixed dust on the premises owner's property: 19294

(A) A premises owner is not liable for any injury to any 19295  
individual resulting from silica or mixed dust exposure unless 19296  
that individual's alleged exposure occurred while the individual 19297  
was at the premises owner's property. 19298

(B) If exposure to silica or mixed dust is alleged to have 19299  
occurred before January 1, 1972, it is presumed that a premises 19300

owner knew that this state had adopted safe levels of exposure for silica or mixed dust and that products containing silica or mixed dust were used on its property only at levels below those safe levels of exposure. To rebut this presumption, the plaintiff must prove by a preponderance of the evidence that the premises owner knew or should have known that the levels of silica or mixed dust in the immediate breathing zone of the plaintiff regularly exceeded the threshold limit values adopted by this state and that the premises owner allowed that condition to persist.

(C)(1) A premises owner is presumed to be not liable for any injury to any invitee who was engaged to work with, install, or remove products containing silica or mixed dust on the premises owner's property if the invitee's employer held itself out as qualified to perform the work. To rebut this presumption, the plaintiff must demonstrate by a preponderance of the evidence that the premises owner had actual knowledge of the potential dangers of the products containing silica or mixed dust at the time of the alleged exposure that was superior to the knowledge of both the invitee and the invitee's employer.

(2) A premises owner that hired a contractor before January 1, 1972, to perform the type of work at the premises owner's property that the contractor was qualified to perform cannot be liable for any injury to any individual resulting from silica or mixed dust exposure caused by any of the contractor's employees or agents on the premises owner's property unless the premises owner directed the activity that resulted in the injury or gave or denied permission for the critical acts that led to the individual's injury.

(3) If exposure to silica or mixed dust is alleged to have occurred after January 1, 1972, a premises owner is not liable for any injury to any individual resulting from that exposure caused by a contractor's employee or agent on the premises owner's

property unless the plaintiff establishes the premises owner's 19333  
intentional violation of an established safety standard that was 19334  
in effect at the time of the exposure and that the alleged 19335  
violation was in the plaintiff's breathing zone and was the 19336  
proximate cause of the plaintiff's medical condition. 19337

(D) As used in this section: 19338

(1) "Threshold limit values" means the maximum allowable 19339  
concentration of silica, or other dust, set forth in regulation 19340  
247 of the "regulations for the prevention and control of diseases 19341  
resulting from exposure to toxic fumes, vapors, mists, gases, and 19342  
dusts in order to preserve and protect the public health," as 19343  
adopted by the former public health council of the department of 19344  
health on January 1, 1947, and set forth by the industrial 19345  
commission of Ohio in bulletin no. 203, "specific requirements and 19346  
general safety standards of the industrial commission of Ohio for 19347  
work shops and factories, chapter XV, ventilation and exhausts," 19348  
effective January 3, 1955. 19349

(2) "Established safety standard" means that, for the years 19350  
after 1971, the concentration of silica or mixed dust in the 19351  
breathing zone of the worker does not exceed the maximum allowable 19352  
exposure limits for the eight-hour time-weighted average airborne 19353  
concentration as promulgated by the occupational safety and health 19354  
administration (OSHA) in effect at the time of the alleged 19355  
exposure. 19356

(3) "Employee" means an individual who performs labor or 19357  
provides construction services pursuant to a construction 19358  
contract, as defined in section 4123.79 of the Revised Code, or a 19359  
remodeling or repair contract, whether written or oral, if at 19360  
least ten of the following criteria apply: 19361

(a) The individual is required to comply with instructions 19362  
from the other contracting party regarding the manner or method of 19363

performing services.	19364
(b) The individual is required by the other contracting party to have particular training.	19365 19366
(c) The individual's services are integrated into the regular functioning of the other contracting party.	19367 19368
(d) The individual is required to perform the work personally.	19369 19370
(e) The individual is hired, supervised, or paid by the other contracting party.	19371 19372
(f) A continuing relationship exists between the individual and the other contracting party that contemplates continuing or recurring work even if the work is not full time.	19373 19374 19375
(g) The individual's hours of work are established by the other contracting party.	19376 19377
(h) The individual is required to devote full time to the business of the other contracting party.	19378 19379
(i) The individual is required to perform the work on the premises of the other contracting party.	19380 19381
(j) The individual is required to follow the order of work set by the other contracting party.	19382 19383
(k) The individual is required to make oral or written reports of progress to the other contracting party.	19384 19385
(l) The individual is paid for services on a regular basis, including hourly, weekly, or monthly.	19386 19387
(m) The individual's expenses are paid for by the other contracting party.	19388 19389
(n) The individual's tools and materials are furnished by the other contracting party.	19390 19391
(o) The individual is provided with the facilities used to	19392

perform services.	19393
(p) The individual does not realize a profit or suffer a loss as a result of the services provided.	19394 19395
(q) The individual is not performing services for a number of employers at the same time.	19396 19397
(r) The individual does not make the same services available to the general public.	19398 19399
(s) The other contracting party has a right to discharge the individual.	19400 19401
(t) The individual has the right to end the relationship with the other contracting party without incurring liability pursuant to an employment contract or agreement.	19402 19403 19404
<b>Sec. 2317.02.</b> The following persons shall not testify in certain respects:	19405 19406
(A)(1) An attorney, concerning a communication made to the attorney by a client in that relation or the attorney's advice to a client, except that the attorney may testify by express consent of the client or, if the client is deceased, by the express consent of the surviving spouse or the executor or administrator of the estate of the deceased client. However, if the client voluntarily testifies or is deemed by section 2151.421 of the Revised Code to have waived any testimonial privilege under this division, the attorney may be compelled to testify on the same subject.	19407 19408 19409 19410 19411 19412 19413 19414 19415 19416
The testimonial privilege established under this division does not apply concerning a communication between a client who has since died and the deceased client's attorney if the communication is relevant to a dispute between parties who claim through that deceased client, regardless of whether the claims are by testate or intestate succession or by inter vivos transaction, and the	19417 19418 19419 19420 19421 19422



dispute addresses the competency of the deceased client when the  
deceased client executed a document that is the basis of the  
dispute or whether the deceased client was a victim of fraud,  
undue influence, or duress when the deceased client executed a  
document that is the basis of the dispute.

(2) An attorney, concerning a communication made to the  
attorney by a client in that relationship or the attorney's advice  
to a client, except that if the client is an insurance company,  
the attorney may be compelled to testify, subject to an in camera  
inspection by a court, about communications made by the client to  
the attorney or by the attorney to the client that are related to  
the attorney's aiding or furthering an ongoing or future  
commission of bad faith by the client, if the party seeking  
disclosure of the communications has made a prima\_facie showing of  
bad faith, fraud, or criminal misconduct by the client.

(B)(1) A physician or a dentist concerning a communication  
made to the physician or dentist by a patient in that relation or  
the physician's or dentist's advice to a patient, except as  
otherwise provided in this division, division (B)(2), and division  
(B)(3) of this section, and except that, if the patient is deemed  
by section 2151.421 of the Revised Code to have waived any  
testimonial privilege under this division, the physician may be  
compelled to testify on the same subject.

The testimonial privilege established under this division  
does not apply, and a physician or dentist may testify or may be  
compelled to testify, in any of the following circumstances:

(a) In any civil action, in accordance with the discovery  
provisions of the Rules of Civil Procedure in connection with a  
civil action, or in connection with a claim under Chapter 4123. of  
the Revised Code, under any of the following circumstances:

(i) If the patient or the guardian or other legal

representative of the patient gives express consent; 19454

(ii) If the patient is deceased, the spouse of the patient or 19455  
the executor or administrator of the patient's estate gives 19456  
express consent; 19457

(iii) If a medical claim, dental claim, chiropractic claim, 19458  
or optometric claim, as defined in section 2305.113 of the Revised 19459  
Code, an action for wrongful death, any other type of civil 19460  
action, or a claim under Chapter 4123. of the Revised Code is 19461  
filed by the patient, the personal representative of the estate of 19462  
the patient if deceased, or the patient's guardian or other legal 19463  
representative. 19464

(b) In any civil action concerning court-ordered treatment or 19465  
services received by a patient, if the court-ordered treatment or 19466  
services were ordered as part of a case plan journalized under 19467  
section 2151.412 of the Revised Code or the court-ordered 19468  
treatment or services are necessary or relevant to dependency, 19469  
neglect, or abuse or temporary or permanent custody proceedings 19470  
under Chapter 2151. of the Revised Code. 19471

(c) In any criminal action concerning any test or the results 19472  
of any test that determines the presence or concentration of 19473  
alcohol, a drug of abuse, a combination of them, a controlled 19474  
substance, or a metabolite of a controlled substance in the 19475  
patient's whole blood, blood serum or plasma, breath, urine, or 19476  
other bodily substance at any time relevant to the criminal 19477  
offense in question. 19478

(d) In any criminal action against a physician or dentist. In 19479  
such an action, the testimonial privilege established under this 19480  
division does not prohibit the admission into evidence, in 19481  
accordance with the Rules of Evidence, of a patient's medical or 19482  
dental records or other communications between a patient and the 19483  
physician or dentist that are related to the action and obtained 19484

by subpoena, search warrant, or other lawful means. A court that 19485  
permits or compels a physician or dentist to testify in such an 19486  
action or permits the introduction into evidence of patient 19487  
records or other communications in such an action shall require 19488  
that appropriate measures be taken to ensure that the 19489  
confidentiality of any patient named or otherwise identified in 19490  
the records is maintained. Measures to ensure confidentiality that 19491  
may be taken by the court include sealing its records or deleting 19492  
specific information from its records. 19493

(e)(i) If the communication was between a patient who has 19494  
since died and the deceased patient's physician or dentist, the 19495  
communication is relevant to a dispute between parties who claim 19496  
through that deceased patient, regardless of whether the claims 19497  
are by testate or intestate succession or by inter vivos 19498  
transaction, and the dispute addresses the competency of the 19499  
deceased patient when the deceased patient executed a document 19500  
that is the basis of the dispute or whether the deceased patient 19501  
was a victim of fraud, undue influence, or duress when the 19502  
deceased patient executed a document that is the basis of the 19503  
dispute. 19504

(ii) If neither the spouse of a patient nor the executor or 19505  
administrator of that patient's estate gives consent under 19506  
division (B)(1)(a)(ii) of this section, testimony or the 19507  
disclosure of the patient's medical records by a physician, 19508  
dentist, or other health care provider under division (B)(1)(e)(i) 19509  
of this section is a permitted use or disclosure of protected 19510  
health information, as defined in 45 C.F.R. 160.103, and an 19511  
authorization or opportunity to be heard shall not be required. 19512

(iii) Division (B)(1)(e)(i) of this section does not require 19513  
a mental health professional to disclose psychotherapy notes, as 19514  
defined in 45 C.F.R. 164.501. 19515

(iv) An interested person who objects to testimony or 19516

disclosure under division (B)(1)(e)(i) of this section may seek a protective order pursuant to Civil Rule 26.

(v) A person to whom protected health information is disclosed under division (B)(1)(e)(i) of this section shall not use or disclose the protected health information for any purpose other than the litigation or proceeding for which the information was requested and shall return the protected health information to the covered entity or destroy the protected health information, including all copies made, at the conclusion of the litigation or proceeding.

(2)(a) If any law enforcement officer submits a written statement to a health care provider that states that an official criminal investigation has begun regarding a specified person or that a criminal action or proceeding has been commenced against a specified person, that requests the provider to supply to the officer copies of any records the provider possesses that pertain to any test or the results of any test administered to the specified person to determine the presence or concentration of alcohol, a drug of abuse, a combination of them, a controlled substance, or a metabolite of a controlled substance in the person's whole blood, blood serum or plasma, breath, or urine at any time relevant to the criminal offense in question, and that conforms to section 2317.022 of the Revised Code, the provider, except to the extent specifically prohibited by any law of this state or of the United States, shall supply to the officer a copy of any of the requested records the provider possesses. If the health care provider does not possess any of the requested records, the provider shall give the officer a written statement that indicates that the provider does not possess any of the requested records.

(b) If a health care provider possesses any records of the type described in division (B)(2)(a) of this section regarding the

person in question at any time relevant to the criminal offense in 19549  
question, in lieu of personally testifying as to the results of 19550  
the test in question, the custodian of the records may submit a 19551  
certified copy of the records, and, upon its submission, the 19552  
certified copy is qualified as authentic evidence and may be 19553  
admitted as evidence in accordance with the Rules of Evidence. 19554  
Division (A) of section 2317.422 of the Revised Code does not 19555  
apply to any certified copy of records submitted in accordance 19556  
with this division. Nothing in this division shall be construed to 19557  
limit the right of any party to call as a witness the person who 19558  
administered the test to which the records pertain, the person 19559  
under whose supervision the test was administered, the custodian 19560  
of the records, the person who made the records, or the person 19561  
under whose supervision the records were made. 19562

(3)(a) If the testimonial privilege described in division 19563  
(B)(1) of this section does not apply as provided in division 19564  
(B)(1)(a)(iii) of this section, a physician or dentist may be 19565  
compelled to testify or to submit to discovery under the Rules of 19566  
Civil Procedure only as to a communication made to the physician 19567  
or dentist by the patient in question in that relation, or the 19568  
physician's or dentist's advice to the patient in question, that 19569  
related causally or historically to physical or mental injuries 19570  
that are relevant to issues in the medical claim, dental claim, 19571  
chiropractic claim, or optometric claim, action for wrongful 19572  
death, other civil action, or claim under Chapter 4123. of the 19573  
Revised Code. 19574

(b) If the testimonial privilege described in division (B)(1) 19575  
of this section does not apply to a physician or dentist as 19576  
provided in division (B)(1)(c) of this section, the physician or 19577  
dentist, in lieu of personally testifying as to the results of the 19578  
test in question, may submit a certified copy of those results, 19579  
and, upon its submission, the certified copy is qualified as 19580

authentic evidence and may be admitted as evidence in accordance 19581  
with the Rules of Evidence. Division (A) of section 2317.422 of 19582  
the Revised Code does not apply to any certified copy of results 19583  
submitted in accordance with this division. Nothing in this 19584  
division shall be construed to limit the right of any party to 19585  
call as a witness the person who administered the test in 19586  
question, the person under whose supervision the test was 19587  
administered, the custodian of the results of the test, the person 19588  
who compiled the results, or the person under whose supervision 19589  
the results were compiled. 19590

(4) The testimonial privilege described in division (B)(1) of 19591  
this section is not waived when a communication is made by a 19592  
physician to a pharmacist or when there is communication between a 19593  
patient and a pharmacist in furtherance of the physician-patient 19594  
relation. 19595

(5)(a) As used in divisions (B)(1) to (4) of this section, 19596  
"communication" means acquiring, recording, or transmitting any 19597  
information, in any manner, concerning any facts, opinions, or 19598  
statements necessary to enable a physician or dentist to diagnose, 19599  
treat, prescribe, or act for a patient. A "communication" may 19600  
include, but is not limited to, any medical or dental, office, or 19601  
hospital communication such as a record, chart, letter, 19602  
memorandum, laboratory test and results, x-ray, photograph, 19603  
financial statement, diagnosis, or prognosis. 19604

(b) As used in division (B)(2) of this section, "health care 19605  
provider" means a hospital, ambulatory care facility, long-term 19606  
care facility, pharmacy, emergency facility, or health care 19607  
practitioner. 19608

(c) As used in division (B)(5)(b) of this section: 19609

(i) "Ambulatory care facility" means a facility that provides 19610  
medical, diagnostic, or surgical treatment to patients who do not 19611

require hospitalization, including a dialysis center, ambulatory 19612  
surgical facility, cardiac catheterization facility, diagnostic 19613  
imaging center, extracorporeal shock wave lithotripsy center, home 19614  
health agency, inpatient hospice, birthing center, radiation 19615  
therapy center, emergency facility, and an urgent care center. 19616  
"Ambulatory health care facility" does not include the private 19617  
office of a physician or dentist, whether the office is for an 19618  
individual or group practice. 19619

(ii) "Emergency facility" means a hospital emergency 19620  
department or any other facility that provides emergency medical 19621  
services. 19622

(iii) "Health care practitioner" has the same meaning as in 19623  
section 4769.01 of the Revised Code. 19624

(iv) "Hospital" has the same meaning as in section 3727.01 of 19625  
the Revised Code. 19626

(v) "Long-term care facility" means a nursing home, 19627  
residential care facility, or home for the aging, as those terms 19628  
are defined in section 3721.01 of the Revised Code; ~~an adult care~~ 19629  
a residential facility, as defined in licensed under section 19630  
~~5119.70~~ 5119.22 of the Revised Code that provides accommodations, 19631  
supervision, and personal care services for three to sixteen 19632  
unrelated adults; a nursing facility or intermediate care facility 19633  
for the mentally retarded, as those terms are defined in section 19634  
5111.20 of the Revised Code; a facility or portion of a facility 19635  
certified as a skilled nursing facility under Title XVIII of the 19636  
"Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as 19637  
amended. 19638

(vi) "Pharmacy" has the same meaning as in section 4729.01 of 19639  
the Revised Code. 19640

(d) As used in divisions (B)(1) and (2) of this section, 19641  
"drug of abuse" has the same meaning as in section 4506.01 of the 19642

Revised Code. 19643

(6) Divisions (B)(1), (2), (3), (4), and (5) of this section 19644  
apply to doctors of medicine, doctors of osteopathic medicine, 19645  
doctors of podiatry, and dentists. 19646

(7) Nothing in divisions (B)(1) to (6) of this section 19647  
affects, or shall be construed as affecting, the immunity from 19648  
civil liability conferred by section 307.628 of the Revised Code 19649  
or the immunity from civil liability conferred by section 2305.33 19650  
of the Revised Code upon physicians who report an employee's use 19651  
of a drug of abuse, or a condition of an employee other than one 19652  
involving the use of a drug of abuse, to the employer of the 19653  
employee in accordance with division (B) of that section. As used 19654  
in division (B)(7) of this section, "employee," "employer," and 19655  
"physician" have the same meanings as in section 2305.33 of the 19656  
Revised Code. 19657

(C)(1) A cleric, when the cleric remains accountable to the 19658  
authority of that cleric's church, denomination, or sect, 19659  
concerning a confession made, or any information confidentially 19660  
communicated, to the cleric for a religious counseling purpose in 19661  
the cleric's professional character. The cleric may testify by 19662  
express consent of the person making the communication, except 19663  
when the disclosure of the information is in violation of a sacred 19664  
trust and except that, if the person voluntarily testifies or is 19665  
deemed by division (A)(4)(c) of section 2151.421 of the Revised 19666  
Code to have waived any testimonial privilege under this division, 19667  
the cleric may be compelled to testify on the same subject except 19668  
when disclosure of the information is in violation of a sacred 19669  
trust. 19670

(2) As used in division (C) of this section: 19671

(a) "Cleric" means a member of the clergy, rabbi, priest, 19672  
Christian Science practitioner, or regularly ordained, accredited, 19673



or licensed minister of an established and legally cognizable church, denomination, or sect. 19674  
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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: 19676  
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(i) The confession or confidential communication was made directly to the cleric. 19681  
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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. 19683  
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(D) Husband or wife, concerning any communication made by one to the other, or an act done by either in the presence of the other, during coverture, unless the communication was made, or act done, in the known presence or hearing of a third person competent to be a witness; and such rule is the same if the marital relation has ceased to exist; 19687  
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(E) A person who assigns a claim or interest, concerning any matter in respect to which the person would not, if a party, be permitted to testify; 19693  
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(F) A person who, if a party, would be restricted under section 2317.03 of the Revised Code, when the property or thing is sold or transferred by an executor, administrator, guardian, trustee, heir, devisee, or legatee, shall be restricted in the same manner in any action or proceeding concerning the property or thing. 19696  
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(G)(1) A school guidance counselor who holds a valid educator license from the state board of education as provided for in section 3319.22 of the Revised Code, a person licensed under 19702  
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Chapter 4757. of the Revised Code as a professional clinical 19705  
counselor, professional counselor, social worker, independent 19706  
social worker, marriage and family therapist or independent 19707  
marriage and family therapist, or registered under Chapter 4757. 19708  
of the Revised Code as a social work assistant concerning a 19709  
confidential communication received from a client in that relation 19710  
or the person's advice to a client unless any of the following 19711  
applies: 19712

(a) The communication or advice indicates clear and present 19713  
danger to the client or other persons. For the purposes of this 19714  
division, cases in which there are indications of present or past 19715  
child abuse or neglect of the client constitute a clear and 19716  
present danger. 19717

(b) The client gives express consent to the testimony. 19718

(c) If the client is deceased, the surviving spouse or the 19719  
executor or administrator of the estate of the deceased client 19720  
gives express consent. 19721

(d) The client voluntarily testifies, in which case the 19722  
school guidance counselor or person licensed or registered under 19723  
Chapter 4757. of the Revised Code may be compelled to testify on 19724  
the same subject. 19725

(e) The court in camera determines that the information 19726  
communicated by the client is not germane to the counselor-client, 19727  
marriage and family therapist-client, or social worker-client 19728  
relationship. 19729

(f) A court, in an action brought against a school, its 19730  
administration, or any of its personnel by the client, rules after 19731  
an in-camera inspection that the testimony of the school guidance 19732  
counselor is relevant to that action. 19733

(g) The testimony is sought in a civil action and concerns 19734  
court-ordered treatment or services received by a patient as part 19735

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. 19736  
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(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. 19741  
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(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 separation, annulment, or the allocation of parental rights and responsibilities for the care of children, in any action or proceeding, other than a criminal, delinquency, child abuse, child neglect, or dependent child action or proceeding, that is brought by or against either parent who takes part in mediation in accordance with the order and that pertains to the mediation process, to any information discussed or presented in the mediation process, to the allocation of parental rights and responsibilities for the care of the parents' children, or to the awarding of parenting time rights in relation to their children; 19746  
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(I) A communications assistant, acting within the scope of the communication assistant's authority, when providing telecommunications relay service pursuant to section 4931.06 of the Revised Code or Title II of the "Communications Act of 1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a communication made through a telecommunications relay service. Nothing in this section shall limit the obligation of a communications assistant to divulge information or testify when mandated by federal law or regulation or pursuant to subpoena in a criminal proceeding. 19759  
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Nothing in this section shall limit any immunity or privilege granted under federal law or regulation. 19768  
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(J)(1) A chiropractor in a civil proceeding concerning a communication made to the chiropractor by a patient in that relation or the chiropractor's advice to a patient, except as otherwise provided in this division. The testimonial privilege established under this division does not apply, and a chiropractor may testify or may be compelled to testify, in any civil action, in accordance with the discovery provisions of the Rules of Civil Procedure in connection with a civil action, or in connection with a claim under Chapter 4123. of the Revised Code, under any of the following circumstances: 19770  
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(a) If the patient or the guardian or other legal representative of the patient gives express consent. 19780  
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(b) If the patient is deceased, the spouse of the patient or the executor or administrator of the patient's estate gives express consent. 19782  
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(c) If a medical claim, dental claim, chiropractic claim, or optometric claim, as defined in section 2305.113 of the Revised Code, an action for wrongful death, any other type of civil action, or a claim under Chapter 4123. of the Revised Code is filed by the patient, the personal representative of the estate of the patient if deceased, or the patient's guardian or other legal representative. 19785  
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(2) If the testimonial privilege described in division (J)(1) of this section does not apply as provided in division (J)(1)(c) of this section, a chiropractor may be compelled to testify or to submit to discovery under the Rules of Civil Procedure only as to a communication made to the chiropractor by the patient in question in that relation, or the chiropractor's advice to the patient in question, that related causally or historically to 19792  
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physical or mental injuries that are relevant to issues in the 19799  
medical claim, dental claim, chiropractic claim, or optometric 19800  
claim, action for wrongful death, other civil action, or claim 19801  
under Chapter 4123. of the Revised Code. 19802

(3) The testimonial privilege established under this division 19803  
does not apply, and a chiropractor may testify or be compelled to 19804  
testify, in any criminal action or administrative proceeding. 19805

(4) As used in this division, "communication" means 19806  
acquiring, recording, or transmitting any information, in any 19807  
manner, concerning any facts, opinions, or statements necessary to 19808  
enable a chiropractor to diagnose, treat, or act for a patient. A 19809  
communication may include, but is not limited to, any 19810  
chiropractic, office, or hospital communication such as a record, 19811  
chart, letter, memorandum, laboratory test and results, x-ray, 19812  
photograph, financial statement, diagnosis, or prognosis. 19813

(K)(1) Except as provided under division (K)(2) of this 19814  
section, a critical incident stress management team member 19815  
concerning a communication received from an individual who 19816  
receives crisis response services from the team member, or the 19817  
team member's advice to the individual, during a debriefing 19818  
session. 19819

(2) The testimonial privilege established under division 19820  
(K)(1) of this section does not apply if any of the following are 19821  
true: 19822

(a) The communication or advice indicates clear and present 19823  
danger to the individual who receives crisis response services or 19824  
to other persons. For purposes of this division, cases in which 19825  
there are indications of present or past child abuse or neglect of 19826  
the individual constitute a clear and present danger. 19827

(b) The individual who received crisis response services 19828  
gives express consent to the testimony. 19829

(c) If the individual who received crisis response services 19830  
is deceased, the surviving spouse or the executor or administrator 19831  
of the estate of the deceased individual gives express consent. 19832

(d) The individual who received crisis response services 19833  
voluntarily testifies, in which case the team member may be 19834  
compelled to testify on the same subject. 19835

(e) The court in camera determines that the information 19836  
communicated by the individual who received crisis response 19837  
services is not germane to the relationship between the individual 19838  
and the team member. 19839

(f) The communication or advice pertains or is related to any 19840  
criminal act. 19841

(3) As used in division (K) of this section: 19842

(a) "Crisis response services" means consultation, risk 19843  
assessment, referral, and on-site crisis intervention services 19844  
provided by a critical incident stress management team to 19845  
individuals affected by crisis or disaster. 19846

(b) "Critical incident stress management team member" or 19847  
"team member" means an individual specially trained to provide 19848  
crisis response services as a member of an organized community or 19849  
local crisis response team that holds membership in the Ohio 19850  
critical incident stress management network. 19851

(c) "Debriefing session" means a session at which crisis 19852  
response services are rendered by a critical incident stress 19853  
management team member during or after a crisis or disaster. 19854

(L)(1) Subject to division (L)(2) of this section and except 19855  
as provided in division (L)(3) of this section, an employee 19856  
assistance professional, concerning a communication made to the 19857  
employee assistance professional by a client in the employee 19858  
assistance professional's official capacity as an employee 19859

assistance professional.	19860
(2) Division (L)(1) of this section applies to an employee	19861
assistance professional who meets either or both of the following	19862
requirements:	19863
(a) Is certified by the employee assistance certification	19864
commission to engage in the employee assistance profession;	19865
(b) Has education, training, and experience in all of the	19866
following:	19867
(i) Providing workplace-based services designed to address	19868
employer and employee productivity issues;	19869
(ii) Providing assistance to employees and employees'	19870
dependents in identifying and finding the means to resolve	19871
personal problems that affect the employees or the employees'	19872
performance;	19873
(iii) Identifying and resolving productivity problems	19874
associated with an employee's concerns about any of the following	19875
matters: health, marriage, family, finances, substance abuse or	19876
other addiction, workplace, law, and emotional issues;	19877
(iv) Selecting and evaluating available community resources;	19878
(v) Making appropriate referrals;	19879
(vi) Local and national employee assistance agreements;	19880
(vii) Client confidentiality.	19881
(3) Division (L)(1) of this section does not apply to any of	19882
the following:	19883
(a) A criminal action or proceeding involving an offense	19884
under sections 2903.01 to 2903.06 of the Revised Code if the	19885
employee assistance professional's disclosure or testimony relates	19886
directly to the facts or immediate circumstances of the offense;	19887
(b) A communication made by a client to an employee	19888

assistance professional that reveals the contemplation or 19889  
commission of a crime or serious, harmful act; 19890

(c) A communication that is made by a client who is an 19891  
unemancipated minor or an adult adjudicated to be incompetent and 19892  
indicates that the client was the victim of a crime or abuse; 19893

(d) A civil proceeding to determine an individual's mental 19894  
competency or a criminal action in which a plea of not guilty by 19895  
reason of insanity is entered; 19896

(e) A civil or criminal malpractice action brought against 19897  
the employee assistance professional; 19898

(f) When the employee assistance professional has the express 19899  
consent of the client or, if the client is deceased or disabled, 19900  
the client's legal representative; 19901

(g) When the testimonial privilege otherwise provided by 19902  
division (L)(1) of this section is abrogated under law. 19903

**Sec. 2317.422.** (A) Notwithstanding sections 2317.40 and 19904  
2317.41 of the Revised Code but subject to division (B) of this 19905  
section, the records, or copies or photographs of the records, of 19906  
a hospital, homes required to be licensed pursuant to section 19907  
3721.01 of the Revised Code, and ~~adult care~~ residential facilities 19908  
~~required to be~~ licensed pursuant to ~~Chapter 5119. section 5119.22~~ 19909  
of the Revised Code that provides accommodations, supervision, and 19910  
personal care services for three to sixteen unrelated adults, in 19911  
lieu of the testimony in open court of their custodian, person who 19912  
made them, or person under whose supervision they were made, may 19913  
be qualified as authentic evidence if any such person endorses 19914  
thereon the person's verified certification identifying such 19915  
records, giving the mode and time of their preparation, and 19916  
stating that they were prepared in the usual course of the 19917  
business of the institution. Such records, copies, or photographs 19918



may not be qualified by certification as provided in this section 19919  
unless the party intending to offer them delivers a copy of them, 19920  
or of their relevant portions, to the attorney of record for each 19921  
adverse party not less than five days before trial. Nothing in 19922  
this section shall be construed to limit the right of any party to 19923  
call the custodian, person who made such records, or person under 19924  
whose supervision they were made, as a witness. 19925

(B) Division (A) of this section does not apply to any 19926  
certified copy of the results of any test given to determine the 19927  
presence or concentration of alcohol, a drug of abuse, a 19928  
combination of them, a controlled substance, or a metabolite of a 19929  
controlled substance in a patient's whole blood, blood serum or 19930  
plasma, breath, or urine at any time relevant to a criminal 19931  
offense that is submitted in a criminal action or proceeding in 19932  
accordance with division (B)(2)(b) or (B)(3)(b) of section 2317.02 19933  
of the Revised Code. 19934

**Sec. 2317.56.** (A) As used in this section: 19935

(1) "Medical emergency" means a condition of a pregnant woman 19936  
that, in the reasonable judgment of the physician who is attending 19937  
the woman, creates an immediate threat of serious risk to the life 19938  
or physical health of the woman from the continuation of the 19939  
pregnancy necessitating the immediate performance or inducement of 19940  
an abortion. 19941

(2) "Medical necessity" means a medical condition of a 19942  
pregnant woman that, in the reasonable judgment of the physician 19943  
who is attending the woman, so complicates the pregnancy that it 19944  
necessitates the immediate performance or inducement of an 19945  
abortion. 19946

(3) "Probable gestational age of the embryo or fetus" means 19947  
the gestational age that, in the judgment of a physician, is, with 19948  
reasonable probability, the gestational age of the embryo or fetus 19949

at the time that the physician informs a pregnant woman pursuant 19950  
to division (B)(1)(b) of this section. 19951

(B) Except when there is a medical emergency or medical 19952  
necessity, an abortion shall be performed or induced only if all 19953  
of the following conditions are satisfied: 19954

(1) At least twenty-four hours prior to the performance or 19955  
inducement of the abortion, a physician meets with the pregnant 19956  
woman in person in an individual, private setting and gives her an 19957  
adequate opportunity to ask questions about the abortion that will 19958  
be performed or induced. At this meeting, the physician shall 19959  
inform the pregnant woman, verbally or, if she is hearing 19960  
impaired, by other means of communication, of all of the 19961  
following: 19962

(a) The nature and purpose of the particular abortion 19963  
procedure to be used and the medical risks associated with that 19964  
procedure; 19965

(b) The probable gestational age of the embryo or fetus; 19966

(c) The medical risks associated with the pregnant woman 19967  
carrying the pregnancy to term. 19968

The meeting need not occur at the facility where the abortion 19969  
is to be performed or induced, and the physician involved in the 19970  
meeting need not be affiliated with that facility or with the 19971  
physician who is scheduled to perform or induce the abortion. 19972

(2) At least twenty-four hours prior to the performance or 19973  
inducement of the abortion, one or more physicians or one or more 19974  
agents of one or more physicians do each of the following in 19975  
person, by telephone, by certified mail, return receipt requested, 19976  
or by regular mail evidenced by a certificate of mailing: 19977

(a) Inform the pregnant woman of the name of the physician 19978  
who is scheduled to perform or induce the abortion; 19979

(b) Give the pregnant woman copies of the published materials described in division (C) of this section;	19980 19981
(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.	19982 19983 19984 19985 19986 19987 19988 19989
(3) Prior to the performance or inducement of the abortion, the pregnant woman signs a form consenting to the abortion and certifies both of the following on that form:	19990 19991 19992
(a) She has received the information and materials described in divisions (B)(1) and (2) of this section, and her questions about the abortion that will be performed or induced have been answered in a satisfactory manner.	19993 19994 19995 19996
(b) She consents to the particular abortion voluntarily, knowingly, intelligently, and without coercion by any person, and she is not under the influence of any drug of abuse or alcohol.	19997 19998 19999
(4) Prior to the performance or inducement of the abortion, the physician who is scheduled to perform or induce the abortion or the physician's agent receives a copy of the pregnant woman's signed form on which she consents to the abortion and that includes the certification required by division (B)(3) of this section.	20000 20001 20002 20003 20004 20005
(C) The department of health shall <del>cause to be published</del> <u>publish</u> in English and in Spanish, in a typeface large enough to be clearly legible, and in an easily comprehensible format, the following materials <u>on the department's web site</u> :	20006 20007 20008 20009
(1) Materials that inform the pregnant woman about family	20010

planning information, of publicly funded agencies that are 20011  
available to assist in family planning, and of public and private 20012  
agencies and services that are available to assist her through the 20013  
pregnancy, upon childbirth, and while the child is dependent, 20014  
including, but not limited to, adoption agencies. The materials 20015  
shall be geographically indexed; include a comprehensive list of 20016  
the available agencies, a description of the services offered by 20017  
the agencies, and the telephone numbers and addresses of the 20018  
agencies; and inform the pregnant woman about available medical 20019  
assistance benefits for prenatal care, childbirth, and neonatal 20020  
care and about the support obligations of the father of a child 20021  
who is born alive. The department shall ensure that the materials 20022  
described in division (C)(1) of this section are comprehensive and 20023  
do not directly or indirectly promote, exclude, or discourage the 20024  
use of any agency or service described in this division. 20025

(2) Materials that inform the pregnant woman of the probable 20026  
anatomical and physiological characteristics of the zygote, 20027  
blastocyte, embryo, or fetus at two-week gestational increments 20028  
for the first sixteen weeks of pregnancy and at four-week 20029  
gestational increments from the seventeenth week of pregnancy to 20030  
full term, including any relevant information regarding the time 20031  
at which the fetus possibly would be viable. The department shall 20032  
cause these materials to be published only after it consults with 20033  
the Ohio state medical association and the Ohio section of the 20034  
American college of obstetricians and gynecologists relative to 20035  
the probable anatomical and physiological characteristics of a 20036  
zygote, blastocyte, embryo, or fetus at the various gestational 20037  
increments. The materials shall use language that is 20038  
understandable by the average person who is not medically trained, 20039  
shall be objective and nonjudgmental, and shall include only 20040  
accurate scientific information about the zygote, blastocyte, 20041  
embryo, or fetus at the various gestational increments. If the 20042  
materials use a pictorial, photographic, or other depiction to 20043

provide information regarding the zygote, blastocyte, embryo, or fetus, the materials shall include, in a conspicuous manner, a scale or other explanation that is understandable by the average person and that can be used to determine the actual size of the zygote, blastocyte, embryo, or fetus at a particular gestational increment as contrasted with the depicted size of the zygote, blastocyte, embryo, or fetus at that gestational increment.

(D) Upon the submission of a request to the department of health by any person, hospital, physician, or medical facility for one ~~or more copies~~ copy of the materials published in accordance with division (C) of this section, the department shall make the requested ~~number of copies~~ copy of the materials available to the person, hospital, physician, or medical facility that requested the ~~copies~~ copy.

(E) If a medical emergency or medical necessity compels the performance or inducement of an abortion, the physician who will perform or induce the abortion, prior to its performance or inducement if possible, shall inform the pregnant woman of the medical indications supporting the physician's judgment that an immediate abortion is necessary. Any physician who performs or induces an abortion without the prior satisfaction of the conditions specified in division (B) of this section because of a medical emergency or medical necessity shall enter the reasons for the conclusion that a medical emergency or medical necessity exists in the medical record of the pregnant woman.

(F) If the conditions specified in division (B) of this section are satisfied, consent to an abortion shall be presumed to be valid and effective.

(G) The performance or inducement of an abortion without the prior satisfaction of the conditions specified in division (B) of this section does not constitute, and shall not be construed as constituting, a violation of division (A) of section 2919.12 of

the Revised Code. The failure of a physician to satisfy the 20076  
conditions of division (B) of this section prior to performing or 20077  
inducing an abortion upon a pregnant woman may be the basis of 20078  
both of the following: 20079

(1) A civil action for compensatory and exemplary damages as 20080  
described in division (H) of this section; 20081

(2) Disciplinary action under section 4731.22 of the Revised 20082  
Code. 20083

(H)(1) Subject to divisions (H)(2) and (3) of this section, 20084  
any physician who performs or induces an abortion with actual 20085  
knowledge that the conditions specified in division (B) of this 20086  
section have not been satisfied or with a heedless indifference as 20087  
to whether those conditions have been satisfied is liable in 20088  
compensatory and exemplary damages in a civil action to any 20089  
person, or the representative of the estate of any person, who 20090  
sustains injury, death, or loss to person or property as a result 20091  
of the failure to satisfy those conditions. In the civil action, 20092  
the court additionally may enter any injunctive or other equitable 20093  
relief that it considers appropriate. 20094

(2) The following shall be affirmative defenses in a civil 20095  
action authorized by division (H)(1) of this section: 20096

(a) The physician performed or induced the abortion under the 20097  
circumstances described in division (E) of this section. 20098

(b) The physician made a good faith effort to satisfy the 20099  
conditions specified in division (B) of this section. 20100

~~(c) The physician or an agent of the physician requested 20101  
copies of the materials published in accordance with division (C) 20102  
of this section from the department of health, but the physician 20103  
was not able to give a pregnant woman copies of the materials 20104  
pursuant to division (B)(2) of this section and to obtain a 20105  
certification as described in divisions (B)(3) and (4) of this 20106~~

~~section because the department failed to make the requested number of copies available to the physician or agent in accordance with division (D) of this section.~~

(3) An employer or other principal is not liable in damages in a civil action authorized by division (H)(1) of this section on the basis of the doctrine of respondeat superior unless either of the following applies:

(a) The employer or other principal had actual knowledge or, by the exercise of reasonable diligence, should have known that an employee or agent performed or induced an abortion with actual knowledge that the conditions specified in division (B) of this section had not been satisfied or with a heedless indifference as to whether those conditions had been satisfied.

(b) The employer or other principal negligently failed to secure the compliance of an employee or agent with division (B) of this section.

(4) Notwithstanding division (E) of section 2919.12 of the Revised Code, the civil action authorized by division (H)(1) of this section shall be the exclusive civil remedy for persons, or the representatives of estates of persons, who allegedly sustain injury, death, or loss to person or property as a result of a failure to satisfy the conditions specified in division (B) of this section.

(I) The department of job and family services shall prepare and conduct a public information program to inform women of all available governmental programs and agencies that provide services or assistance for family planning, prenatal care, child care, or alternatives to abortion.

**Sec. 2501.02.** Each judge of a court of appeals shall have been admitted to practice as an attorney at law in this state and

have, for a total of six years preceding the judge's appointment 20137  
or commencement of the judge's term, engaged in the practice of 20138  
law in this state or served as a judge of a court of record in any 20139  
jurisdiction in the United States, or both. ~~At least two of the~~ 20140  
~~years of practice or service that qualify a judge shall have been~~ 20141  
~~in this state.~~ One judge shall be chosen in each court of appeals 20142  
district every two years, and shall hold office for six years, 20143  
beginning on the ninth day of February next after the judge's 20144  
election. 20145

In addition to the original jurisdiction conferred by Section 20146  
3 of Article IV, Ohio Constitution, the court shall have 20147  
jurisdiction upon an appeal upon questions of law to review, 20148  
affirm, modify, set aside, or reverse judgments or final orders of 20149  
courts of record inferior to the court of appeals within the 20150  
district, including the finding, order, or judgment of a juvenile 20151  
court that a child is delinquent, neglected, abused, or dependent, 20152  
for prejudicial error committed by such lower court. 20153

The court, on good cause shown, may issue writs of 20154  
supersedeas in any case, and all other writs, not specially 20155  
provided for or prohibited by statute, necessary to enforce the 20156  
administration of justice. 20157

**Sec. 2503.01.** The supreme court shall consist of a chief 20158  
justice and six justices, each of whom has been admitted to 20159  
practice as an attorney at law in this state and has, for a total 20160  
of at least six years preceding appointment or commencement of the 20161  
justice's term, engaged in the practice of law in this state or 20162  
served as a judge of a court of record in any jurisdiction of the 20163  
United States, or both. ~~At least two of the years of practice or~~ 20164  
~~service that qualify a justice shall have been in this state.~~ 20165

**Sec. 2743.02.** (A)(1) The state hereby waives its immunity 20166



from liability, except as provided for the office of the state fire marshal in division (G)(1) of section 9.60 and division (B) of section 3737.221 of the Revised Code and subject to division (H) of this section, and consents to be sued, and have its liability determined, in the court of claims created in this chapter in accordance with the same rules of law applicable to suits between private parties, except that the determination of liability is subject to the limitations set forth in this chapter and, in the case of state universities or colleges, in section 3345.40 of the Revised Code, and except as provided in division (A)(2) or (3) of this section. To the extent that the state has previously consented to be sued, this chapter has no applicability.

Except in the case of a civil action filed by the state, filing a civil action in the court of claims results in a complete waiver of any cause of action, based on the same act or omission, ~~which~~ that the filing party has against any officer or employee, as defined in section 109.36 of the Revised Code. The waiver shall be void if the court determines that the act or omission was manifestly outside the scope of the officer's or employee's office or employment or that the officer or employee acted with malicious purpose, in bad faith, or in a wanton or reckless manner.

(2) If a claimant proves in the court of claims that an officer or employee, as defined in section 109.36 of the Revised Code, would have personal liability for the officer's or employee's acts or omissions but for the fact that the officer or employee has personal immunity under section 9.86 of the Revised Code, the state shall be held liable in the court of claims in any action that is timely filed pursuant to section 2743.16 of the Revised Code and that is based upon the acts or omissions.

(3)(a) Except as provided in division (A)(3)(b) of this section, the state is immune from liability in any civil action or

proceeding involving the performance or nonperformance of a public 20199  
duty, including the performance or nonperformance of a public duty 20200  
that is owed by the state in relation to any action of an 20201  
individual who is committed to the custody of the state. 20202

(b) The state immunity provided in division (A)(3)(a) of this 20203  
section does not apply to any action of the state under 20204  
circumstances in which a special relationship can be established 20205  
between the state and an injured party. A special relationship 20206  
under this division is demonstrated if all of the following 20207  
elements exist: 20208

(i) An assumption by the state, by means of promises or 20209  
actions, of an affirmative duty to act on behalf of the party who 20210  
was allegedly injured; 20211

(ii) Knowledge on the part of the state's agents that 20212  
inaction of the state could lead to harm; 20213

(iii) Some form of direct contact between the state's agents 20214  
and the injured party; 20215

(iv) The injured party's justifiable reliance on the state's 20216  
affirmative undertaking. 20217

(B) The state hereby waives the immunity from liability of 20218  
all hospitals owned or operated by one or more political 20219  
subdivisions and consents for them to be sued, and to have their 20220  
liability determined, in the court of common pleas, in accordance 20221  
with the same rules of law applicable to suits between private 20222  
parties, subject to the limitations set forth in this chapter. 20223  
This division is also applicable to hospitals owned or operated by 20224  
political subdivisions ~~which~~ that have been determined by the 20225  
supreme court to be subject to suit prior to July 28, 1975. 20226

(C) Any hospital, as defined in section 2305.113 of the 20227  
Revised Code, may purchase liability insurance covering its 20228  
operations and activities and its agents, employees, nurses, 20229

interns, residents, staff, and members of the governing board and 20230  
committees, and, whether or not such insurance is purchased, may, 20231  
to ~~such the~~ extent ~~as that~~ its governing board considers 20232  
appropriate, indemnify or agree to indemnify and hold harmless any 20233  
such person against expense, including attorney's fees, damage, 20234  
loss, or other liability arising out of, or claimed to have arisen 20235  
out of, the death, disease, or injury of any person as a result of 20236  
the negligence, malpractice, or other action or inaction of the 20237  
indemnified person while acting within the scope of the 20238  
indemnified person's duties or engaged in activities at the 20239  
request or direction, or for the benefit, of the hospital. Any 20240  
hospital electing to indemnify ~~such those~~ persons, or to agree to 20241  
so indemnify, shall reserve ~~such any~~ funds ~~as that~~ are necessary, 20242  
in the exercise of sound and prudent actuarial judgment, to cover 20243  
the potential expense, fees, damage, loss, or other liability. The 20244  
superintendent of insurance may recommend, or, if ~~such the~~ 20245  
hospital requests the superintendent to do so, the superintendent 20246  
shall recommend, a specific amount for any period that, in the 20247  
superintendent's opinion, represents such a judgment. This 20248  
authority is in addition to any authorization otherwise provided 20249  
or permitted by law. 20250

(D) Recoveries against the state shall be reduced by the 20251  
aggregate of insurance proceeds, disability award, or other 20252  
collateral recovery received by the claimant. This division does 20253  
not apply to civil actions in the court of claims against a state 20254  
university or college under the circumstances described in section 20255  
3345.40 of the Revised Code. The collateral benefits provisions of 20256  
division (B)(2) of that section apply under those circumstances. 20257

(E) The only defendant in original actions in the court of 20258  
claims is the state. The state may file a third-party complaint or 20259  
counterclaim in any civil action, except a civil action for ~~two~~ 20260  
~~ten~~ thousand ~~five hundred~~ dollars or less, that is filed in the 20261

court of claims. 20262

(F) A civil action against an officer or employee, as defined 20263  
in section 109.36 of the Revised Code, that alleges that the 20264  
officer's or employee's conduct was manifestly outside the scope 20265  
of the officer's or employee's employment or official 20266  
responsibilities, or that the officer or employee acted with 20267  
malicious purpose, in bad faith, or in a wanton or reckless manner 20268  
shall first be filed against the state in the court of claims, 20269  
~~which that~~ has exclusive, original jurisdiction to determine, 20270  
initially, whether the officer or employee is entitled to personal 20271  
immunity under section 9.86 of the Revised Code and whether the 20272  
courts of common pleas have jurisdiction over the civil action. 20273  
The officer or employee may participate in the immunity 20274  
determination proceeding before the court of claims to determine 20275  
whether the officer or employee is entitled to personal immunity 20276  
under section 9.86 of the Revised Code. 20277

The filing of a claim against an officer or employee under 20278  
this division tolls the running of the applicable statute of 20279  
limitations until the court of claims determines whether the 20280  
officer or employee is entitled to personal immunity under section 20281  
9.86 of the Revised Code. 20282

(G) ~~Whenever~~ If a claim lies against an officer or employee 20283  
who is a member of the Ohio national guard, and the officer or 20284  
employee was, at the time of the act or omission complained of, 20285  
subject to the "Federal Tort Claims Act," 60 Stat. 842 (1946), 28 20286  
U.S.C. 2671, et seq., ~~then~~ the Federal Tort Claims Act is the 20287  
exclusive remedy of the claimant and the state has no liability 20288  
under this section. 20289

(H) If an inmate of a state correctional institution has a 20290  
claim against the state for the loss of or damage to property and 20291  
the amount claimed does not exceed three hundred dollars, before 20292  
commencing an action against the state in the court of claims, the 20293

inmate shall file a claim for the loss or damage under the rules 20294  
adopted by the director of rehabilitation and correction pursuant 20295  
to this division. The inmate shall file the claim within the time 20296  
allowed for commencement of a civil action under section 2743.16 20297  
of the Revised Code. If the state admits or compromises the claim, 20298  
the director shall make payment from a fund designated by the 20299  
director for that purpose. If the state denies the claim or does 20300  
not compromise the claim at least sixty days prior to expiration 20301  
of the time allowed for commencement of a civil action based upon 20302  
the loss or damage under section 2743.16 of the Revised Code, the 20303  
inmate may commence an action in the court of claims under this 20304  
chapter to recover damages for the loss or damage. 20305

The director of rehabilitation and correction shall adopt 20306  
rules pursuant to Chapter 119. of the Revised Code to implement 20307  
this division. 20308

**Sec. 2743.10.** (A) Civil actions against the state for ~~two~~ ten 20309  
thousand ~~five-hundred~~ dollars or less shall be determined 20310  
administratively by the clerk of the court of claims, except that 20311  
the clerk is not required to administratively determine a civil 20312  
action of that nature if the civil action was commenced by a 20313  
person who has been found to be a vexatious litigator under 20314  
section 2323.52 of the Revised Code and who has failed to obtain 20315  
leave to proceed under that section and if the clerk refused 20316  
pursuant to division (D) of section 2743.09 of the Revised Code to 20317  
accept for filing any pleading or paper that relates to the civil 20318  
action and that was submitted for filing by that person and except 20319  
that all civil actions against the state that have been removed to 20320  
the court of claims shall be heard and determined by a judge of 20321  
the court of claims. 20322

(B) Civil actions covered by division (A) of this section 20323  
shall be commenced by filing with the clerk on complaint forms 20324

prescribed by the supreme court. The clerk shall forward copies of 20325  
the form complaint to the attorney general and the state 20326  
department, board, office, commission, agency, institution, or 20327  
other instrumentality whose actions or failure to act are the 20328  
subject of complaint. The latter shall investigate the allegations 20329  
made in the form complaint and report the results of its 20330  
investigation to the clerk within sixty days of receipt of a copy 20331  
of the form complaint. The clerk shall forward a copy of the 20332  
report to the claimant and give the claimant an opportunity to 20333  
respond to the report either in writing or by appearing before the 20334  
clerk. 20335

(C) The clerk shall determine the civil action covered by 20336  
division (A) of this section and make a report of the decision, 20337  
together with findings of fact and conclusions of law, copies of 20338  
which shall be mailed to the claimant and the state 20339  
instrumentality. Except as otherwise provided in this division, 20340  
the determination shall be based upon principles of law applicable 20341  
in the court of claims, including, but not limited to, section 20342  
3345.40 of the Revised Code if a state university or college is a 20343  
defendant in the court of claims. 20344

Rules of evidence shall not be applicable in the 20345  
determination. Procedures shall be governed by rules promulgated 20346  
by the clerk, shall be informal, and shall be designed to 20347  
accommodate persons who are not skilled in the law. 20348

(D) Upon the motion of a party, the court of claims shall 20349  
review the determination of the clerk upon the clerk's report and 20350  
papers filed in the action and shall enter judgment consistent 20351  
with its findings. The judgment shall not be the subject of 20352  
further appeal. No civil action arising out of the same 20353  
transaction or set of facts may be commenced by the claimant in 20354  
the court of claims. 20355

(E) The determination of the clerk pursuant to division (C) 20356

of this section shall be processed pursuant to section 2743.19 of 20357  
the Revised Code as if it were a judgment. 20358

**Sec. 2746.01.** A court of record of this state shall tax as 20359  
costs or otherwise require the payment of fees for the following 20360  
services rendered or as compensation for the following persons or 20361  
any other of the following fees that are applicable in a 20362  
particular case: 20363

(A) Appraisers, commissioners, or arbitrators appointed to 20364  
make or procure an appraisal or valuation of any property, as 20365  
provided in section 2335.02 of the Revised Code; 20366

(B) Auctioneers appointed to conduct any public auction of 20367  
goods, chattels, or lands required to be sold by an officer of the 20368  
court, as provided in section 2335.021 of the Revised Code; 20369

(C) Commissioners appointed to make partition of lands or to 20370  
assign dower and appraisers of real or personal property on 20371  
execution, replevin, or attachment or to fix the value of exempt 20372  
property, as provided in section 2335.01 of the Revised Code; 20373

(D) Deposit of rent with the clerk of court by a resident of 20374  
a manufactured home park, as provided in section ~~3733.121~~ 4781.42 20375  
of the Revised Code, or by a tenant of residential premises, as 20376  
provided in section 5321.08 of the Revised Code; 20377

(E) Interpreters, as provided in section 2335.09 of the 20378  
Revised Code; 20379

(F) Fees in a civil action or appeal commenced by an inmate 20380  
against a government entity or employee, as provided in section 20381  
2969.22 of the Revised Code; 20382

(G) Procurement of a transcript of a judgment or proceeding 20383  
or exemplification of a record in an appeal or other civil action, 20384  
as provided in section 2303.21 of the Revised Code; 20385

(H) Publication of an advertisement, notice, or proclamation 20386

required to be published by a trustee, assignee, executor,	20387
administrator, receiver, or other officer of the court or a party	20388
in a case or proceeding, as provided in section 7.13 of the	20389
Revised Code;	20390
(I) Publication of calendars, motion dockets, legal	20391
advertisements, and notices, the fees for which are not fixed by	20392
law, as provided in section 2701.09 of the Revised Code;	20393
(J) Sheriffs, as provided in section 311.17 of the Revised	20394
Code;	20395
(K) Township constables or members of the police force of a	20396
township police district or joint police district, as provided in	20397
section 509.15 of the Revised Code;	20398
(L) Witnesses, as follows:	20399
(1) Fees and mileage in civil cases, as provided in section	20400
2335.06 of the Revised Code;	20401
(2) Fees and mileage in criminal cases, as provided in	20402
section 2335.08 of the Revised Code;	20403
(3) Fees in all cases or proceedings not specified in	20404
sections 2335.06 and 2335.08 of the Revised Code, as provided in	20405
section 2335.05 of the Revised Code;	20406
(4) Fees of municipal police officers in state felony cases,	20407
as provided in section 2335.17 of the Revised Code;	20408
(5) Fees in arbitration proceedings, as provided in section	20409
2711.06 of the Revised Code.	20410
(M) In an action to abate a nuisance or to enforce a local	20411
code relating to buildings, the expenses of operating and	20412
conserving the building, as provided in section 3767.41 of the	20413
Revised Code.	20414
<b>Sec. 2901.01.</b> (A) As used in the Revised Code:	20415



(1) "Force" means any violence, compulsion, or constraint	20416
physically exerted by any means upon or against a person or thing.	20417
(2) "Deadly force" means any force that carries a substantial	20418
risk that it will proximately result in the death of any person.	20419
(3) "Physical harm to persons" means any injury, illness, or	20420
other physiological impairment, regardless of its gravity or	20421
duration.	20422
(4) "Physical harm to property" means any tangible or	20423
intangible damage to property that, in any degree, results in loss	20424
to its value or interferes with its use or enjoyment. "Physical	20425
harm to property" does not include wear and tear occasioned by	20426
normal use.	20427
(5) "Serious physical harm to persons" means any of the	20428
following:	20429
(a) Any mental illness or condition of such gravity as would	20430
normally require hospitalization or prolonged psychiatric	20431
treatment;	20432
(b) Any physical harm that carries a substantial risk of	20433
death;	20434
(c) Any physical harm that involves some permanent	20435
incapacity, whether partial or total, or that involves some	20436
temporary, substantial incapacity;	20437
(d) Any physical harm that involves some permanent	20438
disfigurement or that involves some temporary, serious	20439
disfigurement;	20440
(e) Any physical harm that involves acute pain of such	20441
duration as to result in substantial suffering or that involves	20442
any degree of prolonged or intractable pain.	20443
(6) "Serious physical harm to property" means any physical	20444
harm to property that does either of the following:	20445

(a) Results in substantial loss to the value of the property	20446
or requires a substantial amount of time, effort, or money to	20447
repair or replace;	20448
(b) Temporarily prevents the use or enjoyment of the property	20449
or substantially interferes with its use or enjoyment for an	20450
extended period of time.	20451
(7) "Risk" means a significant possibility, as contrasted	20452
with a remote possibility, that a certain result may occur or that	20453
certain circumstances may exist.	20454
(8) "Substantial risk" means a strong possibility, as	20455
contrasted with a remote or significant possibility, that a	20456
certain result may occur or that certain circumstances may exist.	20457
(9) "Offense of violence" means any of the following:	20458
(a) A violation of section 2903.01, 2903.02, 2903.03,	20459
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	20460
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	20461
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	20462
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	20463
2921.34, or 2923.161, of division (A)(1), (2), or (3) of section	20464
2911.12, or of division (B)(1), (2), (3), or (4) of section	20465
2919.22 of the Revised Code or felonious sexual penetration in	20466
violation of former section 2907.12 of the Revised Code;	20467
(b) A violation of an existing or former municipal ordinance	20468
or law of this or any other state or the United States,	20469
substantially equivalent to any section, division, or offense	20470
listed in division (A)(9)(a) of this section;	20471
(c) An offense, other than a traffic offense, under an	20472
existing or former municipal ordinance or law of this or any other	20473
state or the United States, committed purposely or knowingly, and	20474
involving physical harm to persons or a risk of serious physical	20475
harm to persons;	20476

(d) A conspiracy or attempt to commit, or complicity in committing, any offense under division (A)(9)(a), (b), or (c) of this section. 20477  
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(10)(a) "Property" means any property, real or personal, tangible or intangible, and any interest or license in that property. "Property" includes, but is not limited to, cable television service, other telecommunications service, telecommunications devices, information service, computers, data, computer software, financial instruments associated with computers, other documents associated with computers, or copies of the documents, whether in machine or human readable form, trade secrets, trademarks, copyrights, patents, and property protected by a trademark, copyright, or patent. "Financial instruments associated with computers" include, but are not limited to, checks, drafts, warrants, money orders, notes of indebtedness, certificates of deposit, letters of credit, bills of credit or debit cards, financial transaction authorization mechanisms, marketable securities, or any computer system representations of any of them. 20480  
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(b) As used in division (A)(10) of this section, "trade secret" has the same meaning as in section 1333.61 of the Revised Code, and "telecommunications service" and "information service" have the same meanings as in section 2913.01 of the Revised Code. 20496  
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(c) As used in divisions (A)(10) and (13) of this section, "cable television service," "computer," "computer software," "computer system," "computer network," "data," and "telecommunications device" have the same meanings as in section 2913.01 of the Revised Code. 20500  
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(11) "Law enforcement officer" means any of the following: 20505

(a) A sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, 20506  
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municipal police officer, member of a police force employed by a metropolitan housing authority under division (D) of section 3735.31 of the Revised Code, or state highway patrol trooper;

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

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

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

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.01 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised

Code;	20538
(k) A special police officer employed by a port authority	20539
under section 4582.04 or 4582.28 of the Revised Code;	20540
(l) The house of representatives sergeant at arms if the	20541
house of representatives sergeant at arms has arrest authority	20542
pursuant to division (E)(1) of section 101.311 of the Revised Code	20543
and an assistant house of representatives sergeant at arms;	20544
(m) <u>The senate sergeant at arms and an assistant senate</u>	20545
<u>sergeant at arms;</u>	20546
(n) A special police officer employed by a municipal	20547
corporation at a municipal airport, or other municipal air	20548
navigation facility, that has scheduled operations, as defined in	20549
section 119.3 of Title 14 of the Code of Federal Regulations, 14	20550
C.F.R. 119.3, as amended, and that is required to be under a	20551
security program and is governed by aviation security rules of the	20552
transportation security administration of the United States	20553
department of transportation as provided in Parts 1542. and 1544.	20554
of Title 49 of the Code of Federal Regulations, as amended.	20555
(12) "Privilege" means an immunity, license, or right	20556
conferred by law, bestowed by express or implied grant, arising	20557
out of status, position, office, or relationship, or growing out	20558
of necessity.	20559
(13) "Contraband" means any property that is illegal for a	20560
person to acquire or possess under a statute, ordinance, or rule,	20561
or that a trier of fact lawfully determines to be illegal to	20562
possess by reason of the property's involvement in an offense.	20563
"Contraband" includes, but is not limited to, all of the	20564
following:	20565
(a) Any controlled substance, as defined in section 3719.01	20566
of the Revised Code, or any device or paraphernalia;	20567

(b) Any unlawful gambling device or paraphernalia; 20568

(c) Any dangerous ordnance or obscene material. 20569

(14) A person is "not guilty by reason of insanity" relative 20570  
to a charge of an offense only if the person proves, in the manner 20571  
specified in section 2901.05 of the Revised Code, that at the time 20572  
of the commission of the offense, the person did not know, as a 20573  
result of a severe mental disease or defect, the wrongfulness of 20574  
the person's acts. 20575

(B)(1)(a) Subject to division (B)(2) of this section, as used 20576  
in any section contained in Title XXIX of the Revised Code that 20577  
sets forth a criminal offense, "person" includes all of the 20578  
following: 20579

(i) An individual, corporation, business trust, estate, 20580  
trust, partnership, and association; 20581

(ii) An unborn human who is viable. 20582

(b) As used in any section contained in Title XXIX of the 20583  
Revised Code that does not set forth a criminal offense, "person" 20584  
includes an individual, corporation, business trust, estate, 20585  
trust, partnership, and association. 20586

(c) As used in division (B)(1)(a) of this section: 20587

(i) "Unborn human" means an individual organism of the 20588  
species *Homo sapiens* from fertilization until live birth. 20589

(ii) "Viable" means the stage of development of a human fetus 20590  
at which there is a realistic possibility of maintaining and 20591  
nourishing of a life outside the womb with or without temporary 20592  
artificial life-sustaining support. 20593

(2) Notwithstanding division (B)(1)(a) of this section, in no 20594  
case shall the portion of the definition of the term "person" that 20595  
is set forth in division (B)(1)(a)(ii) of this section be applied 20596  
or construed in any section contained in Title XXIX of the Revised 20597

Code that sets forth a criminal offense in any of the following 20598  
manners: 20599

(a) Except as otherwise provided in division (B)(2)(a) of 20600  
this section, in a manner so that the offense prohibits or is 20601  
construed as prohibiting any pregnant woman or her physician from 20602  
performing an abortion with the consent of the pregnant woman, 20603  
with the consent of the pregnant woman implied by law in a medical 20604  
emergency, or with the approval of one otherwise authorized by law 20605  
to consent to medical treatment on behalf of the pregnant woman. 20606  
An abortion that violates the conditions described in the 20607  
immediately preceding sentence may be punished as a violation of 20608  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 20609  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 20610  
of the Revised Code, as applicable. An abortion that does not 20611  
violate the conditions described in the second immediately 20612  
preceding sentence, but that does violate section 2919.12, 20613  
division (B) of section 2919.13, or section 2919.151, 2919.17, or 20614  
2919.18 of the Revised Code, may be punished as a violation of 20615  
section 2919.12, division (B) of section 2919.13, or section 20616  
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 20617  
Consent is sufficient under this division if it is of the type 20618  
otherwise adequate to permit medical treatment to the pregnant 20619  
woman, even if it does not comply with section 2919.12 of the 20620  
Revised Code. 20621

(b) In a manner so that the offense is applied or is 20622  
construed as applying to a woman based on an act or omission of 20623  
the woman that occurs while she is or was pregnant and that 20624  
results in any of the following: 20625

(i) Her delivery of a stillborn baby; 20626

(ii) Her causing, in any other manner, the death in utero of 20627  
a viable, unborn human that she is carrying; 20628

(iii) Her causing the death of her child who is born alive 20629  
but who dies from one or more injuries that are sustained while 20630  
the child is a viable, unborn human; 20631

(iv) Her causing her child who is born alive to sustain one 20632  
or more injuries while the child is a viable, unborn human; 20633

(v) Her causing, threatening to cause, or attempting to 20634  
cause, in any other manner, an injury, illness, or other 20635  
physiological impairment, regardless of its duration or gravity, 20636  
or a mental illness or condition, regardless of its duration or 20637  
gravity, to a viable, unborn human that she is carrying. 20638

(C) As used in Title XXIX of the Revised Code: 20639

(1) "School safety zone" consists of a school, school 20640  
building, school premises, school activity, and school bus. 20641

(2) "School," "school building," and "school premises" have 20642  
the same meanings as in section 2925.01 of the Revised Code. 20643

(3) "School activity" means any activity held under the 20644  
auspices of a board of education of a city, local, exempted 20645  
village, joint vocational, or cooperative education school 20646  
district; a governing authority of a community school established 20647  
under Chapter 3314. of the Revised Code; a governing board of an 20648  
educational service center, or the governing body of a school for 20649  
which the state board of education prescribes minimum standards 20650  
under section 3301.07 of the Revised Code. 20651

(4) "School bus" has the same meaning as in section 4511.01 20652  
of the Revised Code. 20653

**Sec. 2903.33.** As used in sections 2903.33 to 2903.36 of the 20654  
Revised Code: 20655

(A) "Care facility" means any of the following: 20656

(1) Any "home" as defined in section 3721.10 or 5111.20 of 20657



the Revised Code;	20658
(2) Any "residential facility" as defined in section 5123.19 of the Revised Code;	20659 20660
(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;	20661 20662 20663 20664
(4) Any "residential facility" as defined in section 5119.22 of the Revised Code;	20665 20666
(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;	20667 20668 20669
(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;	20670 20671 20672 20673 20674
<del>(7) Any "adult care facility" as defined in section 5119.70 of the Revised Code;</del>	20675 20676
<del>(8) Any adult foster home certified under section 5119.692 of the Revised Code.</del>	20677 20678
(B) "Abuse" means knowingly causing physical harm or recklessly causing serious physical harm to a person by physical contact with the person or by the inappropriate use of a physical or chemical restraint, medication, or isolation on the person.	20679 20680 20681 20682
(C)(1) "Gross neglect" means knowingly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in physical harm or serious physical harm to the person.	20683 20684 20685 20686 20687

(2) "Neglect" means recklessly failing to provide a person with any treatment, care, goods, or service that is necessary to maintain the health or safety of the person when the failure results in serious physical harm to the person.

(D) "Inappropriate use of a physical or chemical restraint, medication, or isolation" means the use of physical or chemical restraint, medication, or isolation as punishment, for staff convenience, excessively, as a substitute for treatment, or in quantities that preclude habilitation and treatment.

**Sec. 2907.29.** Every hospital of this state that offers organized emergency services shall provide that a physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife is available on call twenty-four hours each day for the examination of persons reported to any law enforcement agency to be victims of sexual offenses cognizable as violations of any provision of sections 2907.02 to 2907.06 of the Revised Code. The physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife, upon the request of any peace officer or prosecuting attorney and with the consent of the reported victim or upon the request of the reported victim, shall examine the person for the purposes of gathering physical evidence and shall complete any written documentation of the physical examination. The ~~public~~ director of health council shall establish procedures for gathering evidence under this section.

Each reported victim shall be informed of available venereal disease, pregnancy, medical, and psychiatric services.

Notwithstanding any other provision of law, a minor may consent to examination under this section. The consent is not subject to disaffirmance because of minority, and consent of the parent, parents, or guardian of the minor is not required for an

examination under this section. However, the hospital shall give 20719  
written notice to the parent, parents, or guardian of a minor that 20720  
an examination under this section has taken place. The parent, 20721  
parents, or guardian of a minor giving consent under this section 20722  
are not liable for payment for any services provided under this 20723  
section without their consent. 20724

**Sec. 2909.21.** As used in sections 2909.21 to ~~2909.34~~ 2909.31 20725  
of the Revised Code: 20726

(A) "Act of terrorism" means an act that is committed within 20727  
or outside the territorial jurisdiction of this state or the 20728  
United States, that constitutes a specified offense if committed 20729  
in this state or constitutes an offense in any jurisdiction within 20730  
or outside the territorial jurisdiction of the United States 20731  
containing all of the essential elements of a specified offense, 20732  
and that is intended to do one or more of the following: 20733

(1) Intimidate or coerce a civilian population; 20734

(2) Influence the policy of any government by intimidation or 20735  
coercion; 20736

(3) Affect the conduct of any government by the act that 20737  
constitutes the offense. 20738

(B) "Biological agent," "delivery system," "toxin," and 20739  
"vector" have the same meanings as in section 2917.33 of the 20740  
Revised Code. 20741

(C) "Biological weapon" means any biological agent, toxin, 20742  
vector, or delivery system or combination of any biological agent 20743  
or agents, any toxin or toxins, any vector or vectors, and any 20744  
delivery system or systems. 20745

(D) "Chemical weapon" means any one or more of the following: 20746

(1) Any toxic chemical or precursor of a toxic chemical that 20747  
is listed in Schedule 1, Schedule 2, or Schedule 3 of the 20748

international "Convention on the Prohibition of the Development, 20749  
Production, Stockpiling and Use of Chemical Weapons and on their 20750  
Destruction (CWC)," as entered into force on April 29, 1997; 20751

(2) A device specifically designed to cause death or other 20752  
harm through the toxic properties of a toxic chemical or precursor 20753  
identified in division (D)(1) of this section that would be 20754  
created or released as a result of the employment of that device; 20755

(3) Any equipment specifically designed for use directly in 20756  
connection with the employment of devices identified in division 20757  
(D)(2) of this section. 20758

(E) "Radiological or nuclear weapon" means any device that is 20759  
designed to create or release radiation or radioactivity at a 20760  
level that is dangerous to human life or in order to cause serious 20761  
physical harm to persons as a result of the radiation or 20762  
radioactivity created or released. 20763

(F) "Explosive device" has the same meaning as in section 20764  
2923.11 of the Revised Code. 20765

(G) "Key component of a binary or multicomponent chemical 20766  
system" means the precursor that plays the most important role in 20767  
determining the toxic properties of the final product and reacts 20768  
rapidly with other chemicals in the binary or multicomponent 20769  
chemical system. 20770

~~(H) "Material assistance" means any of the following:~~ 20771

~~(1) Membership in an organization on the United States 20772  
department of state terrorist exclusion list;~~ 20773

~~(2) Use of the person's position of prominence within any 20774  
country to persuade others to support an organization on the 20775  
United States department of state terrorist exclusion list;~~ 20776

~~(3) Knowingly soliciting funds or other things of value for 20777  
an organization on the United States department of state terrorist 20778~~

<del>exclusion list;</del>	20779
<del>(4) Solicitation of any individual for membership in an organization on the United States department of state terrorist exclusion list;</del>	20780
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<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>	20783
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<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>	20787
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<del>(I) "Material support or resources" means currency, payment instruments, other financial securities, funds, transfer of funds, financial services, communications, lodging, training, safe houses, false documentation or identification, communications equipment, facilities, weapons, lethal substances, explosives, personnel, transportation, and other physical assets, except medicine or religious materials.</del>	20793
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<del>(J)(I) "Payment instrument" means a check, draft, money order, traveler's check, cashier's check, teller's check, or other instrument or order for the transmission or payment of money, regardless of whether the item in question is negotiable.</del>	20800
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<del>(K)(J) "Peace officer" and "prosecutor" have the same meanings as in section 2935.01 of the Revised Code.</del>	20804
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<del>(L)(K) "Precursor" means any chemical reactant that takes part at any stage in the production by whatever method of a toxic chemical, including any key component of a binary or multicomponent chemical system.</del>	20806
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~~(M)~~(L) "Response costs" means all costs a political 20810  
subdivision incurs as a result of, or in making any response to, a 20811  
threat of a specified offense made as described in section 2909.23 20812  
of the Revised Code or a specified offense committed as described 20813  
in section 2909.24 of the Revised Code, including, but not limited 20814  
to, all costs so incurred by any law enforcement officers, 20815  
firefighters, rescue personnel, or emergency medical services 20816  
personnel of the political subdivision and all costs so incurred 20817  
by the political subdivision that relate to laboratory testing or 20818  
hazardous material cleanup. 20819

~~(N)~~(M) "Specified offense" means any of the following: 20820

(1) A felony offense of violence, a violation of section 20821  
2909.04, 2909.081, 2909.22, 2909.23, 2909.24, 2909.26, 2909.27, 20822  
2909.28, 2909.29, or 2927.24 of the Revised Code, a felony of the 20823  
first degree that is not a violation of any provision in Chapter 20824  
2925. or 3719. of the Revised Code; 20825

(2) An attempt to commit, complicity in committing, or a 20826  
conspiracy to commit an offense listed in division ~~(N)~~(M)(1) of 20827  
this section. 20828

~~(O)~~(N) "Toxic chemical" means any chemical that through its 20829  
chemical action on life processes can cause death or serious 20830  
physical harm to persons or animals, regardless of its origin or 20831  
of its method of production and regardless of whether it is 20832  
produced in facilities, in munitions, or elsewhere. 20833

~~(P)~~ "~~United States department of state terrorist exclusion~~ 20834  
~~list~~" and "~~terrorist exclusion list~~" means the list compiled by 20835  
the United States secretary of state, in consultation with or upon 20836  
the request of the United States attorney general, that designates 20837  
terrorist organizations for immigration purposes. "United States 20838  
department of state terrorist exclusion list" and "terrorist 20839  
exclusion list" also mean the list of terrorist organizations the 20840

~~director of public safety prepares pursuant to rules adopted in 20841  
accordance with Chapter 119. of the Revised Code, that is 20842  
comprised of lists of organizations officials of the United States 20843  
government designate as terrorist, including the "terrorist 20844  
exclusion list" described in this division, the list of "foreign 20845  
terrorist organizations" the United States secretary of state 20846  
prepares in consultation with the United States attorney general 20847  
and the United States secretary of the treasury, and the list of 20848  
charities that support terrorist activities, known as "designated 20849  
charities," that the United States department of treasury 20850  
compiles. 20851~~

~~(Q)(O) "Hazardous radioactive substance" means any substance 20852  
or item that releases or is designed to release radiation or 20853  
radioactivity at a level dangerous to human life. 20854~~

**Sec. 2909.28.** (A) No person, with the intent to manufacture a 20855  
chemical weapon, biological weapon, radiological or nuclear 20856  
weapon, or explosive device, shall knowingly assemble or possess 20857  
one or more toxins, toxic chemicals, precursors of toxic 20858  
chemicals, vectors, biological agents, or hazardous radioactive 20859  
substances, ~~including, but not limited to, those listed in rules 20860  
the director of public safety adopts,~~ that may be used to 20861  
manufacture a chemical weapon, biological weapon, radiological or 20862  
nuclear weapon, or explosive device. 20863

(B) In a prosecution under this section, it is not necessary 20864  
to allege or prove that the offender assembled or possessed all 20865  
chemicals or substances necessary to manufacture a chemical 20866  
weapon, biological weapon, radiological or nuclear weapon, or 20867  
explosive device. The assembly or possession of a single chemical 20868  
or substance, with the intent to use that chemical or substance in 20869  
the manufacture of a chemical weapon, biological weapon, 20870  
radiological or nuclear weapon, or explosive device, is sufficient 20871

to violate this section. 20872

(C) Whoever violates this section is guilty of illegal 20873  
assembly or possession of chemicals or substances for the 20874  
manufacture of a chemical weapon, biological weapon, radiological 20875  
or nuclear weapon, or explosive device, which is a felony of the 20876  
fourth degree. 20877

(D) This section does not apply when the items described in 20878  
division (A) of this section are assembled or possessed for a 20879  
purpose related to the performance of official duties related to 20880  
any military purpose of the United States and any law enforcement 20881  
purpose, including any domestic riot control purpose. 20882

**Sec. 2927.023.** (A) As used in this section ~~"authorized:~~ 20883

(1) "Authorized recipient of tobacco products" means a person 20884  
who is: 20885

~~(1)~~(a) Licensed as a cigarette wholesale dealer under section 20886  
5743.15 of the Revised Code; 20887

~~(2)~~(b) Licensed as a retail dealer as long as the person 20888  
purchases cigarettes with the appropriate tax stamp affixed; 20889

~~(3)~~(c) An export warehouse proprietor as defined in section 20890  
5702 of the Internal Revenue Code; 20891

~~(4)~~(d) An operator of a customs bonded warehouse under 19 20892  
U.S.C. 1311 or 19 U.S.C. 1555; 20893

~~(5)~~(e) An officer, employee, or agent of the federal 20894  
government or of this state acting in the person's official 20895  
capacity; 20896

~~(6)~~(f) A department, agency, instrumentality, or political 20897  
subdivision of the federal government or of this state; 20898

~~(7)~~(g) A person having a consent for consumer shipment issued 20899  
by the tax commissioner under section 5743.71 of the Revised Code. 20900



(2) "Motor carrier" has the same meaning as in section 20901  
4923.01 of the Revised Code. 20902

The purpose of this section is to prevent the sale of 20903  
cigarettes to minors and to ensure compliance with the Master 20904  
Settlement Agreement, as defined in section 1346.01 of the Revised 20905  
Code. 20906

(B)(1) No person shall cause to be shipped any cigarettes to 20907  
any person in this state other than an authorized recipient of 20908  
tobacco products. 20909

(2) No ~~common carrier, contract~~ motor carrier, or other 20910  
person shall knowingly transport cigarettes to any person in this 20911  
state that the carrier or other person reasonably believes is not 20912  
an authorized recipient of tobacco products. If cigarettes are 20913  
transported to a home or residence, it shall be presumed that the 20914  
~~common carrier, contract~~ motor carrier, or other person knew that 20915  
the person to whom the cigarettes were delivered was not an 20916  
authorized recipient of tobacco products. 20917

(C) No person engaged in the business of selling cigarettes 20918  
who ships or causes to be shipped cigarettes to any person in this 20919  
state in any container or wrapping other than the original 20920  
container or wrapping of the cigarettes shall fail to plainly and 20921  
visibly mark the exterior of the container or wrapping in which 20922  
the cigarettes are shipped with the words "cigarettes." 20923

(D) A court shall impose a fine of up to one thousand dollars 20924  
for each violation of division (B)(1), (B)(2), or (C) of this 20925  
section. 20926

**Sec. 2929.01.** As used in this chapter: 20927

(A)(1) "Alternative residential facility" means, subject to 20928  
division (A)(2) of this section, any facility other than an 20929  
offender's home or residence in which an offender is assigned to 20930

live and that satisfies all of the following criteria: 20931

(a) It provides programs through which the offender may seek 20932  
or maintain employment or may receive education, training, 20933  
treatment, or habilitation. 20934

(b) It has received the appropriate license or certificate 20935  
for any specialized education, training, treatment, habilitation, 20936  
or other service that it provides from the government agency that 20937  
is responsible for licensing or certifying that type of education, 20938  
training, treatment, habilitation, or service. 20939

(2) "Alternative residential facility" does not include a 20940  
community-based correctional facility, jail, halfway house, or 20941  
prison. 20942

(B) "Basic probation supervision" means a requirement that 20943  
the offender maintain contact with a person appointed to supervise 20944  
the offender in accordance with sanctions imposed by the court or 20945  
imposed by the parole board pursuant to section 2967.28 of the 20946  
Revised Code. "Basic probation supervision" includes basic parole 20947  
supervision and basic post-release control supervision. 20948

(C) "Cocaine," "hashish," "L.S.D.," and "unit dose" have the 20949  
same meanings as in section 2925.01 of the Revised Code. 20950

(D) "Community-based correctional facility" means a 20951  
community-based correctional facility and program or district 20952  
community-based correctional facility and program developed 20953  
pursuant to sections 2301.51 to 2301.58 of the Revised Code. 20954

(E) "Community control sanction" means a sanction that is not 20955  
a prison term and that is described in section 2929.15, 2929.16, 20956  
2929.17, or 2929.18 of the Revised Code or a sanction that is not 20957  
a jail term and that is described in section 2929.26, 2929.27, or 20958  
2929.28 of the Revised Code. "Community control sanction" includes 20959  
probation if the sentence involved was imposed for a felony that 20960  
was committed prior to July 1, 1996, or if the sentence involved 20961

was imposed for a misdemeanor that was committed prior to January 1, 2004. 20962  
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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. 20964  
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(G) "Curfew" means a requirement that an offender during a specified period of time be at a designated place. 20967  
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(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. 20969  
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(I) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 20974  
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(J) "Drug and alcohol use monitoring" means a program under which an offender agrees to submit to random chemical analysis of the offender's blood, breath, or urine to determine whether the offender has ingested any alcohol or other drugs. 20976  
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(K) "Drug treatment program" means any program under which a person undergoes assessment and treatment designed to reduce or completely eliminate the person's physical or emotional reliance upon alcohol, another drug, or alcohol and another drug and under which the person may be required to receive assessment and treatment on an outpatient basis or may be required to reside at a facility other than the person's home or residence while undergoing assessment and treatment. 20980  
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(L) "Economic loss" means any economic detriment suffered by a victim as a direct and proximate result of the commission of an offense and includes any loss of income due to lost time at work because of any injury caused to the victim, and any property loss, medical cost, or funeral expense incurred as a result of the 20988  
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commission of the offense. "Economic loss" does not include 20993  
non-economic loss or any punitive or exemplary damages. 20994

(M) "Education or training" includes study at, or in 20995  
conjunction with a program offered by, a university, college, or 20996  
technical college or vocational study and also includes the 20997  
completion of primary school, secondary school, and literacy 20998  
curricula or their equivalent. 20999

(N) "Firearm" has the same meaning as in section 2923.11 of 21000  
the Revised Code. 21001

(O) "Halfway house" means a facility licensed by the division 21002  
of parole and community services of the department of 21003  
rehabilitation and correction pursuant to section 2967.14 of the 21004  
Revised Code as a suitable facility for the care and treatment of 21005  
adult offenders. 21006

(P) "House arrest" means a period of confinement of an 21007  
offender that is in the offender's home or in other premises 21008  
specified by the sentencing court or by the parole board pursuant 21009  
to section 2967.28 of the Revised Code and during which all of the 21010  
following apply: 21011

(1) The offender is required to remain in the offender's home 21012  
or other specified premises for the specified period of 21013  
confinement, except for periods of time during which the offender 21014  
is at the offender's place of employment or at other premises as 21015  
authorized by the sentencing court or by the parole board. 21016

(2) The offender is required to report periodically to a 21017  
person designated by the court or parole board. 21018

(3) The offender is subject to any other restrictions and 21019  
requirements that may be imposed by the sentencing court or by the 21020  
parole board. 21021

(Q) "Intensive probation supervision" means a requirement 21022

that an offender maintain frequent contact with a person appointed 21023  
by the court, or by the parole board pursuant to section 2967.28 21024  
of the Revised Code, to supervise the offender while the offender 21025  
is seeking or maintaining necessary employment and participating 21026  
in training, education, and treatment programs as required in the 21027  
court's or parole board's order. "Intensive probation supervision" 21028  
includes intensive parole supervision and intensive post-release 21029  
control supervision. 21030

(R) "Jail" means a jail, workhouse, minimum security jail, or 21031  
other residential facility used for the confinement of alleged or 21032  
convicted offenders that is operated by a political subdivision or 21033  
a combination of political subdivisions of this state. 21034

(S) "Jail term" means the term in a jail that a sentencing 21035  
court imposes or is authorized to impose pursuant to section 21036  
2929.24 or 2929.25 of the Revised Code or pursuant to any other 21037  
provision of the Revised Code that authorizes a term in a jail for 21038  
a misdemeanor conviction. 21039

(T) "Mandatory jail term" means the term in a jail that a 21040  
sentencing court is required to impose pursuant to division (G) of 21041  
section 1547.99 of the Revised Code, division (E) of section 21042  
2903.06 or division (D) of section 2903.08 of the Revised Code, 21043  
division (E) or (G) of section 2929.24 of the Revised Code, 21044  
division (B) of section 4510.14 of the Revised Code, or division 21045  
(G) of section 4511.19 of the Revised Code or pursuant to any 21046  
other provision of the Revised Code that requires a term in a jail 21047  
for a misdemeanor conviction. 21048

(U) "Delinquent child" has the same meaning as in section 21049  
2152.02 of the Revised Code. 21050

(V) "License violation report" means a report that is made by 21051  
a sentencing court, or by the parole board pursuant to section 21052  
2967.28 of the Revised Code, to the regulatory or licensing board 21053

or agency that issued an offender a professional license or a 21054  
license or permit to do business in this state and that specifies 21055  
that the offender has been convicted of or pleaded guilty to an 21056  
offense that may violate the conditions under which the offender's 21057  
professional license or license or permit to do business in this 21058  
state was granted or an offense for which the offender's 21059  
professional license or license or permit to do business in this 21060  
state may be revoked or suspended. 21061

(W) "Major drug offender" means an offender who is convicted 21062  
of or pleads guilty to the possession of, sale of, or offer to 21063  
sell any drug, compound, mixture, preparation, or substance that 21064  
consists of or contains at least one thousand grams of hashish; at 21065  
least one hundred grams of cocaine; at least two thousand five 21066  
hundred unit doses or two hundred fifty grams of heroin; at least 21067  
five thousand unit doses of L.S.D. or five hundred grams of L.S.D. 21068  
in a liquid concentrate, liquid extract, or liquid distillate 21069  
form; or at least one hundred times the amount of any other 21070  
schedule I or II controlled substance other than marihuana that is 21071  
necessary to commit a felony of the third degree pursuant to 21072  
section 2925.03, 2925.04, 2925.05, or 2925.11 of the Revised Code 21073  
that is based on the possession of, sale of, or offer to sell the 21074  
controlled substance. 21075

(X) "Mandatory prison term" means any of the following: 21076

(1) Subject to division (X)(2) of this section, the term in 21077  
prison that must be imposed for the offenses or circumstances set 21078  
forth in divisions (F)(1) to (8) or (F)(12) to (18) of section 21079  
2929.13 and division (B) of section 2929.14 of the Revised Code. 21080  
Except as provided in sections 2925.02, 2925.03, 2925.04, 2925.05, 21081  
and 2925.11 of the Revised Code, unless the maximum or another 21082  
specific term is required under section 2929.14 or 2929.142 of the 21083  
Revised Code, a mandatory prison term described in this division 21084  
may be any prison term authorized for the level of offense. 21085

(2) The term of sixty or one hundred twenty days in prison that a sentencing court is required to impose for a third or fourth degree felony OVI offense pursuant to division (G)(2) of section 2929.13 and division (G)(1)(d) or (e) of section 4511.19 of the Revised Code or the term of one, two, three, four, or five years in prison that a sentencing court is required to impose pursuant to division (G)(2) of section 2929.13 of the Revised Code.

(3) The term in prison imposed pursuant to division (A) of section 2971.03 of the Revised Code for the offenses and in the circumstances described in division (F)(11) of section 2929.13 of the Revised Code or pursuant to division (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised Code and that term as modified or terminated pursuant to section 2971.05 of the Revised Code.

(Y) "Monitored time" means a period of time during which an offender continues to be under the control of the sentencing court or parole board, subject to no conditions other than leading a law-abiding life.

(Z) "Offender" means a person who, in this state, is convicted of or pleads guilty to a felony or a misdemeanor.

(AA) "Prison" means a residential facility used for the confinement of convicted felony offenders that is under the control of the department of rehabilitation and correction but does not include a violation sanction center operated under authority of section 2967.141 of the Revised Code.

(BB) "Prison term" includes either of the following sanctions for an offender:

(1) A stated prison term;

(2) A term in a prison shortened by, or with the approval of, the sentencing court pursuant to section 2929.143, 2929.20,

2967.26, 5120.031, 5120.032, or 5120.073 of the Revised Code.	21117
(CC) "Repeat violent offender" means a person about whom both	21118
of the following apply:	21119
(1) The person is being sentenced for committing or for	21120
complicity in committing any of the following:	21121
(a) Aggravated murder, murder, any felony of the first or	21122
second degree that is an offense of violence, or an attempt to	21123
commit any of these offenses if the attempt is a felony of the	21124
first or second degree;	21125
(b) An offense under an existing or former law of this state,	21126
another state, or the United States that is or was substantially	21127
equivalent to an offense described in division (CC)(1)(a) of this	21128
section.	21129
(2) The person previously was convicted of or pleaded guilty	21130
to an offense described in division (CC)(1)(a) or (b) of this	21131
section.	21132
(DD) "Sanction" means any penalty imposed upon an offender	21133
who is convicted of or pleads guilty to an offense, as punishment	21134
for the offense. "Sanction" includes any sanction imposed pursuant	21135
to any provision of sections 2929.14 to 2929.18 or 2929.24 to	21136
2929.28 of the Revised Code.	21137
(EE) "Sentence" means the sanction or combination of	21138
sanctions imposed by the sentencing court on an offender who is	21139
convicted of or pleads guilty to an offense.	21140
(FF) "Stated prison term" means the prison term, mandatory	21141
prison term, or combination of all prison terms and mandatory	21142
prison terms imposed by the sentencing court pursuant to section	21143
2929.14, 2929.142, or 2971.03 of the Revised Code or under section	21144
2919.25 of the Revised Code. "Stated prison term" includes any	21145
credit received by the offender for time spent in jail awaiting	21146



trial, sentencing, or transfer to prison for the offense and any 21147  
time spent under house arrest or house arrest with electronic 21148  
monitoring imposed after earning credits pursuant to section 21149  
2967.193 of the Revised Code. If an offender is serving a prison 21150  
term as a risk reduction sentence under sections 2929.143 and 21151  
5120.036 of the Revised Code, "stated prison term" includes any 21152  
period of time by which the prison term imposed upon the offender 21153  
is shortened by the offender's successful completion of all 21154  
assessment and treatment or programming pursuant to those 21155  
sections. 21156

(GG) "Victim-offender mediation" means a reconciliation or 21157  
mediation program that involves an offender and the victim of the 21158  
offense committed by the offender and that includes a meeting in 21159  
which the offender and the victim may discuss the offense, discuss 21160  
restitution, and consider other sanctions for the offense. 21161

(HH) "Fourth degree felony OVI offense" means a violation of 21162  
division (A) of section 4511.19 of the Revised Code that, under 21163  
division (G) of that section, is a felony of the fourth degree. 21164

(II) "Mandatory term of local incarceration" means the term 21165  
of sixty or one hundred twenty days in a jail, a community-based 21166  
correctional facility, a halfway house, or an alternative 21167  
residential facility that a sentencing court may impose upon a 21168  
person who is convicted of or pleads guilty to a fourth degree 21169  
felony OVI offense pursuant to division (G)(1) of section 2929.13 21170  
of the Revised Code and division (G)(1)(d) or (e) of section 21171  
4511.19 of the Revised Code. 21172

(JJ) "Designated homicide, assault, or kidnapping offense," 21173  
"violent sex offense," "sexual motivation specification," 21174  
"sexually violent offense," "sexually violent predator," and 21175  
"sexually violent predator specification" have the same meanings 21176  
as in section 2971.01 of the Revised Code. 21177

(KK) "Sexually oriented offense," "child-victim oriented offense," and "tier III sex offender/child-victim offender," have the same meanings as in section 2950.01 of the Revised Code. 21178  
21179  
21180

(LL) An offense is "committed in the vicinity of a child" if the offender commits the offense within thirty feet of or within the same residential unit as a child who is under eighteen years of age, regardless of whether the offender knows the age of the child or whether the offender knows the offense is being committed within thirty feet of or within the same residential unit as the child and regardless of whether the child actually views the commission of the offense. 21181  
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(MM) "Family or household member" has the same meaning as in section 2919.25 of the Revised Code. 21189  
21190

(NN) "Motor vehicle" and "manufactured home" have the same meanings as in section 4501.01 of the Revised Code. 21191  
21192

(OO) "Detention" and "detention facility" have the same meanings as in section 2921.01 of the Revised Code. 21193  
21194

(PP) "Third degree felony OVI offense" means a violation of division (A) of section 4511.19 of the Revised Code that, under division (G) of that section, is a felony of the third degree. 21195  
21196  
21197

(QQ) "Random drug testing" has the same meaning as in section 5120.63 of the Revised Code. 21198  
21199

(RR) "Felony sex offense" has the same meaning as in section 2967.28 of the Revised Code. 21200  
21201

(SS) "Body armor" has the same meaning as in section 2941.1411 of the Revised Code. 21202  
21203

(TT) "Electronic monitoring" means monitoring through the use of an electronic monitoring device. 21204  
21205

(UU) "Electronic monitoring device" means any of the following: 21206  
21207

(1) Any device that can be operated by electrical or battery power and that conforms with all of the following:

(a) The device has a transmitter that can be attached to a person, that will transmit a specified signal to a receiver of the type described in division (UU)(1)(b) of this section if the transmitter is removed from the person, turned off, or altered in any manner without prior court approval in relation to electronic monitoring or without prior approval of the department of rehabilitation and correction in relation to the use of an electronic monitoring device for an inmate on transitional control or otherwise is tampered with, that can transmit continuously and periodically a signal to that receiver when the person is within a specified distance from the receiver, and that can transmit an appropriate signal to that receiver if the person to whom it is attached travels a specified distance from that receiver.

(b) The device has a receiver that can receive continuously the signals transmitted by a transmitter of the type described in division (UU)(1)(a) of this section, can transmit continuously those signals by a wireless or landline telephone connection to a central monitoring computer of the type described in division (UU)(1)(c) of this section, and can transmit continuously an appropriate signal to that central monitoring computer if the device has been turned off or altered without prior court approval or otherwise tampered with. The device is designed specifically for use in electronic monitoring, is not a converted wireless phone or another tracking device that is clearly not designed for electronic monitoring, and provides a means of text-based or voice communication with the person.

(c) The device has a central monitoring computer that can receive continuously the signals transmitted by a wireless or landline telephone connection by a receiver of the type described in division (UU)(1)(b) of this section and can monitor

continuously the person to whom an electronic monitoring device of 21240  
the type described in division (UU)(1)(a) of this section is 21241  
attached. 21242

(2) Any device that is not a device of the type described in 21243  
division (UU)(1) of this section and that conforms with all of the 21244  
following: 21245

(a) The device includes a transmitter and receiver that can 21246  
monitor and determine the location of a subject person at any 21247  
time, or at a designated point in time, through the use of a 21248  
central monitoring computer or through other electronic means. 21249

(b) The device includes a transmitter and receiver that can 21250  
determine at any time, or at a designated point in time, through 21251  
the use of a central monitoring computer or other electronic means 21252  
the fact that the transmitter is turned off or altered in any 21253  
manner without prior approval of the court in relation to the 21254  
electronic monitoring or without prior approval of the department 21255  
of rehabilitation and correction in relation to the use of an 21256  
electronic monitoring device for an inmate on transitional control 21257  
or otherwise is tampered with. 21258

(3) Any type of technology that can adequately track or 21259  
determine the location of a subject person at any time and that is 21260  
approved by the director of rehabilitation and correction, 21261  
including, but not limited to, any satellite technology, voice 21262  
tracking system, or retinal scanning system that is so approved. 21263

(VV) "Non-economic loss" means nonpecuniary harm suffered by 21264  
a victim of an offense as a result of or related to the commission 21265  
of the offense, including, but not limited to, pain and suffering; 21266  
loss of society, consortium, companionship, care, assistance, 21267  
attention, protection, advice, guidance, counsel, instruction, 21268  
training, or education; mental anguish; and any other intangible 21269  
loss. 21270

(WW) "Prosecutor" has the same meaning as in section 2935.01 21271  
of the Revised Code. 21272

(XX) "Continuous alcohol monitoring" means the ability to 21273  
automatically test and periodically transmit alcohol consumption 21274  
levels and tamper attempts at least every hour, regardless of the 21275  
location of the person who is being monitored. 21276

(YY) A person is "adjudicated a sexually violent predator" if 21277  
the person is convicted of or pleads guilty to a violent sex 21278  
offense and also is convicted of or pleads guilty to a sexually 21279  
violent predator specification that was included in the 21280  
indictment, count in the indictment, or information charging that 21281  
violent sex offense or if the person is convicted of or pleads 21282  
guilty to a designated homicide, assault, or kidnapping offense 21283  
and also is convicted of or pleads guilty to both a sexual 21284  
motivation specification and a sexually violent predator 21285  
specification that were included in the indictment, count in the 21286  
indictment, or information charging that designated homicide, 21287  
assault, or kidnapping offense. 21288

(ZZ) An offense is "committed in proximity to a school" if 21289  
the offender commits the offense in a school safety zone or within 21290  
five hundred feet of any school building or the boundaries of any 21291  
school premises, regardless of whether the offender knows the 21292  
offense is being committed in a school safety zone or within five 21293  
hundred feet of any school building or the boundaries of any 21294  
school premises. 21295

(AAA) "Human trafficking" means a scheme or plan to which all 21296  
of the following apply: 21297

(1) Its object is to subject a victim or victims to 21298  
involuntary servitude, as defined in section 2905.31 of the 21299  
Revised Code, to compel a victim or victims to engage in sexual 21300  
activity for hire, to engage in a performance that is obscene, 21301

sexually oriented, or nudity oriented, or to be a model or 21302  
participant in the production of material that is obscene, 21303  
sexually oriented, or nudity oriented. 21304

(2) It involves at least two felony offenses, whether or not 21305  
there has been a prior conviction for any of the felony offenses, 21306  
to which all of the following apply: 21307

(a) Each of the felony offenses is a violation of section 21308  
2905.01, 2905.02, 2905.32, 2907.21, 2907.22, or 2923.32, division 21309  
(A)(1) or (2) of section 2907.323, or division (B)(1), (2), (3), 21310  
(4), or (5) of section 2919.22 of the Revised Code or is a 21311  
violation of a law of any state other than this state that is 21312  
substantially similar to any of the sections or divisions of the 21313  
Revised Code identified in this division. 21314

(b) At least one of the felony offenses was committed in this 21315  
state. 21316

(c) The felony offenses are related to the same scheme or 21317  
plan and are not isolated instances. 21318

(BBB) "Material," "nudity," "obscene," "performance," and 21319  
"sexual activity" have the same meanings as in section 2907.01 of 21320  
the Revised Code. 21321

(CCC) "Material that is obscene, sexually oriented, or nudity 21322  
oriented" means any material that is obscene, that shows a person 21323  
participating or engaging in sexual activity, masturbation, or 21324  
bestiality, or that shows a person in a state of nudity. 21325

(DDD) "Performance that is obscene, sexually oriented, or 21326  
nudity oriented" means any performance that is obscene, that shows 21327  
a person participating or engaging in sexual activity, 21328  
masturbation, or bestiality, or that shows a person in a state of 21329  
nudity. 21330

**Sec. 2929.19.** (A) The court shall hold a sentencing hearing 21331

before imposing a sentence under this chapter upon an offender who 21332  
was convicted of or pleaded guilty to a felony and before 21333  
resentencing an offender who was convicted of or pleaded guilty to 21334  
a felony and whose case was remanded pursuant to section 2953.07 21335  
or 2953.08 of the Revised Code. At the hearing, the offender, the 21336  
prosecuting attorney, the victim or the victim's representative in 21337  
accordance with section 2930.14 of the Revised Code, and, with the 21338  
approval of the court, any other person may present information 21339  
relevant to the imposition of sentence in the case. The court 21340  
shall inform the offender of the verdict of the jury or finding of 21341  
the court and ask the offender whether the offender has anything 21342  
to say as to why sentence should not be imposed upon the offender. 21343

(B)(1) At the sentencing hearing, the court, before imposing 21344  
sentence, shall consider the record, any information presented at 21345  
the hearing by any person pursuant to division (A) of this 21346  
section, and, if one was prepared, the presentence investigation 21347  
report made pursuant to section 2951.03 of the Revised Code or 21348  
Criminal Rule 32.2, and any victim impact statement made pursuant 21349  
to section 2947.051 of the Revised Code. 21350

(2) Subject to division (B)(3) of this section, if the 21351  
sentencing court determines at the sentencing hearing that a 21352  
prison term is necessary or required, the court shall do all of 21353  
the following: 21354

(a) Impose a stated prison term and, if the court imposes a 21355  
mandatory prison term, notify the offender that the prison term is 21356  
a mandatory prison term; 21357

(b) In addition to any other information, include in the 21358  
sentencing entry the name and section reference to the offense or 21359  
offenses, the sentence or sentences imposed and whether the 21360  
sentence or sentences contain mandatory prison terms, if sentences 21361  
are imposed for multiple counts whether the sentences are to be 21362  
served concurrently or consecutively, and the name and section 21363

reference of any specification or specifications for which 21364  
sentence is imposed and the sentence or sentences imposed for the 21365  
specification or specifications; 21366

(c) Notify the offender that the offender will be supervised 21367  
under section 2967.28 of the Revised Code after the offender 21368  
leaves prison if the offender is being sentenced for a felony of 21369  
the first degree or second degree, for a felony sex offense, or 21370  
for a felony of the third degree that is not a felony sex offense 21371  
and in the commission of which the offender caused or threatened 21372  
to cause physical harm to a person. This division applies with 21373  
respect to all prison terms imposed for an offense of a type 21374  
described in this division, including a term imposed for any such 21375  
offense that is a risk reduction sentence, as defined in section 21376  
2967.28 of the Revised Code. If a court imposes a sentence 21377  
including a prison term of a type described in division (B)(2)(c) 21378  
of this section on or after July 11, 2006, the failure of a court 21379  
to notify the offender pursuant to division (B)(2)(c) of this 21380  
section that the offender will be supervised under section 2967.28 21381  
of the Revised Code after the offender leaves prison or to include 21382  
in the judgment of conviction entered on the journal a statement 21383  
to that effect does not negate, limit, or otherwise affect the 21384  
mandatory period of supervision that is required for the offender 21385  
under division (B) of section 2967.28 of the Revised Code. Section 21386  
2929.191 of the Revised Code applies if, prior to July 11, 2006, a 21387  
court imposed a sentence including a prison term of a type 21388  
described in division (B)(2)(c) of this section and failed to 21389  
notify the offender pursuant to division (B)(2)(c) of this section 21390  
regarding post-release control or to include in the judgment of 21391  
conviction entered on the journal or in the sentence a statement 21392  
regarding post-release control. 21393

(d) Notify the offender that the offender may be supervised 21394  
under section 2967.28 of the Revised Code after the offender 21395



leaves prison if the offender is being sentenced for a felony of 21396  
the third, fourth, or fifth degree that is not subject to division 21397  
(B)(2)(c) of this section. This division applies with respect to 21398  
all prison terms imposed for an offense of a type described in 21399  
this division, including a term imposed for any such offense that 21400  
is a risk reduction sentence, as defined in section 2967.28 of the 21401  
Revised Code. Section 2929.191 of the Revised Code applies if, 21402  
prior to July 11, 2006, a court imposed a sentence including a 21403  
prison term of a type described in division (B)(2)(d) of this 21404  
section and failed to notify the offender pursuant to division 21405  
(B)(2)(d) of this section regarding post-release control or to 21406  
include in the judgment of conviction entered on the journal or in 21407  
the sentence a statement regarding post-release control. 21408

(e) Notify the offender that, if a period of supervision is 21409  
imposed following the offender's release from prison, as described 21410  
in division (B)(2)(c) or (d) of this section, and if the offender 21411  
violates that supervision or a condition of post-release control 21412  
imposed under division (B) of section 2967.131 of the Revised 21413  
Code, the parole board may impose a prison term, as part of the 21414  
sentence, of up to one-half of the stated prison term originally 21415  
imposed upon the offender. If a court imposes a sentence including 21416  
a prison term on or after July 11, 2006, the failure of a court to 21417  
notify the offender pursuant to division (B)(2)(e) of this section 21418  
that the parole board may impose a prison term as described in 21419  
division (B)(2)(e) of this section for a violation of that 21420  
supervision or a condition of post-release control imposed under 21421  
division (B) of section 2967.131 of the Revised Code or to include 21422  
in the judgment of conviction entered on the journal a statement 21423  
to that effect does not negate, limit, or otherwise affect the 21424  
authority of the parole board to so impose a prison term for a 21425  
violation of that nature if, pursuant to division (D)(1) of 21426  
section 2967.28 of the Revised Code, the parole board notifies the 21427  
offender prior to the offender's release of the board's authority 21428

to so impose a prison term. Section 2929.191 of the Revised Code 21429  
applies if, prior to July 11, 2006, a court imposed a sentence 21430  
including a prison term and failed to notify the offender pursuant 21431  
to division (B)(2)(e) of this section regarding the possibility of 21432  
the parole board imposing a prison term for a violation of 21433  
supervision or a condition of post-release control. 21434

(f) Require that the offender not ingest or be injected with 21435  
a drug of abuse and submit to random drug testing as provided in 21436  
section 341.26, 753.33, or 5120.63 of the Revised Code, whichever 21437  
is applicable to the offender who is serving a prison term, and 21438  
require that the results of the drug test administered under any 21439  
of those sections indicate that the offender did not ingest or was 21440  
not injected with a drug of abuse. 21441

(g) Include in the offender's sentence a statement notifying 21442  
the offender of the information described in division (F)(3) of 21443  
section 2929.14 of the Revised Code regarding earned credits under 21444  
section 2967.193 of the Revised Code. 21445

(h)(i) Determine, notify the offender of, and include in the 21446  
sentencing entry the number of days that the offender has been 21447  
confined for any reason arising out of the offense for which the 21448  
offender is being sentenced and by which the department of 21449  
rehabilitation and correction must reduce the stated prison term 21450  
under section 2967.191 of the Revised Code. The court's 21451  
calculation shall not include the number of days, if any, that the 21452  
offender previously served in the custody of the department of 21453  
rehabilitation and correction arising out of the offense for which 21454  
the prisoner was convicted and sentenced. 21455

(ii) In making a determination under division (B)(2)(h)(i) of 21456  
this section, the court shall consider the arguments of the 21457  
parties and conduct a hearing if one is requested. 21458

(iii) The sentencing court retains continuing jurisdiction to 21459

correct any error not previously raised at sentencing in making a 21460  
determination under division (B)(2)(h)(i) of this section. The 21461  
offender may, at any time after sentencing, file a motion in the 21462  
sentencing court to correct any error made in making a 21463  
determination under division (B)(2)(h)(i) of this section, and the 21464  
court may in its discretion grant or deny that motion. If the 21465  
court changes the number of days in its determination or 21466  
redetermination, the court shall cause the entry granting that 21467  
change to be delivered to the department of rehabilitation and 21468  
correction without delay. Sections 2931.15 and 2953.21 of the 21469  
Revised Code do not apply to a motion made under this section. 21470

(iv) An inaccurate determination under division (B)(2)(h)(i) 21471  
of this section is not grounds for setting aside the offender's 21472  
conviction or sentence and does not otherwise render the sentence 21473  
void or voidable. 21474

(3)(a) The court shall include in the offender's sentence a 21475  
statement that the offender is a tier III sex 21476  
offender/child-victim offender, and the court shall comply with 21477  
the requirements of section 2950.03 of the Revised Code if any of 21478  
the following apply: 21479

(i) The offender is being sentenced for a violent sex offense 21480  
or designated homicide, assault, or kidnapping offense that the 21481  
offender committed on or after January 1, 1997, and the offender 21482  
is adjudicated a sexually violent predator in relation to that 21483  
offense. 21484

(ii) The offender is being sentenced for a sexually oriented 21485  
offense that the offender committed on or after January 1, 1997, 21486  
and the offender is a tier III sex offender/child-victim offender 21487  
relative to that offense. 21488

(iii) The offender is being sentenced on or after July 31, 21489  
2003, for a child-victim oriented offense, and the offender is a 21490

tier III sex offender/child-victim offender relative to that offense. 21491  
21492

(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. 21493  
21494  
21495

(v) The offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code. 21496  
21497

(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. 21498  
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(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. 21502  
21503  
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(b) Additionally, if any criterion set forth in divisions (B)(3)(a)(i) to (vii) of this section is satisfied, in the circumstances described in division (E) of section 2929.14 of the Revised Code, the court shall impose sentence on the offender as described in that division. 21506  
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(4) If the sentencing court determines at the sentencing hearing that a community control sanction should be imposed and the court is not prohibited from imposing a community control sanction, the court shall impose a community control sanction. The court shall notify the offender that, if the conditions of the sanction are violated, if the offender commits a violation of any law, or if the offender leaves this state without the permission of the court or the offender's probation officer, the court may impose a longer time under the same sanction, may impose a more restrictive sanction, or may impose a prison term on the offender and shall indicate the specific prison term that may be imposed as 21511  
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a sanction for the violation, as selected by the court from the 21522  
range of prison terms for the offense pursuant to section 2929.14 21523  
of the Revised Code. 21524

(5) Before imposing a financial sanction under section 21525  
2929.18 of the Revised Code or a fine under section 2929.32 of the 21526  
Revised Code, the court shall consider the offender's present and 21527  
future ability to pay the amount of the sanction or fine. 21528

(6) If the sentencing court sentences the offender to a 21529  
sanction of confinement pursuant to section 2929.14 or 2929.16 of 21530  
the Revised Code that is to be served in a local detention 21531  
facility, as defined in section 2929.36 of the Revised Code, and 21532  
if the local detention facility is covered by a policy adopted 21533  
pursuant to section 307.93, 341.14, 341.19, 341.21, 341.23, 21534  
753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code 21535  
and section 2929.37 of the Revised Code, both of the following 21536  
apply: 21537

(a) The court shall specify both of the following as part of 21538  
the sentence: 21539

(i) If the offender is presented with an itemized bill 21540  
pursuant to section 2929.37 of the Revised Code for payment of the 21541  
costs of confinement, the offender is required to pay the bill in 21542  
accordance with that section. 21543

(ii) If the offender does not dispute the bill described in 21544  
division (B)(6)(a)(i) of this section and does not pay the bill by 21545  
the times specified in section 2929.37 of the Revised Code, the 21546  
clerk of the court may issue a certificate of judgment against the 21547  
offender as described in that section. 21548

(b) The sentence automatically includes any certificate of 21549  
judgment issued as described in division (B)(6)(a)(ii) of this 21550  
section. 21551

(7) The failure of the court to notify the offender that a 21552

prison term is a mandatory prison term pursuant to division 21553  
(B)(2)(a) of this section or to include in the sentencing entry 21554  
any information required by division (B)(2)(b) of this section 21555  
does not affect the validity of the imposed sentence or sentences. 21556  
If the sentencing court notifies the offender at the sentencing 21557  
hearing that a prison term is mandatory but the sentencing entry 21558  
does not specify that the prison term is mandatory, the court may 21559  
complete a corrected journal entry and send copies of the 21560  
corrected entry to the offender and the department of 21561  
rehabilitation and correction, or, at the request of the state, 21562  
the court shall complete a corrected journal entry and send copies 21563  
of the corrected entry to the offender and department of 21564  
rehabilitation and correction. 21565

(C)(1) If the offender is being sentenced for a fourth degree 21566  
felony OVI offense under division (G)(1) of section 2929.13 of the 21567  
Revised Code, the court shall impose the mandatory term of local 21568  
incarceration in accordance with that division, shall impose a 21569  
mandatory fine in accordance with division (B)(3) of section 21570  
2929.18 of the Revised Code, and, in addition, may impose 21571  
additional sanctions as specified in sections 2929.15, 2929.16, 21572  
2929.17, and 2929.18 of the Revised Code. The court shall not 21573  
impose a prison term on the offender except that the court may 21574  
impose a prison term upon the offender as provided in division 21575  
(A)(1) of section 2929.13 of the Revised Code. 21576

(2) If the offender is being sentenced for a third or fourth 21577  
degree felony OVI offense under division (G)(2) of section 2929.13 21578  
of the Revised Code, the court shall impose the mandatory prison 21579  
term in accordance with that division, shall impose a mandatory 21580  
fine in accordance with division (B)(3) of section 2929.18 of the 21581  
Revised Code, and, in addition, may impose an additional prison 21582  
term as specified in section 2929.14 of the Revised Code. In 21583  
addition to the mandatory prison term or mandatory prison term and 21584

additional prison term the court imposes, the court also may 21585  
impose a community control sanction on the offender, but the 21586  
offender shall serve all of the prison terms so imposed prior to 21587  
serving the community control sanction. 21588

(D) The sentencing court, pursuant to division (I)(1) of 21589  
section 2929.14 of the Revised Code, may recommend placement of 21590  
the offender in a program of shock incarceration under section 21591  
5120.031 of the Revised Code or an intensive program prison under 21592  
section 5120.032 of the Revised Code, disapprove placement of the 21593  
offender in a program or prison of that nature, or make no 21594  
recommendation. If the court recommends or disapproves placement, 21595  
it shall make a finding that gives its reasons for its 21596  
recommendation or disapproval. 21597

**Sec. 2935.01.** As used in this chapter: 21598

(A) "Magistrate" has the same meaning as in section 2931.01 21599  
of the Revised Code. 21600

(B) "Peace officer" includes, except as provided in section 21601  
2935.081 of the Revised Code, a sheriff; deputy sheriff; marshal; 21602  
deputy marshal; member of the organized police department of any 21603  
municipal corporation, including a member of the organized police 21604  
department of a municipal corporation in an adjoining state 21605  
serving in Ohio under a contract pursuant to section 737.04 of the 21606  
Revised Code; member of a police force employed by a metropolitan 21607  
housing authority under division (D) of section 3735.31 of the 21608  
Revised Code; member of a police force employed by a regional 21609  
transit authority under division (Y) of section 306.05 of the 21610  
Revised Code; state university law enforcement officer appointed 21611  
under section 3345.04 of the Revised Code; enforcement agent of 21612  
the department of public safety designated under section 5502.14 21613  
of the Revised Code; employee of the department of taxation to 21614  
whom investigation powers have been delegated under section 21615

5743.45 of the Revised Code; employee of the department of natural 21616  
resources who is a natural resources law enforcement staff officer 21617  
designated pursuant to section 1501.013 of the Revised Code, a 21618  
forest officer designated pursuant to section 1503.29 of the 21619  
Revised Code, a preserve officer designated pursuant to section 21620  
1517.10 of the Revised Code, a wildlife officer designated 21621  
pursuant to section 1531.13 of the Revised Code, a park officer 21622  
designated pursuant to section 1541.10 of the Revised Code, or a 21623  
state watercraft officer designated pursuant to section 1547.521 21624  
of the Revised Code; individual designated to perform law 21625  
enforcement duties under section 511.232, 1545.13, or 6101.75 of 21626  
the Revised Code; veterans' home police officer appointed under 21627  
section 5907.02 of the Revised Code; special police officer 21628  
employed by a port authority under section 4582.04 or 4582.28 of 21629  
the Revised Code; police constable of any township; police officer 21630  
of a township or joint police district; a special police officer 21631  
employed by a municipal corporation at a municipal airport, or 21632  
other municipal air navigation facility, that has scheduled 21633  
operations, as defined in section 119.3 of Title 14 of the Code of 21634  
Federal Regulations, 14 C.F.R. 119.3, as amended, and that is 21635  
required to be under a security program and is governed by 21636  
aviation security rules of the transportation security 21637  
administration of the United States department of transportation 21638  
as provided in Parts 1542. and 1544. of Title 49 of the Code of 21639  
Federal Regulations, as amended; the house of representatives 21640  
sergeant at arms if the house of representatives sergeant at arms 21641  
has arrest authority pursuant to division (E)(1) of section 21642  
101.311 of the Revised Code; ~~and~~ an assistant house of 21643  
representatives sergeant at arms; the senate sergeant at arms; an 21644  
assistant senate sergeant at arms; officer or employee of the 21645  
bureau of criminal identification and investigation established 21646  
pursuant to section 109.51 of the Revised Code who has been 21647  
awarded a certificate by the executive director of the Ohio peace 21648



officer training commission attesting to the officer's or 21649  
employee's satisfactory completion of an approved state, county, 21650  
municipal, or department of natural resources peace officer basic 21651  
training program and who is providing assistance upon request to a 21652  
law enforcement officer or emergency assistance to a peace officer 21653  
pursuant to section 109.54 or 109.541 of the Revised Code; a state 21654  
fire marshal law enforcement officer described in division (A)(23) 21655  
of section 109.71 of the Revised Code; and, for the purpose of 21656  
arrests within those areas, for the purposes of Chapter 5503. of 21657  
the Revised Code, and the filing of and service of process 21658  
relating to those offenses witnessed or investigated by them, the 21659  
superintendent and troopers of the state highway patrol. 21660

(C) "Prosecutor" includes the county prosecuting attorney and 21661  
any assistant prosecutor designated to assist the county 21662  
prosecuting attorney, and, in the case of courts inferior to 21663  
courts of common pleas, includes the village solicitor, city 21664  
director of law, or similar chief legal officer of a municipal 21665  
corporation, any such officer's assistants, or any attorney 21666  
designated by the prosecuting attorney of the county to appear for 21667  
the prosecution of a given case. 21668

(D) "Offense," except where the context specifically 21669  
indicates otherwise, includes felonies, misdemeanors, and 21670  
violations of ordinances of municipal corporations and other 21671  
public bodies authorized by law to adopt penal regulations. 21672

**Sec. 2935.03.** (A)(1) A sheriff, deputy sheriff, marshal, 21673  
deputy marshal, municipal police officer, township constable, 21674  
police officer of a township or joint police district, member of a 21675  
police force employed by a metropolitan housing authority under 21676  
division (D) of section 3735.31 of the Revised Code, member of a 21677  
police force employed by a regional transit authority under 21678  
division (Y) of section 306.35 of the Revised Code, state 21679

university law enforcement officer appointed under section 3345.04 21680  
of the Revised Code, veterans' home police officer appointed under 21681  
section 5907.02 of the Revised Code, special police officer 21682  
employed by a port authority under section 4582.04 or 4582.28 of 21683  
the Revised Code, or a special police officer employed by a 21684  
municipal corporation at a municipal airport, or other municipal 21685  
air navigation facility, that has scheduled operations, as defined 21686  
in section 119.3 of Title 14 of the Code of Federal Regulations, 21687  
14 C.F.R. 119.3, as amended, and that is required to be under a 21688  
security program and is governed by aviation security rules of the 21689  
transportation security administration of the United States 21690  
department of transportation as provided in Parts 1542. and 1544. 21691  
of Title 49 of the Code of Federal Regulations, as amended, shall 21692  
arrest and detain, until a warrant can be obtained, a person found 21693  
violating, within the limits of the political subdivision, 21694  
metropolitan housing authority housing project, regional transit 21695  
authority facilities or areas of a municipal corporation that have 21696  
been agreed to by a regional transit authority and a municipal 21697  
corporation located within its territorial jurisdiction, college, 21698  
university, veterans' home operated under Chapter 5907. of the 21699  
Revised Code, port authority, or municipal airport or other 21700  
municipal air navigation facility, in which the peace officer is 21701  
appointed, employed, or elected, a law of this state, an ordinance 21702  
of a municipal corporation, or a resolution of a township. 21703

(2) A peace officer of the department of natural resources, a 21704  
state fire marshal law enforcement officer described in division 21705  
(A)(23) of section 109.71 of the Revised Code, or an individual 21706  
designated to perform law enforcement duties under section 21707  
511.232, 1545.13, or 6101.75 of the Revised Code shall arrest and 21708  
detain, until a warrant can be obtained, a person found violating, 21709  
within the limits of the peace officer's, state fire marshal law 21710  
enforcement officer's, or individual's territorial jurisdiction, a 21711  
law of this state. 21712

(3) The house sergeant at arms, if the house sergeant at arms 21713  
has arrest authority pursuant to division (E)(1) of section 21714  
101.311 of the Revised Code, and an assistant house sergeant at 21715  
arms shall arrest and detain, until a warrant can be obtained, a 21716  
person found violating, within the limits of the sergeant at 21717  
arms's or assistant sergeant at arms's territorial jurisdiction 21718  
specified in division (D)(1)(a) of section 101.311 of the Revised 21719  
Code or while providing security pursuant to division (D)(1)(f) of 21720  
section 101.311 of the Revised Code, a law of this state, an 21721  
ordinance of a municipal corporation, or a resolution of a 21722  
township. 21723

(4) The senate sergeant at arms and an assistant senate 21724  
sergeant at arms shall arrest and detain, until a warrant can be 21725  
obtained, a person found violating, within the limits of the 21726  
sergeant at arms's or assistant sergeant at arms's territorial 21727  
jurisdiction specified in division (B) of section 101.312 of the 21728  
Revised Code, a law of this state, an ordinance of a municipal 21729  
corporation, or a resolution of a township. 21730

(B)(1) When there is reasonable ground to believe that an 21731  
offense of violence, the offense of criminal child enticement as 21732  
defined in section 2905.05 of the Revised Code, the offense of 21733  
public indecency as defined in section 2907.09 of the Revised 21734  
Code, the offense of domestic violence as defined in section 21735  
2919.25 of the Revised Code, the offense of violating a protection 21736  
order as defined in section 2919.27 of the Revised Code, the 21737  
offense of menacing by stalking as defined in section 2903.211 of 21738  
the Revised Code, the offense of aggravated trespass as defined in 21739  
section 2911.211 of the Revised Code, a theft offense as defined 21740  
in section 2913.01 of the Revised Code, or a felony drug abuse 21741  
offense as defined in section 2925.01 of the Revised Code, has 21742  
been committed within the limits of the political subdivision, 21743  
metropolitan housing authority housing project, regional transit 21744

authority facilities or those areas of a municipal corporation 21745  
that have been agreed to by a regional transit authority and a 21746  
municipal corporation located within its territorial jurisdiction, 21747  
college, university, veterans' home operated under Chapter 5907. 21748  
of the Revised Code, port authority, or municipal airport or other 21749  
municipal air navigation facility, in which the peace officer is 21750  
appointed, employed, or elected or within the limits of the 21751  
territorial jurisdiction of the peace officer, a peace officer 21752  
described in division (A) of this section may arrest and detain 21753  
until a warrant can be obtained any person who the peace officer 21754  
has reasonable cause to believe is guilty of the violation. 21755

(2) For purposes of division (B)(1) of this section, the 21756  
execution of any of the following constitutes reasonable ground to 21757  
believe that the offense alleged in the statement was committed 21758  
and reasonable cause to believe that the person alleged in the 21759  
statement to have committed the offense is guilty of the 21760  
violation: 21761

(a) A written statement by a person alleging that an alleged 21762  
offender has committed the offense of menacing by stalking or 21763  
aggravated trespass; 21764

(b) A written statement by the administrator of the 21765  
interstate compact on mental health appointed under section 21766  
5119.51 of the Revised Code alleging that a person who had been 21767  
hospitalized, institutionalized, or confined in any facility under 21768  
an order made pursuant to or under authority of section 2945.37, 21769  
2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the 21770  
Revised Code has escaped from the facility, from confinement in a 21771  
vehicle for transportation to or from the facility, or from 21772  
supervision by an employee of the facility that is incidental to 21773  
hospitalization, institutionalization, or confinement in the 21774  
facility and that occurs outside of the facility, in violation of 21775  
section 2921.34 of the Revised Code; 21776

(c) A written statement by the administrator of any facility 21777  
in which a person has been hospitalized, institutionalized, or 21778  
confined under an order made pursuant to or under authority of 21779  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 21780  
2945.402 of the Revised Code alleging that the person has escaped 21781  
from the facility, from confinement in a vehicle for 21782  
transportation to or from the facility, or from supervision by an 21783  
employee of the facility that is incidental to hospitalization, 21784  
institutionalization, or confinement in the facility and that 21785  
occurs outside of the facility, in violation of section 2921.34 of 21786  
the Revised Code. 21787

(3)(a) For purposes of division (B)(1) of this section, a 21788  
peace officer described in division (A) of this section has 21789  
reasonable grounds to believe that the offense of domestic 21790  
violence or the offense of violating a protection order has been 21791  
committed and reasonable cause to believe that a particular person 21792  
is guilty of committing the offense if any of the following 21793  
occurs: 21794

(i) A person executes a written statement alleging that the 21795  
person in question has committed the offense of domestic violence 21796  
or the offense of violating a protection order against the person 21797  
who executes the statement or against a child of the person who 21798  
executes the statement. 21799

(ii) No written statement of the type described in division 21800  
(B)(3)(a)(i) of this section is executed, but the peace officer, 21801  
based upon the peace officer's own knowledge and observation of 21802  
the facts and circumstances of the alleged incident of the offense 21803  
of domestic violence or the alleged incident of the offense of 21804  
violating a protection order or based upon any other information, 21805  
including, but not limited to, any reasonably trustworthy 21806  
information given to the peace officer by the alleged victim of 21807  
the alleged incident of the offense or any witness of the alleged 21808

incident of the offense, concludes that there are reasonable 21809  
grounds to believe that the offense of domestic violence or the 21810  
offense of violating a protection order has been committed and 21811  
reasonable cause to believe that the person in question is guilty 21812  
of committing the offense. 21813

(iii) No written statement of the type described in division 21814  
(B)(3)(a)(i) of this section is executed, but the peace officer 21815  
witnessed the person in question commit the offense of domestic 21816  
violence or the offense of violating a protection order. 21817

(b) If pursuant to division (B)(3)(a) of this section a peace 21818  
officer has reasonable grounds to believe that the offense of 21819  
domestic violence or the offense of violating a protection order 21820  
has been committed and reasonable cause to believe that a 21821  
particular person is guilty of committing the offense, it is the 21822  
preferred course of action in this state that the officer arrest 21823  
and detain that person pursuant to division (B)(1) of this section 21824  
until a warrant can be obtained. 21825

If pursuant to division (B)(3)(a) of this section a peace 21826  
officer has reasonable grounds to believe that the offense of 21827  
domestic violence or the offense of violating a protection order 21828  
has been committed and reasonable cause to believe that family or 21829  
household members have committed the offense against each other, 21830  
it is the preferred course of action in this state that the 21831  
officer, pursuant to division (B)(1) of this section, arrest and 21832  
detain until a warrant can be obtained the family or household 21833  
member who committed the offense and whom the officer has 21834  
reasonable cause to believe is the primary physical aggressor. 21835  
There is no preferred course of action in this state regarding any 21836  
other family or household member who committed the offense and 21837  
whom the officer does not have reasonable cause to believe is the 21838  
primary physical aggressor, but, pursuant to division (B)(1) of 21839  
this section, the peace officer may arrest and detain until a 21840

warrant can be obtained any other family or household member who 21841  
committed the offense and whom the officer does not have 21842  
reasonable cause to believe is the primary physical aggressor. 21843

(c) If a peace officer described in division (A) of this 21844  
section does not arrest and detain a person whom the officer has 21845  
reasonable cause to believe committed the offense of domestic 21846  
violence or the offense of violating a protection order when it is 21847  
the preferred course of action in this state pursuant to division 21848  
(B)(3)(b) of this section that the officer arrest that person, the 21849  
officer shall articulate in the written report of the incident 21850  
required by section 2935.032 of the Revised Code a clear statement 21851  
of the officer's reasons for not arresting and detaining that 21852  
person until a warrant can be obtained. 21853

(d) In determining for purposes of division (B)(3)(b) of this 21854  
section which family or household member is the primary physical 21855  
aggressor in a situation in which family or household members have 21856  
committed the offense of domestic violence or the offense of 21857  
violating a protection order against each other, a peace officer 21858  
described in division (A) of this section, in addition to any 21859  
other relevant circumstances, should consider all of the 21860  
following: 21861

(i) Any history of domestic violence or of any other violent 21862  
acts by either person involved in the alleged offense that the 21863  
officer reasonably can ascertain; 21864

(ii) If violence is alleged, whether the alleged violence was 21865  
caused by a person acting in self-defense; 21866

(iii) Each person's fear of physical harm, if any, resulting 21867  
from the other person's threatened use of force against any person 21868  
or resulting from the other person's use or history of the use of 21869  
force against any person, and the reasonableness of that fear; 21870

(iv) The comparative severity of any injuries suffered by the 21871

persons involved in the alleged offense. 21872

(e)(i) A peace officer described in division (A) of this 21873  
section shall not require, as a prerequisite to arresting or 21874  
charging a person who has committed the offense of domestic 21875  
violence or the offense of violating a protection order, that the 21876  
victim of the offense specifically consent to the filing of 21877  
charges against the person who has committed the offense or sign a 21878  
complaint against the person who has committed the offense. 21879

(ii) If a person is arrested for or charged with committing 21880  
the offense of domestic violence or the offense of violating a 21881  
protection order and if the victim of the offense does not 21882  
cooperate with the involved law enforcement or prosecuting 21883  
authorities in the prosecution of the offense or, subsequent to 21884  
the arrest or the filing of the charges, informs the involved law 21885  
enforcement or prosecuting authorities that the victim does not 21886  
wish the prosecution of the offense to continue or wishes to drop 21887  
charges against the alleged offender relative to the offense, the 21888  
involved prosecuting authorities, in determining whether to 21889  
continue with the prosecution of the offense or whether to dismiss 21890  
charges against the alleged offender relative to the offense and 21891  
notwithstanding the victim's failure to cooperate or the victim's 21892  
wishes, shall consider all facts and circumstances that are 21893  
relevant to the offense, including, but not limited to, the 21894  
statements and observations of the peace officers who responded to 21895  
the incident that resulted in the arrest or filing of the charges 21896  
and of all witnesses to that incident. 21897

(f) In determining pursuant to divisions (B)(3)(a) to (g) of 21898  
this section whether to arrest a person pursuant to division 21899  
(B)(1) of this section, a peace officer described in division (A) 21900  
of this section shall not consider as a factor any possible 21901  
shortage of cell space at the detention facility to which the 21902  
person will be taken subsequent to the person's arrest or any 21903



possibility that the person's arrest might cause, contribute to, 21904  
or exacerbate overcrowding at that detention facility or at any 21905  
other detention facility. 21906

(g) If a peace officer described in division (A) of this 21907  
section intends pursuant to divisions (B)(3)(a) to (g) of this 21908  
section to arrest a person pursuant to division (B)(1) of this 21909  
section and if the officer is unable to do so because the person 21910  
is not present, the officer promptly shall seek a warrant for the 21911  
arrest of the person. 21912

(h) If a peace officer described in division (A) of this 21913  
section responds to a report of an alleged incident of the offense 21914  
of domestic violence or an alleged incident of the offense of 21915  
violating a protection order and if the circumstances of the 21916  
incident involved the use or threatened use of a deadly weapon or 21917  
any person involved in the incident brandished a deadly weapon 21918  
during or in relation to the incident, the deadly weapon that was 21919  
used, threatened to be used, or brandished constitutes contraband, 21920  
and, to the extent possible, the officer shall seize the deadly 21921  
weapon as contraband pursuant to Chapter 2981. of the Revised 21922  
Code. Upon the seizure of a deadly weapon pursuant to division 21923  
(B)(3)(h) of this section, section 2981.12 of the Revised Code 21924  
shall apply regarding the treatment and disposition of the deadly 21925  
weapon. For purposes of that section, the "underlying criminal 21926  
offense" that was the basis of the seizure of a deadly weapon 21927  
under division (B)(3)(h) of this section and to which the deadly 21928  
weapon had a relationship is any of the following that is 21929  
applicable: 21930

(i) The alleged incident of the offense of domestic violence 21931  
or the alleged incident of the offense of violating a protection 21932  
order to which the officer who seized the deadly weapon responded; 21933

(ii) Any offense that arose out of the same facts and 21934  
circumstances as the report of the alleged incident of the offense 21935

of domestic violence or the alleged incident of the offense of 21936  
violating a protection order to which the officer who seized the 21937  
deadly weapon responded. 21938

(4) If, in the circumstances described in divisions (B)(3)(a) 21939  
to (g) of this section, a peace officer described in division (A) 21940  
of this section arrests and detains a person pursuant to division 21941  
(B)(1) of this section, or if, pursuant to division (B)(3)(h) of 21942  
this section, a peace officer described in division (A) of this 21943  
section seizes a deadly weapon, the officer, to the extent 21944  
described in and in accordance with section 9.86 or 2744.03 of the 21945  
Revised Code, is immune in any civil action for damages for 21946  
injury, death, or loss to person or property that arises from or 21947  
is related to the arrest and detention or the seizure. 21948

(C) When there is reasonable ground to believe that a 21949  
violation of division (A)(1), (2), (3), (4), or (5) of section 21950  
4506.15 or a violation of section 4511.19 of the Revised Code has 21951  
been committed by a person operating a motor vehicle subject to 21952  
regulation by the public utilities commission of Ohio under Title 21953  
XLIX of the Revised Code, a peace officer with authority to 21954  
enforce that provision of law may stop or detain the person whom 21955  
the officer has reasonable cause to believe was operating the 21956  
motor vehicle in violation of the division or section and, after 21957  
investigating the circumstances surrounding the operation of the 21958  
vehicle, may arrest and detain the person. 21959

(D) If a sheriff, deputy sheriff, marshal, deputy marshal, 21960  
municipal police officer, member of a police force employed by a 21961  
metropolitan housing authority under division (D) of section 21962  
3735.31 of the Revised Code, member of a police force employed by 21963  
a regional transit authority under division (Y) of section 306.35 21964  
of the Revised Code, special police officer employed by a port 21965  
authority under section 4582.04 or 4582.28 of the Revised Code, 21966  
special police officer employed by a municipal corporation at a 21967

municipal airport or other municipal air navigation facility	21968
described in division (A) of this section, township constable,	21969
police officer of a township or joint police district, state	21970
university law enforcement officer appointed under section 3345.04	21971
of the Revised Code, peace officer of the department of natural	21972
resources, individual designated to perform law enforcement duties	21973
under section 511.232, 1545.13, or 6101.75 of the Revised Code,	21974
the house sergeant at arms if the house sergeant at arms has	21975
arrest authority pursuant to division (E)(1) of section 101.311 of	21976
the Revised Code, or an assistant house sergeant at arms is	21977
authorized by division (A) or (B) of this section to arrest and	21978
detain, within the limits of the political subdivision,	21979
metropolitan housing authority housing project, regional transit	21980
authority facilities or those areas of a municipal corporation	21981
that have been agreed to by a regional transit authority and a	21982
municipal corporation located within its territorial jurisdiction,	21983
port authority, municipal airport or other municipal air	21984
navigation facility, college, or university in which the officer	21985
is appointed, employed, or elected or within the limits of the	21986
territorial jurisdiction of the peace officer, a person until a	21987
warrant can be obtained, the peace officer, outside the limits of	21988
that territory, may pursue, arrest, and detain that person until a	21989
warrant can be obtained if all of the following apply:	21990
(1) The pursuit takes place without unreasonable delay after	21991
the offense is committed;	21992
(2) The pursuit is initiated within the limits of the	21993
political subdivision, metropolitan housing authority housing	21994
project, regional transit authority facilities or those areas of a	21995
municipal corporation that have been agreed to by a regional	21996
transit authority and a municipal corporation located within its	21997
territorial jurisdiction, port authority, municipal airport or	21998
other municipal air navigation facility, college, or university in	21999

which the peace officer is appointed, employed, or elected or 22000  
within the limits of the territorial jurisdiction of the peace 22001  
officer; 22002

(3) The offense involved is a felony, a misdemeanor of the 22003  
first degree or a substantially equivalent municipal ordinance, a 22004  
misdemeanor of the second degree or a substantially equivalent 22005  
municipal ordinance, or any offense for which points are 22006  
chargeable pursuant to section 4510.036 of the Revised Code. 22007

(E) In addition to the authority granted under division (A) 22008  
or (B) of this section: 22009

(1) A sheriff or deputy sheriff may arrest and detain, until 22010  
a warrant can be obtained, any person found violating section 22011  
4503.11, 4503.21, or 4549.01, sections 4549.08 to 4549.12, section 22012  
4549.62, or Chapter 4511. or 4513. of the Revised Code on the 22013  
portion of any street or highway that is located immediately 22014  
adjacent to the boundaries of the county in which the sheriff or 22015  
deputy sheriff is elected or appointed. 22016

(2) A member of the police force of a township police 22017  
district created under section 505.48 of the Revised Code, a 22018  
member of the police force of a joint police district created 22019  
under section 505.482 of the Revised Code, or a township constable 22020  
appointed in accordance with section 509.01 of the Revised Code, 22021  
who has received a certificate from the Ohio peace officer 22022  
training commission under section 109.75 of the Revised Code, may 22023  
arrest and detain, until a warrant can be obtained, any person 22024  
found violating any section or chapter of the Revised Code listed 22025  
in division (E)(1) of this section, other than sections 4513.33 22026  
and 4513.34 of the Revised Code, on the portion of any street or 22027  
highway that is located immediately adjacent to the boundaries of 22028  
the township police district or joint police district, in the case 22029  
of a member of a township police district or joint police district 22030  
police force, or the unincorporated territory of the township, in 22031

the case of a township constable. However, if the population of 22032  
the township that created the township police district served by 22033  
the member's police force, or the townships and municipal 22034  
corporations that created the joint police district served by the 22035  
member's police force, or the township that is served by the 22036  
township constable, is sixty thousand or less, the member of the 22037  
township police district or joint police district police force or 22038  
the township constable may not make an arrest under division 22039  
(E)(2) of this section on a state highway that is included as part 22040  
of the interstate system. 22041

(3) A police officer or village marshal appointed, elected, 22042  
or employed by a municipal corporation may arrest and detain, 22043  
until a warrant can be obtained, any person found violating any 22044  
section or chapter of the Revised Code listed in division (E)(1) 22045  
of this section on the portion of any street or highway that is 22046  
located immediately adjacent to the boundaries of the municipal 22047  
corporation in which the police officer or village marshal is 22048  
appointed, elected, or employed. 22049

(4) A peace officer of the department of natural resources, a 22050  
state fire marshal law enforcement officer described in division 22051  
(A)(23) of section 109.71 of the Revised Code, or an individual 22052  
designated to perform law enforcement duties under section 22053  
511.232, 1545.13, or 6101.75 of the Revised Code may arrest and 22054  
detain, until a warrant can be obtained, any person found 22055  
violating any section or chapter of the Revised Code listed in 22056  
division (E)(1) of this section, other than sections 4513.33 and 22057  
4513.34 of the Revised Code, on the portion of any street or 22058  
highway that is located immediately adjacent to the boundaries of 22059  
the lands and waters that constitute the territorial jurisdiction 22060  
of the peace officer or state fire marshal law enforcement 22061  
officer. 22062

(F)(1) A department of mental health special police officer 22063

or a department of developmental disabilities special police 22064  
officer may arrest without a warrant and detain until a warrant 22065  
can be obtained any person found committing on the premises of any 22066  
institution under the jurisdiction of the particular department a 22067  
misdemeanor under a law of the state. 22068

A department of mental health special police officer or a 22069  
department of developmental disabilities special police officer 22070  
may arrest without a warrant and detain until a warrant can be 22071  
obtained any person who has been hospitalized, institutionalized, 22072  
or confined in an institution under the jurisdiction of the 22073  
particular department pursuant to or under authority of section 22074  
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 22075  
2945.402 of the Revised Code and who is found committing on the 22076  
premises of any institution under the jurisdiction of the 22077  
particular department a violation of section 2921.34 of the 22078  
Revised Code that involves an escape from the premises of the 22079  
institution. 22080

(2)(a) If a department of mental health special police 22081  
officer or a department of developmental disabilities special 22082  
police officer finds any person who has been hospitalized, 22083  
institutionalized, or confined in an institution under the 22084  
jurisdiction of the particular department pursuant to or under 22085  
authority of section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 22086  
2945.401, or 2945.402 of the Revised Code committing a violation 22087  
of section 2921.34 of the Revised Code that involves an escape 22088  
from the premises of the institution, or if there is reasonable 22089  
ground to believe that a violation of section 2921.34 of the 22090  
Revised Code has been committed that involves an escape from the 22091  
premises of an institution under the jurisdiction of the 22092  
department of mental health or the department of developmental 22093  
disabilities and if a department of mental health special police 22094  
officer or a department of developmental disabilities special 22095

police officer has reasonable cause to believe that a particular 22096  
person who has been hospitalized, institutionalized, or confined 22097  
in the institution pursuant to or under authority of section 22098  
2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 22099  
2945.402 of the Revised Code is guilty of the violation, the 22100  
special police officer, outside of the premises of the 22101  
institution, may pursue, arrest, and detain that person for that 22102  
violation of section 2921.34 of the Revised Code, until a warrant 22103  
can be obtained, if both of the following apply: 22104

(i) The pursuit takes place without unreasonable delay after 22105  
the offense is committed; 22106

(ii) The pursuit is initiated within the premises of the 22107  
institution from which the violation of section 2921.34 of the 22108  
Revised Code occurred. 22109

(b) For purposes of division (F)(2)(a) of this section, the 22110  
execution of a written statement by the administrator of the 22111  
institution in which a person had been hospitalized, 22112  
institutionalized, or confined pursuant to or under authority of 22113  
section 2945.37, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, or 22114  
2945.402 of the Revised Code alleging that the person has escaped 22115  
from the premises of the institution in violation of section 22116  
2921.34 of the Revised Code constitutes reasonable ground to 22117  
believe that the violation was committed and reasonable cause to 22118  
believe that the person alleged in the statement to have committed 22119  
the offense is guilty of the violation. 22120

(G) As used in this section: 22121

(1) A "department of mental health special police officer" 22122  
means a special police officer of the department of mental health 22123  
designated under section 5119.14 of the Revised Code who is 22124  
certified by the Ohio peace officer training commission under 22125  
section 109.77 of the Revised Code as having successfully 22126

completed an approved peace officer basic training program.	22127
(2) A "department of developmental disabilities special	22128
police officer" means a special police officer of the department	22129
of developmental disabilities designated under section 5123.13 of	22130
the Revised Code who is certified by the Ohio peace officer	22131
training council under section 109.77 of the Revised Code as	22132
having successfully completed an approved peace officer basic	22133
training program.	22134
(3) "Deadly weapon" has the same meaning as in section	22135
2923.11 of the Revised Code.	22136
(4) "Family or household member" has the same meaning as in	22137
section 2919.25 of the Revised Code.	22138
(5) "Street" or "highway" has the same meaning as in section	22139
4511.01 of the Revised Code.	22140
(6) "Interstate system" has the same meaning as in section	22141
5516.01 of the Revised Code.	22142
(7) "Peace officer of the department of natural resources"	22143
means an employee of the department of natural resources who is a	22144
natural resources law enforcement staff officer designated	22145
pursuant to section 1501.013 of the Revised Code, a forest officer	22146
designated pursuant to section 1503.29 of the Revised Code, a	22147
preserve officer designated pursuant to section 1517.10 of the	22148
Revised Code, a wildlife officer designated pursuant to section	22149
1531.13 of the Revised Code, a park officer designated pursuant to	22150
section 1541.10 of the Revised Code, or a state watercraft officer	22151
designated pursuant to section 1547.521 of the Revised Code.	22152
(8) "Portion of any street or highway" means all lanes of the	22153
street or highway irrespective of direction of travel, including	22154
designated turn lanes, and any berm, median, or shoulder.	22155
<b>Sec. 2945.371.</b> (A) If the issue of a defendant's competence	22156



to stand trial is raised or if a defendant enters a plea of not 22157  
guilty by reason of insanity, the court may order one or more 22158  
evaluations of the defendant's present mental condition or, in the 22159  
case of a plea of not guilty by reason of insanity, of the 22160  
defendant's mental condition at the time of the offense charged. 22161  
An examiner shall conduct the evaluation. 22162

(B) If the court orders more than one evaluation under 22163  
division (A) of this section, the prosecutor and the defendant may 22164  
recommend to the court an examiner whom each prefers to perform 22165  
one of the evaluations. If a defendant enters a plea of not guilty 22166  
by reason of insanity and if the court does not designate an 22167  
examiner recommended by the defendant, the court shall inform the 22168  
defendant that the defendant may have independent expert 22169  
evaluation and that, if the defendant is unable to obtain 22170  
independent expert evaluation, it will be obtained for the 22171  
defendant at public expense if the defendant is indigent. 22172

(C) If the court orders an evaluation under division (A) of 22173  
this section, the defendant shall be available at the times and 22174  
places established by the examiners who are to conduct the 22175  
evaluation. The court may order a defendant who has been released 22176  
on bail or recognizance to submit to an evaluation under this 22177  
section. If a defendant who has been released on bail or 22178  
recognizance refuses to submit to a complete evaluation, the court 22179  
may amend the conditions of bail or recognizance and order the 22180  
sheriff to take the defendant into custody and deliver the 22181  
defendant to a center, program, or facility operated or certified 22182  
by the department of mental health or the department of 22183  
developmental disabilities where the defendant may be held for 22184  
evaluation for a reasonable period of time not to exceed twenty 22185  
days. 22186

(D) A defendant who has not been released on bail or 22187  
recognizance may be evaluated at the defendant's place of 22188

detention. Upon the request of the examiner, the court may order 22189  
the sheriff to transport the defendant to a program or facility 22190  
operated or certified by the department of mental health or the 22191  
department of developmental disabilities, where the defendant may 22192  
be held for evaluation for a reasonable period of time not to 22193  
exceed twenty days, and to return the defendant to the place of 22194  
detention after the evaluation. A municipal court may make an 22195  
order under this division only upon the request of a certified 22196  
forensic center examiner. 22197

(E) If a court orders the evaluation to determine a 22198  
defendant's mental condition at the time of the offense charged, 22199  
the court shall inform the examiner of the offense with which the 22200  
defendant is charged. 22201

(F) In conducting an evaluation of a defendant's mental 22202  
condition at the time of the offense charged, the examiner shall 22203  
consider all relevant evidence. If the offense charged involves 22204  
the use of force against another person, the relevant evidence to 22205  
be considered includes, but is not limited to, any evidence that 22206  
the defendant suffered, at the time of the commission of the 22207  
offense, from the "battered woman syndrome." 22208

(G) The examiner shall file a written report with the court 22209  
within thirty days after entry of a court order for evaluation, 22210  
and the court shall provide copies of the report to the prosecutor 22211  
and defense counsel. The report shall include all of the 22212  
following: 22213

(1) The examiner's findings; 22214

(2) The facts in reasonable detail on which the findings are 22215  
based; 22216

(3) If the evaluation was ordered to determine the 22217  
defendant's competence to stand trial, all of the following 22218  
findings or recommendations that are applicable: 22219

(a) Whether the defendant is capable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense;

(b) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, whether the defendant presently is mentally ill or mentally retarded and, if the examiner's opinion is that the defendant presently is mentally retarded, whether the defendant appears to be a mentally retarded person subject to institutionalization by court order;

(c) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense, the examiner's opinion as to the likelihood of the defendant becoming capable of understanding the nature and objective of the proceedings against the defendant and of assisting in the defendant's defense within one year if the defendant is provided with a course of treatment;

(d) If the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense and that the defendant presently is mentally ill or mentally retarded, the examiner's recommendation as to the least restrictive placement or commitment alternative, consistent with the defendant's treatment needs for restoration to competency and with the safety of the community;

~~(e) If the defendant is charged with a misdemeanor offense that is not an offense of violence and the examiner's opinion is that the defendant is incapable of understanding the nature and objective of the proceedings against the defendant or of assisting in the defendant's defense and that the defendant is presently~~

~~mentally ill or mentally retarded, the examiner's recommendation 22252  
as to whether the defendant is amenable to engagement in mental 22253  
health treatment or developmental disability services. 22254~~

(4) If the evaluation was ordered to determine the 22255  
defendant's mental condition at the time of the offense charged, 22256  
the examiner's findings as to whether the defendant, at the time 22257  
of the offense charged, did not know, as a result of a severe 22258  
mental disease or defect, the wrongfulness of the defendant's acts 22259  
charged. 22260

(H) If the examiner's report filed under division (G) of this 22261  
section indicates that in the examiner's opinion the defendant is 22262  
incapable of understanding the nature and objective of the 22263  
proceedings against the defendant or of assisting in the 22264  
defendant's defense and that in the examiner's opinion the 22265  
defendant appears to be a mentally retarded person subject to 22266  
institutionalization by court order, the court shall order the 22267  
defendant to undergo a separate mental retardation evaluation 22268  
conducted by a psychologist designated by the director of 22269  
developmental disabilities. Divisions (C) to (F) of this section 22270  
apply in relation to a separate mental retardation evaluation 22271  
conducted under this division. The psychologist appointed under 22272  
this division to conduct the separate mental retardation 22273  
evaluation shall file a written report with the court within 22274  
thirty days after the entry of the court order requiring the 22275  
separate mental retardation evaluation, and the court shall 22276  
provide copies of the report to the prosecutor and defense 22277  
counsel. The report shall include all of the information described 22278  
in divisions (G)(1) to (4) of this section. If the court orders a 22279  
separate mental retardation evaluation of a defendant under this 22280  
division, the court shall not conduct a hearing under divisions 22281  
(B) to (H) of section 2945.37 of the Revised Code regarding that 22282  
defendant until a report of the separate mental retardation 22283

evaluation conducted under this division has been filed. Upon the 22284  
filing of that report, the court shall conduct the hearing within 22285  
the period of time specified in division (C) of section 2945.37 of 22286  
the Revised Code. 22287

(I) An examiner appointed under divisions (A) and (B) of this 22288  
section or under division (H) of this section to evaluate a 22289  
defendant to determine the defendant's competence to stand trial 22290  
also may be appointed to evaluate a defendant who has entered a 22291  
plea of not guilty by reason of insanity, but an examiner of that 22292  
nature shall prepare separate reports on the issue of competence 22293  
to stand trial and the defense of not guilty by reason of 22294  
insanity. 22295

(J) No statement that a defendant makes in an evaluation or 22296  
hearing under divisions (A) to (H) of this section relating to the 22297  
defendant's competence to stand trial or to the defendant's mental 22298  
condition at the time of the offense charged shall be used against 22299  
the defendant on the issue of guilt in any criminal action or 22300  
proceeding, but, in a criminal action or proceeding, the 22301  
prosecutor or defense counsel may call as a witness any person who 22302  
evaluated the defendant or prepared a report pursuant to a 22303  
referral under this section. Neither the appointment nor the 22304  
testimony of an examiner appointed under this section precludes 22305  
the prosecutor or defense counsel from calling other witnesses or 22306  
presenting other evidence on competency or insanity issues. 22307

(K) Persons appointed as examiners under divisions (A) and 22308  
(B) of this section or under division (H) of this section shall be 22309  
paid a reasonable amount for their services and expenses, as 22310  
certified by the court. The certified amount shall be paid by the 22311  
county in the case of county courts and courts of common pleas and 22312  
by the legislative authority, as defined in section 1901.03 of the 22313  
Revised Code, in the case of municipal courts. 22314

**Sec. 2945.38.** (A) If the issue of a defendant's competence to stand trial is raised and if the court, upon conducting the hearing provided for in section 2945.37 of the Revised Code, finds that the defendant is competent to stand trial, the defendant shall be proceeded against as provided by law. If the court finds the defendant competent to stand trial and the defendant is receiving psychotropic drugs or other medication, the court may authorize the continued administration of the drugs or medication or other appropriate treatment in order to maintain the defendant's competence to stand trial, unless the defendant's attending physician advises the court against continuation of the drugs, other medication, or treatment.

(B)(1)(a) If, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial and that there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order the defendant to undergo treatment. If the defendant has been charged with a felony offense and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment, the court shall order continuing evaluation and treatment of the defendant for a period not to exceed four months to determine whether there is a substantial probability that the defendant will become competent to stand trial within one year if the defendant is provided with a course of treatment.

(b) The court order for the defendant to undergo treatment or continuing evaluation and treatment under division (B)(1)(a) of

this section shall specify that the defendant, if determined to 22347  
require mental health treatment or continuing evaluation and 22348  
treatment, either shall be committed to the department of mental 22349  
health for treatment or continuing evaluation and treatment at a 22350  
hospital, facility, or agency, as determined to be clinically 22351  
appropriate by the department of mental health ~~and~~ or shall be 22352  
committed to a facility certified by the department of mental 22353  
health as being qualified to treat mental illness, to a public or 22354  
community mental health facility, or to a psychiatrist or another 22355  
mental health professional for treatment or continuing evaluation 22356  
and treatment. Prior to placing the defendant, the department of 22357  
mental health shall obtain court approval for that placement 22358  
following a hearing. The court order for the defendant to undergo 22359  
treatment or continuing evaluation and treatment under division 22360  
(B)(1)(a) of this section shall specify that the defendant, if 22361  
determined to require treatment or continuing evaluation and 22362  
treatment for ~~a developmental disability~~ mental retardation, shall 22363  
receive treatment or continuing evaluation and treatment at an 22364  
institution or facility operated by the department of 22365  
developmental disabilities, at a facility certified by the 22366  
department of developmental disabilities as being qualified to 22367  
treat mental retardation, at a public or private ~~community~~ mental 22368  
retardation facility, or by a psychiatrist or another mental 22369  
retardation professional. ~~The~~ In any case, the order may restrict 22370  
the defendant's freedom of movement as the court considers 22371  
necessary. The prosecutor in the defendant's case shall send to 22372  
the chief clinical officer of the hospital, facility, or agency 22373  
where the defendant is placed by the department of mental health, 22374  
or to the managing officer of the institution, the director of the 22375  
program or facility, or the person to which the defendant is 22376  
committed, copies of relevant police reports and other background 22377  
information that pertains to the defendant and is available to the 22378  
prosecutor unless the prosecutor determines that the release of 22379

any of the information in the police reports or any of the other 22380  
background information to unauthorized persons would interfere 22381  
with the effective prosecution of any person or would create a 22382  
substantial risk of harm to any person. 22383

~~In committing the defendant to the department of mental 22384  
health, the court shall consider the extent to which the person is 22385  
a danger to the person and to others, the need for security, and 22386  
the type of crime involved and, if the court finds that 22387  
restrictions on the defendant's freedom of movement are necessary, 22388  
shall specify the least restrictive limitations on the person's 22389  
freedom of movement determined to be necessary to protect public 22390  
safety. In determining the place of commitment alternatives for 22391  
defendants determined to require treatment or continuing 22392  
evaluation and treatment for developmental disabilities, the court 22393  
shall consider the extent to which the person is a danger to the 22394  
person and to others, the need for security, and the type of crime 22395  
involved and shall order the least restrictive alternative 22396  
available that is consistent with public safety and treatment 22397  
goals. In weighing these factors, the court shall give preference 22398  
to protecting public safety. 22399~~

(c) If the defendant is found incompetent to stand trial, if 22400  
the chief clinical officer of the hospital, facility, or agency 22401  
where the defendant is placed, or the managing officer of the 22402  
institution, the director of the program or facility, or the 22403  
person to which the defendant is committed for treatment or 22404  
continuing evaluation and treatment under division (B)(1)(b) of 22405  
this section determines that medication is necessary to restore 22406  
the defendant's competency to stand trial, and if the defendant 22407  
lacks the capacity to give informed consent or refuses medication, 22408  
the chief clinical officer of the hospital, facility, or agency 22409  
where the defendant is placed, or the managing officer of the 22410  
institution, the director of the program or facility, or the 22411



person to which the defendant is committed for treatment or 22412  
continuing evaluation and treatment may petition the court for 22413  
authorization for the involuntary administration of medication. 22414  
The court shall hold a hearing on the petition within five days of 22415  
the filing of the petition if the petition was filed in a 22416  
municipal court or a county court regarding an incompetent 22417  
defendant charged with a misdemeanor or within ten days of the 22418  
filing of the petition if the petition was filed in a court of 22419  
common pleas regarding an incompetent defendant charged with a 22420  
felony offense. Following the hearing, the court may authorize the 22421  
involuntary administration of medication or may dismiss the 22422  
petition. 22423

~~(d) If the defendant is charged with a misdemeanor offense 22424  
that is not an offense of violence, the prosecutor may hold the 22425  
charges in abeyance while the defendant engages in mental health 22426  
treatment or developmental disability services. 22427~~

(2) If the court finds that the defendant is incompetent to 22428  
stand trial and that, even if the defendant is provided with a 22429  
course of treatment, there is not a substantial probability that 22430  
the defendant will become competent to stand trial within one 22431  
year, the court shall order the discharge of the defendant, unless 22432  
upon motion of the prosecutor or on its own motion, the court 22433  
either seeks to retain jurisdiction over the defendant pursuant to 22434  
section 2945.39 of the Revised Code or files an affidavit in the 22435  
probate court for the civil commitment of the defendant pursuant 22436  
to Chapter 5122. or 5123. of the Revised Code alleging that the 22437  
defendant is a mentally ill person subject to hospitalization by 22438  
court order or a mentally retarded person subject to 22439  
institutionalization by court order. If an affidavit is filed in 22440  
the probate court, the trial court shall send to the probate court 22441  
copies of all written reports of the defendant's mental condition 22442  
that were prepared pursuant to section 2945.371 of the Revised 22443

Code. 22444

The trial court may issue the temporary order of detention 22445  
that a probate court may issue under section 5122.11 or 5123.71 of 22446  
the Revised Code, to remain in effect until the probable cause or 22447  
initial hearing in the probate court. Further proceedings in the 22448  
probate court are civil proceedings governed by Chapter 5122. or 22449  
5123. of the Revised Code. 22450

(C) No defendant shall be required to undergo treatment, 22451  
including any continuing evaluation and treatment, under division 22452  
(B)(1) of this section for longer than whichever of the following 22453  
periods is applicable: 22454

(1) One year, if the most serious offense with which the 22455  
defendant is charged is one of the following offenses: 22456

(a) Aggravated murder, murder, or an offense of violence for 22457  
which a sentence of death or life imprisonment may be imposed; 22458

(b) An offense of violence that is a felony of the first or 22459  
second degree; 22460

(c) A conspiracy to commit, an attempt to commit, or 22461  
complicity in the commission of an offense described in division 22462  
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 22463  
complicity is a felony of the first or second degree. 22464

(2) Six months, if the most serious offense with which the 22465  
defendant is charged is a felony other than a felony described in 22466  
division (C)(1) of this section; 22467

(3) Sixty days, if the most serious offense with which the 22468  
defendant is charged is a misdemeanor of the first or second 22469  
degree; 22470

(4) Thirty days, if the most serious offense with which the 22471  
defendant is charged is a misdemeanor of the third or fourth 22472  
degree, a minor misdemeanor, or an unclassified misdemeanor. 22473

(D) Any defendant who is committed pursuant to this section 22474  
shall not voluntarily admit the defendant or be voluntarily 22475  
admitted to a hospital or institution pursuant to section 5122.02, 22476  
5122.15, 5123.69, or 5123.76 of the Revised Code. 22477

(E) Except as otherwise provided in this division, a 22478  
defendant who is charged with an offense and is committed by the 22479  
court under this section to the department of mental health ~~with~~ 22480  
~~restrictions on the defendant's freedom of movement~~ or is 22481  
committed to an institution or facility for the treatment of 22482  
~~developmental disabilities~~ mental retardation shall not be granted 22483  
unsupervised on-grounds movement, supervised off-grounds movement, 22484  
or nonsecured status except in accordance with the court order. 22485  
The court may grant a defendant supervised off-grounds movement to 22486  
obtain medical treatment or specialized habilitation treatment 22487  
services if the person who supervises the treatment or the 22488  
continuing evaluation and treatment of the defendant ordered under 22489  
division (B)(1)(a) of this section informs the court that the 22490  
treatment or continuing evaluation and treatment cannot be 22491  
provided at the hospital or facility where the defendant is placed 22492  
by the department of mental health or the institution or facility 22493  
to which the defendant is committed. The chief clinical officer of 22494  
the hospital or facility where the defendant is placed by the 22495  
department of mental health or the managing officer of the 22496  
institution or director of the facility to which the defendant is 22497  
committed, or a designee of any of those persons, may grant a 22498  
defendant movement to a medical facility for an emergency medical 22499  
situation with appropriate supervision to ensure the safety of the 22500  
defendant, staff, and community during that emergency medical 22501  
situation. The chief clinical officer of the hospital or facility 22502  
where the defendant is placed by the department of mental health 22503  
or the managing officer of the institution or director of the 22504  
facility to which the defendant is committed shall notify the 22505  
court within twenty-four hours of the defendant's movement to the 22506

medical facility for an emergency medical situation under this 22507  
division. 22508

(F) The person who supervises the treatment or continuing 22509  
evaluation and treatment of a defendant ordered to undergo 22510  
treatment or continuing evaluation and treatment under division 22511  
(B)(1)(a) of this section shall file a written report with the 22512  
court at the following times: 22513

(1) Whenever the person believes the defendant is capable of 22514  
understanding the nature and objective of the proceedings against 22515  
the defendant and of assisting in the defendant's defense; 22516

(2) For a felony offense, fourteen days before expiration of 22517  
the maximum time for treatment as specified in division (C) of 22518  
this section and fourteen days before the expiration of the 22519  
maximum time for continuing evaluation and treatment as specified 22520  
in division (B)(1)(a) of this section, and, for a misdemeanor 22521  
offense, ten days before the expiration of the maximum time for 22522  
treatment, as specified in division (C) of this section; 22523

(3) At a minimum, after each six months of treatment; 22524

(4) Whenever the person who supervises the treatment or 22525  
continuing evaluation and treatment of a defendant ordered under 22526  
division (B)(1)(a) of this section believes that there is not a 22527  
substantial probability that the defendant will become capable of 22528  
understanding the nature and objective of the proceedings against 22529  
the defendant or of assisting in the defendant's defense even if 22530  
the defendant is provided with a course of treatment. 22531

(G) A report under division (F) of this section shall contain 22532  
the examiner's findings, the facts in reasonable detail on which 22533  
the findings are based, and the examiner's opinion as to the 22534  
defendant's capability of understanding the nature and objective 22535  
of the proceedings against the defendant and of assisting in the 22536  
defendant's defense. If, in the examiner's opinion, the defendant 22537

remains incapable of understanding the nature and objective of the 22538  
proceedings against the defendant and of assisting in the 22539  
defendant's defense and there is a substantial probability that 22540  
the defendant will become capable of understanding the nature and 22541  
objective of the proceedings against the defendant and of 22542  
assisting in the defendant's defense if the defendant is provided 22543  
with a course of treatment, if in the examiner's opinion the 22544  
defendant remains mentally ill or mentally retarded, and if the 22545  
maximum time for treatment as specified in division (C) of this 22546  
section has not expired, the report also shall contain the 22547  
examiner's recommendation as to the least restrictive placement or 22548  
commitment alternative that is consistent with the defendant's 22549  
treatment needs for restoration to competency and with the safety 22550  
of the community. The court shall provide copies of the report to 22551  
the prosecutor and defense counsel. 22552

(H) If a defendant is committed pursuant to division (B)(1) 22553  
of this section, within ten days after the treating physician of 22554  
the defendant or the examiner of the defendant who is employed or 22555  
retained by the treating facility advises that there is not a 22556  
substantial probability that the defendant will become capable of 22557  
understanding the nature and objective of the proceedings against 22558  
the defendant or of assisting in the defendant's defense even if 22559  
the defendant is provided with a course of treatment, within ten 22560  
days after the expiration of the maximum time for treatment as 22561  
specified in division (C) of this section, within ten days after 22562  
the expiration of the maximum time for continuing evaluation and 22563  
treatment as specified in division (B)(1)(a) of this section, 22564  
within thirty days after a defendant's request for a hearing that 22565  
is made after six months of treatment, or within thirty days after 22566  
being advised by the treating physician or examiner that the 22567  
defendant is competent to stand trial, whichever is the earliest, 22568  
the court shall conduct another hearing to determine if the 22569  
defendant is competent to stand trial and shall do whichever of 22570

the following is applicable: 22571

(1) If the court finds that the defendant is competent to 22572  
stand trial, the defendant shall be proceeded against as provided 22573  
by law. 22574

(2) If the court finds that the defendant is incompetent to 22575  
stand trial, but that there is a substantial probability that the 22576  
defendant will become competent to stand trial if the defendant is 22577  
provided with a course of treatment, and the maximum time for 22578  
treatment as specified in division (C) of this section has not 22579  
expired, the court, after consideration of the examiner's 22580  
recommendation, shall order that treatment be continued, may 22581  
change the ~~least restrictive limitations on the defendant's~~ 22582  
freedom of movement facility or program at which the treatment is 22583  
to be continued, and, ~~if applicable~~, shall specify whether the 22584  
treatment ~~for developmental disabilities~~ is to be continued at the 22585  
same or a different facility or institution program. 22586

(3) If the court finds that the defendant is incompetent to 22587  
stand trial, if the defendant is charged with an offense listed in 22588  
division (C)(1) of this section, and if the court finds that there 22589  
is not a substantial probability that the defendant will become 22590  
competent to stand trial even if the defendant is provided with a 22591  
course of treatment, or if the maximum time for treatment relative 22592  
to that offense as specified in division (C) of this section has 22593  
expired, further proceedings shall be as provided in sections 22594  
2945.39, 2945.401, and 2945.402 of the Revised Code. 22595

(4) If the court finds that the defendant is incompetent to 22596  
stand trial, if the most serious offense with which the defendant 22597  
is charged is a misdemeanor or a felony other than a felony listed 22598  
in division (C)(1) of this section, and if the court finds that 22599  
there is not a substantial probability that the defendant will 22600  
become competent to stand trial even if the defendant is provided 22601  
with a course of treatment, or if the maximum time for treatment 22602

relative to that offense as specified in division (C) of this 22603  
section has expired, the court shall dismiss the indictment, 22604  
information, or complaint against the defendant. A dismissal under 22605  
this division is not a bar to further prosecution based on the 22606  
same conduct. The court shall discharge the defendant unless the 22607  
court or prosecutor files an affidavit in probate court for civil 22608  
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 22609  
If an affidavit for civil commitment is filed, the court may 22610  
detain the defendant for ten days pending civil commitment. All of 22611  
the following provisions apply to persons charged with a 22612  
misdemeanor or a felony other than a felony listed in division 22613  
(C)(1) of this section who are committed by the probate court 22614  
subsequent to the court's or prosecutor's filing of an affidavit 22615  
for civil commitment under authority of this division: 22616

(a) The chief clinical officer of the entity, hospital, or 22617  
facility, the managing officer of the institution, the director of 22618  
the program, or the person to which the defendant is committed or 22619  
admitted shall do all of the following: 22620

(i) Notify the prosecutor, in writing, of the discharge of 22621  
the defendant, send the notice at least ten days prior to the 22622  
discharge unless the discharge is by the probate court, and state 22623  
in the notice the date on which the defendant will be discharged; 22624

(ii) Notify the prosecutor, in writing, when the defendant is 22625  
absent without leave or is granted unsupervised, off-grounds 22626  
movement, and send this notice promptly after the discovery of the 22627  
absence without leave or prior to the granting of the 22628  
unsupervised, off-grounds movement, whichever is applicable; 22629

(iii) Notify the prosecutor, in writing, of the change of the 22630  
defendant's commitment or admission to voluntary status, send the 22631  
notice promptly upon learning of the change to voluntary status, 22632  
and state in the notice the date on which the defendant was 22633  
committed or admitted on a voluntary status. 22634

(b) Upon receiving notice that the defendant will be granted 22635  
unsupervised, off-grounds movement, the prosecutor either shall 22636  
re-indict the defendant or promptly notify the court that the 22637  
prosecutor does not intend to prosecute the charges against the 22638  
defendant. 22639

(I) If a defendant is convicted of a crime and sentenced to a 22640  
jail or workhouse, the defendant's sentence shall be reduced by 22641  
the total number of days the defendant is confined for evaluation 22642  
to determine the defendant's competence to stand trial or 22643  
treatment under this section and sections 2945.37 and 2945.371 of 22644  
the Revised Code or by the total number of days the defendant is 22645  
confined for evaluation to determine the defendant's mental 22646  
condition at the time of the offense charged. 22647

**Sec. 2945.39.** (A) If a defendant who is charged with an 22648  
offense described in division (C)(1) of section 2945.38 of the 22649  
Revised Code is found incompetent to stand trial, after the 22650  
expiration of the maximum time for treatment as specified in 22651  
division (C) of that section or after the court finds that there 22652  
is not a substantial probability that the defendant will become 22653  
competent to stand trial even if the defendant is provided with a 22654  
course of treatment, one of the following applies: 22655

(1) The court or the prosecutor may file an affidavit in 22656  
probate court for civil commitment of the defendant in the manner 22657  
provided in Chapter 5122. or 5123. of the Revised Code. If the 22658  
court or prosecutor files an affidavit for civil commitment, the 22659  
court may detain the defendant for ten days pending civil 22660  
commitment. If the probate court commits the defendant subsequent 22661  
to the court's or prosecutor's filing of an affidavit for civil 22662  
commitment, the chief clinical officer of the entity, hospital, or 22663  
facility, the managing officer of the institution, the director of 22664  
the program, or the person to which the defendant is committed or 22665



admitted shall send to the prosecutor the notices described in 22666  
divisions (H)(4)(a)(i) to (iii) of section 2945.38 of the Revised 22667  
Code within the periods of time and under the circumstances 22668  
specified in those divisions. 22669

(2) On the motion of the prosecutor or on its own motion, the 22670  
court may retain jurisdiction over the defendant if, at a hearing, 22671  
the court finds both of the following by clear and convincing 22672  
evidence: 22673

(a) The defendant committed the offense with which the 22674  
defendant is charged. 22675

(b) The defendant is a mentally ill person subject to 22676  
hospitalization by court order or a mentally retarded person 22677  
subject to institutionalization by court order. 22678

(B) In making its determination under division (A)(2) of this 22679  
section as to whether to retain jurisdiction over the defendant, 22680  
the court may consider all relevant evidence, including, but not 22681  
limited to, any relevant psychiatric, psychological, or medical 22682  
testimony or reports, the acts constituting the offense charged, 22683  
and any history of the defendant that is relevant to the 22684  
defendant's ability to conform to the law. 22685

(C) If the court conducts a hearing as described in division 22686  
(A)(2) of this section and if the court does not make both 22687  
findings described in divisions (A)(2)(a) and (b) of this section 22688  
by clear and convincing evidence, the court shall dismiss the 22689  
indictment, information, or complaint against the defendant. Upon 22690  
the dismissal, the court shall discharge the defendant unless the 22691  
court or prosecutor files an affidavit in probate court for civil 22692  
commitment of the defendant pursuant to Chapter 5122. or 5123. of 22693  
the Revised Code. If the court or prosecutor files an affidavit 22694  
for civil commitment, the court may order that the defendant be 22695  
detained for up to ten days pending the civil commitment. If the 22696

probate court commits the defendant subsequent to the court's or 22697  
prosecutor's filing of an affidavit for civil commitment, the 22698  
chief clinical officer of the entity, hospital, or facility, the 22699  
managing officer of the institution, the director of the program, 22700  
or the person to which the defendant is committed or admitted 22701  
shall send to the prosecutor the notices described in divisions 22702  
(H)(4)(a)(i) to (iii) of section 2945.38 of the Revised Code 22703  
within the periods of time and under the circumstances specified 22704  
in those divisions. A dismissal of charges under this division is 22705  
not a bar to further criminal proceedings based on the same 22706  
conduct. 22707

(D)(1) If the court conducts a hearing as described in 22708  
division (A)(2) of this section and if the court makes the 22709  
findings described in divisions (A)(2)(a) and (b) of this section 22710  
by clear and convincing evidence, the court shall commit the 22711  
defendant, if determined to require mental health treatment, 22712  
either to the department of mental health for treatment at a 22713  
hospital, facility, or agency as determined clinically appropriate 22714  
by the department of mental health or to another medical or 22715  
psychiatric facility, as appropriate. Prior to placing the 22716  
defendant, the department of mental health shall obtain court 22717  
approval for that placement. If the court conducts such a hearing 22718  
and if it makes those findings by clear and convincing evidence, 22719  
the court shall commit the defendant, if determined to require 22720  
treatment for ~~developmental disabilities~~ mental retardation, to a 22721  
facility operated by the department of developmental disabilities, 22722  
or another facility, as appropriate. ~~In committing the defendant~~ 22723  
~~to the department of mental health, the court shall specify the~~ 22724  
~~least restrictive limitations on the defendant's freedom of~~ 22725  
~~movement determined to be necessary to protect public safety. In~~ 22726  
~~determining the place and nature of the commitment to a facility~~ 22727  
~~operated by the department of developmental disabilities or~~ 22728  
~~another facility for treatment of developmental disabilities, the~~ 22729

~~court~~ In determining the place of commitment, the court shall 22730  
consider the extent to which the person is a danger to the person 22731  
and to others, the need for security, and the type of crime 22732  
involved and shall order the least restrictive ~~commitment~~ 22733  
alternative available that is consistent with public safety and 22734  
the welfare of the defendant. In weighing these factors, the court 22735  
shall give preference to protecting public safety. 22736

(2) If a court makes a commitment of a defendant under 22737  
division (D)(1) of this section, the prosecutor shall send to the 22738  
hospital, facility, or agency where the defendant is placed by the 22739  
department of mental health or to the defendant's place of 22740  
commitment all reports of the defendant's current mental condition 22741  
and, except as otherwise provided in this division, any other 22742  
relevant information, including, but not limited to, a transcript 22743  
of the hearing held pursuant to division (A)(2) of this section, 22744  
copies of relevant police reports, and copies of any prior arrest 22745  
and conviction records that pertain to the defendant and that the 22746  
prosecutor possesses. The prosecutor shall send the reports of the 22747  
defendant's current mental condition in every case of commitment, 22748  
and, unless the prosecutor determines that the release of any of 22749  
the other relevant information to unauthorized persons would 22750  
interfere with the effective prosecution of any person or would 22751  
create a substantial risk of harm to any person, the prosecutor 22752  
also shall send the other relevant information. Upon admission of 22753  
a defendant committed under division (D)(1) of this section, the 22754  
place of commitment shall send to the board of alcohol, drug 22755  
addiction, and mental health services or the community mental 22756  
health board serving the county in which the charges against the 22757  
defendant were filed a copy of all reports of the defendant's 22758  
current mental condition and a copy of the other relevant 22759  
information provided by the prosecutor under this division, 22760  
including, if provided, a transcript of the hearing held pursuant 22761  
to division (A)(2) of this section, the relevant police reports, 22762

and the prior arrest and conviction records that pertain to the 22763  
defendant and that the prosecutor possesses. 22764

(3) If a court makes a commitment under division (D)(1) of 22765  
this section, all further proceedings shall be in accordance with 22766  
sections 2945.401 and 2945.402 of the Revised Code. 22767

**Sec. 2945.40.** (A) If a person is found not guilty by reason 22768  
of insanity, the verdict shall state that finding, and the trial 22769  
court shall conduct a full hearing to determine whether the person 22770  
is a mentally ill person subject to hospitalization by court order 22771  
or a mentally retarded person subject to institutionalization by 22772  
court order. Prior to the hearing, if the trial judge believes 22773  
that there is probable cause that the person found not guilty by 22774  
reason of insanity is a mentally ill person subject to 22775  
hospitalization by court order or mentally retarded person subject 22776  
to institutionalization by court order, the trial judge may issue 22777  
a temporary order of detention for that person to remain in effect 22778  
for ten court days or until the hearing, whichever occurs first. 22779

Any person detained pursuant to a temporary order of 22780  
detention issued under this division shall be held in a suitable 22781  
facility, taking into consideration the place and type of 22782  
confinement prior to and during trial. 22783

(B) The court shall hold the hearing under division (A) of 22784  
this section to determine whether the person found not guilty by 22785  
reason of insanity is a mentally ill person subject to 22786  
hospitalization by court order or a mentally retarded person 22787  
subject to institutionalization by court order within ten court 22788  
days after the finding of not guilty by reason of insanity. 22789  
Failure to conduct the hearing within the ten-day period shall 22790  
cause the immediate discharge of the respondent, unless the judge 22791  
grants a continuance for not longer than ten court days for good 22792  
cause shown or for any period of time upon motion of the 22793

respondent. 22794

(C) If a person is found not guilty by reason of insanity, 22795  
the person has the right to attend all hearings conducted pursuant 22796  
to sections 2945.37 to 2945.402 of the Revised Code. At any 22797  
hearing conducted pursuant to one of those sections, the court 22798  
shall inform the person that the person has all of the following 22799  
rights: 22800

(1) The right to be represented by counsel and to have that 22801  
counsel provided at public expense if the person is indigent, with 22802  
the counsel to be appointed by the court under Chapter 120. of the 22803  
Revised Code or under the authority recognized in division (C) of 22804  
section 120.06, division (E) of section 120.16, division (E) of 22805  
section 120.26, or section 2941.51 of the Revised Code; 22806

(2) The right to have independent expert evaluation and to 22807  
have that independent expert evaluation provided at public expense 22808  
if the person is indigent; 22809

(3) The right to subpoena witnesses and documents, to present 22810  
evidence on the person's behalf, and to cross-examine witnesses 22811  
against the person; 22812

(4) The right to testify in the person's own behalf and to 22813  
not be compelled to testify; 22814

(5) The right to have copies of any relevant medical or 22815  
mental health document in the custody of the state or of any place 22816  
of commitment other than a document for which the court finds that 22817  
the release to the person of information contained in the document 22818  
would create a substantial risk of harm to any person. 22819

(D) The hearing under division (A) of this section shall be 22820  
open to the public, and the court shall conduct the hearing in 22821  
accordance with the Rules of Civil Procedure. The court shall make 22822  
and maintain a full transcript and record of the hearing 22823  
proceedings. The court may consider all relevant evidence, 22824

including, but not limited to, any relevant psychiatric, 22825  
psychological, or medical testimony or reports, the acts 22826  
constituting the offense in relation to which the person was found 22827  
not guilty by reason of insanity, and any history of the person 22828  
that is relevant to the person's ability to conform to the law. 22829

(E) Upon completion of the hearing under division (A) of this 22830  
section, if the court finds there is not clear and convincing 22831  
evidence that the person is a mentally ill person subject to 22832  
hospitalization by court order or a mentally retarded person 22833  
subject to institutionalization by court order, the court shall 22834  
discharge the person, unless a detainer has been placed upon the 22835  
person by the department of rehabilitation and correction, in 22836  
which case the person shall be returned to that department. 22837

(F) If, at the hearing under division (A) of this section, 22838  
the court finds by clear and convincing evidence that the person 22839  
is a mentally ill person subject to hospitalization by court 22840  
order, the court shall commit the person either to the department 22841  
of mental health for ~~placement~~ treatment in a hospital, facility, 22842  
or agency as determined clinically appropriate by the department 22843  
of mental health or to another medical or psychiatric facility, as 22844  
appropriate. Prior to placing the defendant, the department of 22845  
mental health shall obtain court approval for that placement. If, 22846  
at the hearing under division (A) of this section, the court ~~finds~~ 22847  
determines by clear and convincing evidence that the person ~~is a~~ 22848  
~~mentally retarded person subject to institutionalization by court~~ 22849  
~~order~~ requires treatment for mental retardation, it shall commit 22850  
the person to a facility operated by the department of 22851  
developmental disabilities or another facility, as appropriate. 22852  
Further proceedings shall be in accordance with sections 2945.401 22853  
and 2945.402 of the Revised Code. ~~In committing the person to the~~ 22854  
~~department of mental health, the court shall specify the least~~ 22855  
~~restrictive limitations to the defendant's freedom of movement~~ 22856

determined to be necessary to protect public safety. In 22857  
determining the place and nature of the commitment of a mentally 22858  
~~retarded person subject to institutionalization by court order,~~ 22859  
the court shall consider the extent to which the person is a 22860  
danger to the person and to others, the need for security, and the 22861  
type of crime involved and shall order the least restrictive 22862  
~~commitment~~ alternative available that is consistent with public 22863  
safety and the welfare of the person. In weighing these factors, 22864  
the court shall give preference to protecting public safety. 22865

(G) If a court makes a commitment of a person under division 22866  
(F) of this section, the prosecutor shall send to the hospital, 22867  
facility, or agency where the person is placed by the department 22868  
of mental health or to the defendant's place of commitment all 22869  
reports of the person's current mental condition, and, except as 22870  
otherwise provided in this division, any other relevant 22871  
information, including, but not limited to, a transcript of the 22872  
hearing held pursuant to division (A) of this section, copies of 22873  
relevant police reports, and copies of any prior arrest and 22874  
conviction records that pertain to the person and that the 22875  
prosecutor possesses. The prosecutor shall send the reports of the 22876  
person's current mental condition in every case of commitment, 22877  
and, unless the prosecutor determines that the release of any of 22878  
the other relevant information to unauthorized persons would 22879  
interfere with the effective prosecution of any person or would 22880  
create a substantial risk of harm to any person, the prosecutor 22881  
also shall send the other relevant information. Upon admission of 22882  
a person committed under division (F) of this section, the place 22883  
of commitment shall send to the board of alcohol, drug addiction, 22884  
and mental health services or the community mental health board 22885  
serving the county in which the charges against the person were 22886  
filed a copy of all reports of the person's current mental 22887  
condition and a copy of the other relevant information provided by 22888  
the prosecutor under this division, including, if provided, a 22889

transcript of the hearing held pursuant to division (A) of this 22890  
section, the relevant police reports, and the prior arrest and 22891  
conviction records that pertain to the person and that the 22892  
prosecutor possesses. 22893

(H) A person who is committed pursuant to this section shall 22894  
not voluntarily admit the person or be voluntarily admitted to a 22895  
hospital or institution pursuant to section 5122.02, 5122.15, 22896  
5123.69, or 5123.76 of the Revised Code. 22897

**Sec. 2945.401.** (A) A defendant found incompetent to stand 22898  
trial and committed pursuant to section 2945.39 of the Revised 22899  
Code or a person found not guilty by reason of insanity and 22900  
committed pursuant to section 2945.40 of the Revised Code shall 22901  
remain subject to the jurisdiction of the trial court pursuant to 22902  
that commitment, and to the provisions of this section, until the 22903  
final termination of the commitment as described in division 22904  
(J)(1) of this section. If the jurisdiction is terminated under 22905  
this division because of the final termination of the commitment 22906  
resulting from the expiration of the maximum prison term or term 22907  
of imprisonment described in division (J)(1)(b) of this section, 22908  
the court or prosecutor may file an affidavit for the civil 22909  
commitment of the defendant or person pursuant to Chapter 5122. or 22910  
5123. of the Revised Code. 22911

(B) A hearing conducted under any provision of sections 22912  
2945.37 to 2945.402 of the Revised Code shall not be conducted in 22913  
accordance with Chapters 5122. and 5123. of the Revised Code. Any 22914  
person who is committed pursuant to section 2945.39 or 2945.40 of 22915  
the Revised Code shall not voluntarily admit the person or be 22916  
voluntarily admitted to a hospital or institution pursuant to 22917  
section 5122.02, 5122.15, 5123.69, or 5123.76 of the Revised Code. 22918  
All other provisions of Chapters 5122. and 5123. of the Revised 22919  
Code regarding hospitalization or institutionalization shall apply 22920



to the extent they are not in conflict with this chapter. A 22921  
commitment under section 2945.39 or 2945.40 of the Revised Code 22922  
shall not be terminated and the conditions of the commitment shall 22923  
not be changed except as otherwise provided in division (D)(2) of 22924  
this section with respect to a mentally retarded person subject to 22925  
institutionalization by court order or except by order of the 22926  
trial court. 22927

(C) The department of mental health or the institution ~~or~~ 22928  
facility, or program to which a defendant or person has been 22929  
committed under section 2945.39 or 2945.40 of the Revised Code 22930  
shall report in writing to the trial court, at the times specified 22931  
in this division, as to whether the defendant or person remains a 22932  
mentally ill person subject to hospitalization by court order or a 22933  
mentally retarded person subject to institutionalization by court 22934  
order and, in the case of a defendant committed under section 22935  
2945.39 of the Revised Code, as to whether the defendant remains 22936  
incompetent to stand trial. The department, institution, ~~or~~ 22937  
facility, or program shall make the reports after the initial six 22938  
months of treatment and every two years after the initial report 22939  
is made. The trial court shall provide copies of the reports to 22940  
the prosecutor and to the counsel for the defendant or person. 22941  
Within thirty days after its receipt pursuant to this division of 22942  
a report from the department, institution, ~~or~~ facility, or 22943  
program, the trial court shall hold a hearing on the continued 22944  
commitment of the defendant or person or on any changes in the 22945  
conditions of the commitment of the defendant or person. The 22946  
defendant or person may request a change in the conditions of 22947  
confinement, and the trial court shall conduct a hearing on that 22948  
request if six months or more have elapsed since the most recent 22949  
hearing was conducted under this section. 22950

(D)(1) Except as otherwise provided in division (D)(2) of 22951  
this section, when a defendant or person has been committed under 22952

section 2945.39 or 2945.40 of the Revised Code, at any time after 22953  
evaluating the risks to public safety and the welfare of the 22954  
defendant or person, the designee of the department of mental 22955  
health or the managing officer of the institution or director of 22956  
the facility or program to which the defendant or person is 22957  
committed may recommend a termination of the defendant's or 22958  
person's commitment or a change in the conditions of the 22959  
defendant's or person's commitment. 22960

Except as otherwise provided in division (D)(2) of this 22961  
section, if the designee of the department of mental health 22962  
recommends on-grounds unsupervised movement, off-grounds 22963  
supervised movement, or nonsecured status for the defendant or 22964  
person or termination of the defendant's or person's commitment, 22965  
the following provisions apply: 22966

(a) If the department's designee recommends on-grounds 22967  
unsupervised movement or off-grounds supervised movement, the 22968  
department's designee shall file with the trial court an 22969  
application for approval of the movement and shall send a copy of 22970  
the application to the prosecutor. Within fifteen days after 22971  
receiving the application, the prosecutor may request a hearing on 22972  
the application and, if a hearing is requested, shall so inform 22973  
the department's designee. If the prosecutor does not request a 22974  
hearing within the fifteen-day period, the trial court shall 22975  
approve the application by entering its order approving the 22976  
requested movement or, within five days after the expiration of 22977  
the fifteen-day period, shall set a date for a hearing on the 22978  
application. If the prosecutor requests a hearing on the 22979  
application within the fifteen-day period, the trial court shall 22980  
hold a hearing on the application within thirty days after the 22981  
hearing is requested. If the trial court, within five days after 22982  
the expiration of the fifteen-day period, sets a date for a 22983  
hearing on the application, the trial court shall hold the hearing 22984

within thirty days after setting the hearing date. At least 22985  
fifteen days before any hearing is held under this division, the 22986  
trial court shall give the prosecutor written notice of the date, 22987  
time, and place of the hearing. At the conclusion of each hearing 22988  
conducted under this division, the trial court either shall 22989  
approve or disapprove the application and shall enter its order 22990  
accordingly. 22991

(b) If the department's designee recommends termination of 22992  
the defendant's or person's commitment at any time or if the 22993  
department's designee recommends the first of any nonsecured 22994  
status for the defendant or person, the department's designee 22995  
shall send written notice of this recommendation to the trial 22996  
court and to the local forensic center. The local forensic center 22997  
shall evaluate the committed defendant or person and, within 22998  
thirty days after its receipt of the written notice, shall submit 22999  
to the trial court and the department's designee a written report 23000  
of the evaluation. The trial court shall provide a copy of the 23001  
department's designee's written notice and of the local forensic 23002  
center's written report to the prosecutor and to the counsel for 23003  
the defendant or person. Upon the local forensic center's 23004  
submission of the report to the trial court and the department's 23005  
designee, all of the following apply: 23006

(i) If the forensic center disagrees with the recommendation 23007  
of the department's designee, it shall inform the department's 23008  
designee and the trial court of its decision and the reasons for 23009  
the decision. The department's designee, after consideration of 23010  
the forensic center's decision, shall either withdraw, proceed 23011  
with, or modify and proceed with the recommendation. If the 23012  
department's designee proceeds with, or modifies and proceeds 23013  
with, the recommendation, the department's designee shall proceed 23014  
in accordance with division (D)(1)(b)(iii) of this section. 23015

(ii) If the forensic center agrees with the recommendation of 23016

the department's designee, it shall inform the department's 23017  
designee and the trial court of its decision and the reasons for 23018  
the decision, and the department's designee shall proceed in 23019  
accordance with division (D)(1)(b)(iii) of this section. 23020

(iii) If the forensic center disagrees with the 23021  
recommendation of the department's designee and the department's 23022  
designee proceeds with, or modifies and proceeds with, the 23023  
recommendation or if the forensic center agrees with the 23024  
recommendation of the department's designee, the department's 23025  
designee shall work with community mental health agencies, 23026  
programs, facilities, or boards of alcohol, drug addiction, and 23027  
mental health services or community mental health boards to 23028  
develop a plan to implement the recommendation. If the defendant 23029  
or person is on medication, the plan shall include, but shall not 23030  
be limited to, a system to monitor the defendant's or person's 23031  
compliance with the prescribed medication treatment plan. The 23032  
system shall include a schedule that clearly states when the 23033  
defendant or person shall report for a medication compliance 23034  
check. The medication compliance checks shall be based upon the 23035  
effective duration of the prescribed medication, taking into 23036  
account the route by which it is taken, and shall be scheduled at 23037  
intervals sufficiently close together to detect a potential 23038  
increase in mental illness symptoms that the medication is 23039  
intended to prevent. 23040

The department's designee, after consultation with the board 23041  
of alcohol, drug addiction, and mental health services or the 23042  
community mental health board serving the area, shall send the 23043  
recommendation and plan developed under division (D)(1)(b)(iii) of 23044  
this section, in writing, to the trial court, the prosecutor, and 23045  
the counsel for the committed defendant or person. The trial court 23046  
shall conduct a hearing on the recommendation and plan developed 23047  
under division (D)(1)(b)(iii) of this section. Divisions (D)(1)(c) 23048

and (d) and (E) to (J) of this section apply regarding the 23049  
hearing. 23050

(c) If the department's designee's recommendation is for 23051  
nonsecured status or termination of commitment, the prosecutor may 23052  
obtain an independent expert evaluation of the defendant's or 23053  
person's mental condition, and the trial court may continue the 23054  
hearing on the recommendation for a period of not more than thirty 23055  
days to permit time for the evaluation. 23056

The prosecutor may introduce the evaluation report or present 23057  
other evidence at the hearing in accordance with the Rules of 23058  
Evidence. 23059

(d) The trial court shall schedule the hearing on a 23060  
department's designee's recommendation for nonsecured status or 23061  
termination of commitment and shall give reasonable notice to the 23062  
prosecutor and the counsel for the defendant or person. Unless 23063  
continued for independent evaluation at the prosecutor's request 23064  
or for other good cause, the hearing shall be held within thirty 23065  
days after the trial court's receipt of the recommendation and 23066  
plan. 23067

(2)(a) Division (D)(1) of this section does not apply to 23068  
on-grounds unsupervised movement of a defendant or person who has 23069  
been committed under section 2945.39 or 2945.40 of the Revised 23070  
Code, who is a mentally retarded person subject to 23071  
institutionalization by court order, and who is being provided 23072  
residential habilitation, care, and treatment in a facility 23073  
operated by the department of developmental disabilities. 23074

(b) If, pursuant to section 2945.39 of the Revised Code, the 23075  
trial court commits a defendant who is found incompetent to stand 23076  
trial and who is a mentally retarded person subject to 23077  
institutionalization by court order, if the defendant is being 23078  
provided residential habilitation, care, and treatment in a 23079

facility operated by the department of developmental disabilities, 23080  
if an individual who is conducting a survey for the department of 23081  
health to determine the facility's compliance with the 23082  
certification requirements of the medicaid program under Chapter 23083  
5111. of the Revised Code and Title XIX of the "Social Security 23084  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, cites the 23085  
defendant's receipt of the residential habilitation, care, and 23086  
treatment in the facility as being inappropriate under the 23087  
certification requirements, if the defendant's receipt of the 23088  
residential habilitation, care, and treatment in the facility 23089  
potentially jeopardizes the facility's continued receipt of 23090  
federal medicaid moneys, and if as a result of the citation the 23091  
chief clinical officer of the facility determines that the 23092  
conditions of the defendant's commitment should be changed, the 23093  
department of developmental disabilities may cause the defendant 23094  
to be removed from the particular facility and, after evaluating 23095  
the risks to public safety and the welfare of the defendant and 23096  
after determining whether another type of placement is consistent 23097  
with the certification requirements, may place the defendant in 23098  
another facility that the department selects as an appropriate 23099  
facility for the defendant's continued receipt of residential 23100  
habilitation, care, and treatment and that is a no less secure 23101  
setting than the facility in which the defendant had been placed 23102  
at the time of the citation. Within three days after the 23103  
defendant's removal and alternative placement under the 23104  
circumstances described in division (D)(2)(b) of this section, the 23105  
department of developmental disabilities shall notify the trial 23106  
court and the prosecutor in writing of the removal and alternative 23107  
placement. 23108

The trial court shall set a date for a hearing on the removal 23109  
and alternative placement, and the hearing shall be held within 23110  
twenty-one days after the trial court's receipt of the notice from 23111  
the department of developmental disabilities. At least ten days 23112

before the hearing is held, the trial court shall give the 23113  
prosecutor, the department of developmental disabilities, and the 23114  
counsel for the defendant written notice of the date, time, and 23115  
place of the hearing. At the hearing, the trial court shall 23116  
consider the citation issued by the individual who conducted the 23117  
survey for the department of health to be prima-facie evidence of 23118  
the fact that the defendant's commitment to the particular 23119  
facility was inappropriate under the certification requirements of 23120  
the medicaid program under Chapter 5111. of the Revised Code and 23121  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 23122  
U.S.C.A. 301, as amended, and potentially jeopardizes the 23123  
particular facility's continued receipt of federal medicaid 23124  
moneys. At the conclusion of the hearing, the trial court may 23125  
approve or disapprove the defendant's removal and alternative 23126  
placement. If the trial court approves the defendant's removal and 23127  
alternative placement, the department of developmental 23128  
disabilities may continue the defendant's alternative placement. 23129  
If the trial court disapproves the defendant's removal and 23130  
alternative placement, it shall enter an order modifying the 23131  
defendant's removal and alternative placement, but that order 23132  
shall not require the department of developmental disabilities to 23133  
replace the defendant for purposes of continued residential 23134  
habilitation, care, and treatment in the facility associated with 23135  
the citation issued by the individual who conducted the survey for 23136  
the department of health. 23137

(E) In making a determination under this section regarding 23138  
nonsecured status or termination of commitment, the trial court 23139  
shall consider all relevant factors, including, but not limited 23140  
to, all of the following: 23141

(1) Whether, in the trial court's view, the defendant or 23142  
person currently represents a substantial risk of physical harm to 23143  
the defendant or person or others; 23144

(2) Psychiatric and medical testimony as to the current mental and physical condition of the defendant or person;	23145 23146
(3) Whether the defendant or person has insight into the <del>defendant's</del> defendant's or person's condition so that the defendant or person will continue treatment as prescribed or seek professional assistance as needed;	23147 23148 23149 23150
(4) The grounds upon which the state relies for the proposed commitment;	23151 23152
(5) Any past history that is relevant to establish the defendant's or person's degree of conformity to the laws, rules, regulations, and values of society;	23153 23154 23155
(6) If there is evidence that the defendant's or person's mental illness is in a state of remission, the medically suggested cause and degree of the remission and the probability that the defendant or person will continue treatment to maintain the remissive state of the defendant's or person's illness should the defendant's or person's commitment conditions be altered.	23156 23157 23158 23159 23160 23161
(F) At any hearing held pursuant to division (C) or (D)(1) or (2) of this section, the defendant or the person shall have all the rights of a defendant or person at a commitment hearing as described in section 2945.40 of the Revised Code.	23162 23163 23164 23165
(G) In a hearing held pursuant to division (C) or (D)(1) of this section, the prosecutor has the burden of proof as follows:	23166 23167
(1) For a recommendation of termination of commitment, to show by clear and convincing evidence that the defendant or person remains a mentally ill person subject to hospitalization by court order or a mentally retarded person subject to institutionalization by court order;	23168 23169 23170 23171 23172
(2) For a recommendation for a change in the conditions of the commitment to a less restrictive status, to show by clear and	23173 23174



convincing evidence that the proposed change represents a threat 23175  
to public safety or a threat to the safety of any person. 23176

(H) In a hearing held pursuant to division (C) or (D)(1) or 23177  
(2) of this section, the prosecutor shall represent the state or 23178  
the public interest. 23179

(I) At the conclusion of a hearing conducted under division 23180  
(D)(1) of this section regarding a recommendation from the 23181  
designee of the department of mental health, managing officer of 23182  
the institution, or director of a facility or program, the trial 23183  
court may approve, disapprove, or modify the recommendation and 23184  
shall enter an order accordingly. 23185

(J)(1) A defendant or person who has been committed pursuant 23186  
to section 2945.39 or 2945.40 of the Revised Code continues to be 23187  
under the jurisdiction of the trial court until the final 23188  
termination of the commitment. For purposes of division (J) of 23189  
this section, the final termination of a commitment occurs upon 23190  
the earlier of one of the following: 23191

(a) The defendant or person no longer is a mentally ill 23192  
person subject to hospitalization by court order or a mentally 23193  
retarded person subject to institutionalization by court order, as 23194  
determined by the trial court; 23195

(b) The expiration of the maximum prison term or term of 23196  
imprisonment that the defendant or person could have received if 23197  
the defendant or person had been convicted of the most serious 23198  
offense with which the defendant or person is charged or in 23199  
relation to which the defendant or person was found not guilty by 23200  
reason of insanity; 23201

(c) The trial court enters an order terminating the 23202  
commitment under the circumstances described in division 23203  
(J)(2)(a)(ii) of this section. 23204

(2)(a) If a defendant is found incompetent to stand trial and 23205

committed pursuant to section 2945.39 of the Revised Code, if 23206  
neither of the circumstances described in divisions (J)(1)(a) and 23207  
(b) of this section applies to that defendant, and if a report 23208  
filed with the trial court pursuant to division (C) of this 23209  
section indicates that the defendant presently is competent to 23210  
stand trial or if, at any other time during the period of the 23211  
defendant's commitment, the prosecutor, the counsel for the 23212  
defendant, or the designee of the department of mental health or 23213  
the managing officer of the institution or director of the 23214  
facility or program to which the defendant is committed files an 23215  
application with the trial court alleging that the defendant 23216  
presently is competent to stand trial and requesting a hearing on 23217  
the competency issue or the trial court otherwise has reasonable 23218  
cause to believe that the defendant presently is competent to 23219  
stand trial and determines on its own motion to hold a hearing on 23220  
the competency issue, the trial court shall schedule a hearing on 23221  
the competency of the defendant to stand trial, shall give the 23222  
prosecutor, the counsel for the defendant, and the department's 23223  
designee or the managing officer of the institution or the 23224  
director of the facility to which the defendant is committed 23225  
notice of the date, time, and place of the hearing at least 23226  
fifteen days before the hearing, and shall conduct the hearing 23227  
within thirty days of the filing of the application or of its own 23228  
motion. If, at the conclusion of the hearing, the trial court 23229  
determines that the defendant presently is capable of 23230  
understanding the nature and objective of the proceedings against 23231  
the defendant and of assisting in the defendant's defense, the 23232  
trial court shall order that the defendant is competent to stand 23233  
trial and shall be proceeded against as provided by law with 23234  
respect to the applicable offenses described in division (C)(1) of 23235  
section 2945.38 of the Revised Code and shall enter whichever of 23236  
the following additional orders is appropriate: 23237

(i) If the trial court determines that the defendant remains 23238

a mentally ill person subject to hospitalization by court order or 23239  
a mentally retarded person subject to institutionalization by 23240  
court order, the trial court shall order that the defendant's 23241  
commitment to the department of mental health or to an institution 23242  
~~or, facility, or program~~ for the treatment of ~~developmental~~ 23243  
~~disabilities~~ mental retardation be continued during the pendency 23244  
of the trial on the applicable offenses described in division 23245  
(C)(1) of section 2945.38 of the Revised Code. 23246

(ii) If the trial court determines that the defendant no 23247  
longer is a mentally ill person subject to hospitalization by 23248  
court order or a mentally retarded person subject to 23249  
institutionalization by court order, the trial court shall order 23250  
that the defendant's commitment to the department of mental health 23251  
or to an institution ~~or, facility, or program~~ for the treatment of 23252  
~~developmental disabilities~~ mental retardation shall not be 23253  
continued during the pendency of the trial on the applicable 23254  
offenses described in division (C)(1) of section 2945.38 of the 23255  
Revised Code. This order shall be a final termination of the 23256  
commitment for purposes of division (J)(1)(c) of this section. 23257

(b) If, at the conclusion of the hearing described in 23258  
division (J)(2)(a) of this section, the trial court determines 23259  
that the defendant remains incapable of understanding the nature 23260  
and objective of the proceedings against the defendant or of 23261  
assisting in the defendant's defense, the trial court shall order 23262  
that the defendant continues to be incompetent to stand trial, 23263  
that the defendant's commitment to the department of mental health 23264  
or to an institution ~~or, facility, or program~~ for the treatment of 23265  
~~developmental disabilities~~ mental retardation shall be continued, 23266  
and that the defendant remains subject to the jurisdiction of the 23267  
trial court pursuant to that commitment, and to the provisions of 23268  
this section, until the final termination of the commitment as 23269  
described in division (J)(1) of this section. 23270

**Sec. 2961.22.** (A)(1) Any prisoner serving a prison term in a state correctional institution who satisfies all of the following is eligible to apply to the department of rehabilitation and correction at a time specified in division (A)(2) of this section and in accordance with division (D) of this section for a certificate of achievement and employability:

(a) The prisoner has satisfactorily completed one or more in-prison vocational programs approved by rule by the department of rehabilitation and correction.

(b) The prisoner has demonstrated exemplary performance as determined by completion of one or more cognitive or behavioral improvement programs approved by rule by the department while incarcerated in a state correctional institution, while under supervision, or during both periods of time.

(c) The prisoner has completed community service hours.

(d) The prisoner shows other evidence of achievement and rehabilitation while under the jurisdiction of the department.

(2) An eligible prisoner may apply to the department of rehabilitation and correction under division (A)(1) of this section for a certificate of achievement and employability no earlier than one year prior to the date scheduled for the release of the prisoner from department custody and no later than the date of release of the prisoner.

(B)(1) Any prisoner who has been released from a state correctional institution, who is under supervision on parole or under a post-release control sanction, and who satisfies all of the criteria set forth in division (A)(1) of this section is eligible to apply to the adult parole authority at a time specified in division (B)(2) of this section and in accordance with division (D) of this section for a certificate of achievement

and employability. 23301

(2) An eligible prisoner may apply to the adult parole 23302  
authority under division (B)(1) of this section for a certificate 23303  
of achievement and employability at any time while the prisoner is 23304  
under supervision on parole or under a post-release control 23305  
sanction. 23306

(C)(1) An eligible prisoner may apply to the department of 23307  
rehabilitation and correction or to the adult parole authority at 23308  
a time specified in division (A) or (B) of this section, whichever 23309  
is applicable, for a certificate of achievement and employability 23310  
that grants the prisoner relief from one or more mandatory civil 23311  
impacts that would affect a potential job within a field in which 23312  
the prisoner trained as part of the prisoner's in-prison 23313  
vocational program. The prisoner shall specify the mandatory civil 23314  
impacts from which the prisoner is requesting relief under the 23315  
certificate. Upon application by a prisoner in accordance with 23316  
this division, if the mandatory civil impact of any licensing 23317  
agency would be affected by the issuance of the certificate to the 23318  
prisoner, the department or authority shall notify the licensing 23319  
agency of the filing of the application, provide the licensing 23320  
agency with a copy of the application and all evidence that the 23321  
department, authority, or court has regarding the prisoner, and 23322  
afford the licensing agency with an opportunity to object in 23323  
writing to the issuance of the certificate to the prisoner. 23324

(2) Upon application by a prisoner in accordance with 23325  
division (C)(1) of this section, the department of rehabilitation 23326  
and correction or the adult parole authority, whichever is 23327  
applicable, shall consider the application and all objections to 23328  
the issuance of a certificate of achievement and employability to 23329  
the prisoner, if any, that were made by a licensing agency under 23330  
division (C)(1) of this section. If the department or authority 23331  
determines that the prisoner is an eligible prisoner, that the 23332

application was filed at a time specified in division (B) of this 23333  
section, and that any licensing agency objections to the issuance 23334  
of the certificate to the prisoner are not sufficient to deny the 23335  
issuance of the certificate to the prisoner, subject to division 23336  
(C)(3) of this section, the department or authority shall issue 23337  
the prisoner a certificate of achievement and employability that 23338  
grants the prisoner relief from the mandatory civil impacts that 23339  
are specified in the prisoner's application and that would affect 23340  
a potential job within a field in which the prisoner trained as 23341  
part of the prisoner's in-prison vocational program. 23342

(3) The mandatory civil impacts identified in division (A)(1) 23343  
of section 2961.01 and in division (B) of section 2961.02 of the 23344  
Revised Code shall not be affected by any certificate of 23345  
achievement and employability issued under this section. No 23346  
certificate of achievement and employability issued to a prisoner 23347  
under this section grants the prisoner relief from the mandatory 23348  
civil impacts identified in division (A)(1) of section 2961.01 and 23349  
in division (B) of section 2961.02 of the Revised Code. 23350

(E) The department of rehabilitation and correction shall 23351  
adopt rules that define in-prison vocational programs and 23352  
cognitive or behavioral improvement programs that a prisoner may 23353  
complete to satisfy the criteria described in divisions (A)(1)(a) 23354  
and (b) of this section. 23355

(F) The department of rehabilitation and correction and the 23356  
adult parole authority shall not be liable for any claim for 23357  
damages arising from the department's or authority's issuance, 23358  
denial, or revocation of a certificate of achievement and 23359  
employability or for the department's or authority's failure to 23360  
revoke a certificate of achievement and employability under the 23361  
circumstances described in section 2961.24 of the Revised Code. 23362

**Sec. 2967.03.** The adult parole authority may exercise its 23363

functions and duties in relation to the pardon, commutation of 23364  
sentence, or reprieve of a convict upon direction of the governor 23365  
or upon its own initiative. It may exercise its functions and 23366  
duties in relation to the parole of a prisoner who is eligible for 23367  
parole upon the initiative of the head of the institution in which 23368  
the prisoner is confined or upon its own initiative. When a 23369  
prisoner becomes eligible for parole, the head of the institution 23370  
in which the prisoner is confined shall notify the authority in 23371  
the manner prescribed by the authority. The authority may 23372  
investigate and examine, or cause the investigation and 23373  
examination of, prisoners confined in state correctional 23374  
institutions concerning their conduct in the institutions, their 23375  
mental and moral qualities and characteristics, their knowledge of 23376  
a trade or profession, their former means of livelihood, their 23377  
family relationships, and any other matters affecting their 23378  
fitness to be at liberty without being a threat to society. 23379

The authority may recommend to the governor the pardon, 23380  
commutation of sentence, ~~medical release~~, or reprieve of any 23381  
convict or prisoner or grant a parole to any prisoner for whom 23382  
parole is authorized, if in its judgment there is reasonable 23383  
ground to believe that granting a pardon, commutation, ~~medical~~ 23384  
~~release~~, or reprieve to the convict or paroling the prisoner would 23385  
further the interests of justice and be consistent with the 23386  
welfare and security of society. However, the authority shall not 23387  
recommend a pardon, or commutation of sentence, ~~or medical release~~ 23388  
~~ef~~, or grant a parole to, any convict or prisoner until the 23389  
authority has complied with the applicable notice requirements of 23390  
sections 2930.16 and 2967.12 of the Revised Code and until it has 23391  
considered any statement made by a victim or a victim's 23392  
representative that is relevant to the convict's or prisoner's 23393  
case and that was sent to the authority pursuant to section 23394  
2930.17 of the Revised Code, any other statement made by a victim 23395  
or a victim's representative that is relevant to the convict's or 23396

prisoner's case and that was received by the authority after it 23397  
provided notice of the pendency of the action under sections 23398  
2930.16 and 2967.12 of the Revised Code, and any written statement 23399  
of any person submitted to the court pursuant to division (G) of 23400  
section 2967.12 of the Revised Code. If a victim, victim's 23401  
representative, or the victim's spouse, parent, sibling, or child 23402  
appears at a full board hearing of the parole board and gives 23403  
testimony as authorized by section 5149.101 of the Revised Code, 23404  
the authority shall consider the testimony in determining whether 23405  
to grant a parole. The trial judge and prosecuting attorney of the 23406  
trial court in which a person was convicted shall furnish to the 23407  
authority, at the request of the authority, a summarized statement 23408  
of the facts proved at the trial and of all other facts having 23409  
reference to the propriety of recommending a pardon, commutation, 23410  
or medical release, or granting a parole, together with a 23411  
recommendation for or against a pardon, commutation, medical 23412  
release, or parole, and the reasons for the recommendation. The 23413  
trial judge, the prosecuting attorney, specified law enforcement 23414  
agency members, and a representative of the prisoner may appear at 23415  
a full board hearing of the parole board and give testimony in 23416  
regard to the grant of a parole to the prisoner as authorized by 23417  
section 5149.101 of the Revised Code. All state and local 23418  
officials shall furnish information to the authority, when so 23419  
requested by it in the performance of its duties. 23420

The adult parole authority shall exercise its functions and 23421  
duties in relation to the release of prisoners who are serving a 23422  
stated prison term in accordance with section 2967.28 of the 23423  
Revised Code. 23424

**Sec. 2967.05.** (A) As used in this section: 23425

(1) "Imminent danger of death" means that the inmate has a 23426  
medically diagnosable condition that will cause death to occur 23427



within a short period of time. 23428

As used in division (A)(1) of this section, "within a short 23429  
period of time" means generally within six months. 23430

(2)(a) "Medically incapacitated" means any diagnosable 23431  
medical condition, including mental dementia and severe, permanent 23432  
medical or cognitive disability, that prevents the inmate from 23433  
completing activities of daily living without significant 23434  
assistance, that incapacitates the inmate to the extent that 23435  
institutional confinement does not offer additional restrictions, 23436  
that is likely to continue throughout the entire period of parole, 23437  
and that is unlikely to improve noticeably. 23438

(b) "Medically incapacitated" does not include conditions 23439  
related solely to mental illness unless the mental illness is 23440  
accompanied by injury, disease, or organic defect. 23441

(3)(a) "Terminal illness" means a condition that satisfies 23442  
all of the following criteria: 23443

(i) The condition is irreversible and incurable and is caused 23444  
by disease, illness, or injury from which the inmate is unlikely 23445  
to recover. 23446

(ii) In accordance with reasonable medical standards and a 23447  
reasonable degree of medical certainty, the condition is likely to 23448  
cause death to the inmate within twelve months. 23449

(iii) Institutional confinement of the inmate does not offer 23450  
additional protections for public safety or against the inmate's 23451  
risk to reoffend. 23452

(b) The department of rehabilitation and correction shall 23453  
adopt rules pursuant to Chapter 119. of the Revised Code to 23454  
implement the definition of "terminal illness" in division 23455  
(A)(3)(a) of this section. 23456

(B) Upon the recommendation of the director of rehabilitation 23457

and correction, accompanied by a certificate of the attending 23458  
physician that an inmate is terminally ill, medically 23459  
incapacitated, or in imminent danger of death, the governor may 23460  
order the inmate's release as if on parole, reserving the right to 23461  
return the inmate to the institution pursuant to this section. If, 23462  
subsequent to the inmate's release, the inmate's health improves 23463  
so that the inmate is no longer terminally ill, medically 23464  
incapacitated, or in imminent danger of death, the inmate shall be 23465  
returned, by order of the governor, to the institution from which 23466  
the inmate was released. If the inmate violates any rules or 23467  
conditions applicable to the inmate, the inmate may be returned to 23468  
an institution under the control of the department of 23469  
rehabilitation and correction. The governor may direct the adult 23470  
parole authority to investigate or cause to be investigated the 23471  
inmate and make a recommendation ~~in the manner set forth in~~ 23472  
~~section 2967.03 of the Revised Code.~~ An inmate released under this 23473  
section shall be subject to supervision by the adult parole 23474  
authority in accordance with any recommendation of the adult 23475  
parole authority that is approved by the governor. The adult 23476  
parole authority shall adopt rules pursuant to section 119.03 of 23477  
the Revised Code to establish the procedure for medical release of 23478  
an inmate when an inmate is terminally ill, medically 23479  
incapacitated, or in imminent danger of death. 23480

(C) No inmate is eligible for release under this section if 23481  
the inmate is serving a death sentence, a sentence of life without 23482  
parole, a sentence under Chapter 2971. of the Revised Code for a 23483  
felony of the first or second degree, a sentence for aggravated 23484  
murder or murder, or a mandatory prison term for an offense of 23485  
violence or any specification described in Chapter 2941. of the 23486  
Revised Code. 23487

**Sec. 2967.14.** (A) The department of rehabilitation and 23488  
correction or the adult parole authority may require or allow a 23489

parolee, a releasee, or a prisoner otherwise released from a state 23490  
correctional institution to reside in a halfway house or other 23491  
suitable community residential center that has been licensed by 23492  
the division of parole and community services pursuant to division 23493  
(C) of this section during a part or for the entire period of the 23494  
offender's or parolee's conditional release or of the releasee's 23495  
term of post-release control. The court of common pleas that 23496  
placed an offender under a sanction consisting of a term in a 23497  
halfway house or in an alternative residential sanction may 23498  
require the offender to reside in a halfway house or other 23499  
suitable community residential center that is designated by the 23500  
court and that has been licensed by the division pursuant to 23501  
division (C) of this section during a part or for the entire 23502  
period of the offender's residential sanction. 23503

(B) The division of parole and community services may 23504  
negotiate and enter into agreements with any public or private 23505  
agency or a department or political subdivision of the state that 23506  
operates a halfway house, reentry center, or community residential 23507  
center that has been licensed by the division pursuant to division 23508  
(C) of this section. An agreement under this division shall 23509  
provide for the purchase of beds, shall set limits of supervision 23510  
and levels of occupancy, and shall determine the scope of services 23511  
for all eligible offenders, including those subject to a 23512  
residential sanction, as defined in rules adopted by the director 23513  
of rehabilitation and correction in accordance with Chapter 119. 23514  
of the Revised Code, or those released from prison without 23515  
supervision. The payments for beds and services shall not exceed 23516  
the total operating costs of the halfway house, reentry center, or 23517  
community residential center during the term of an agreement. The 23518  
director of rehabilitation and correction shall adopt rules in 23519  
accordance with Chapter 119. of the Revised Code for determining 23520  
includable and excludable costs and income to be used in computing 23521  
the agency's average daily per capita costs with its facility at 23522

full occupancy. 23523

The ~~department~~ director of rehabilitation and correction ~~may~~ 23524  
shall adopt rules providing for the use of no more than ~~ten~~ 23525  
fifteen per cent of the amount appropriated to the department each 23526  
fiscal year for the halfway house, reentry center, and community 23527  
residential center program to pay for contracts with licensed 23528  
halfway houses for nonresidential services for offenders under the 23529  
supervision of the adult parole authority, including but not 23530  
limited to, offenders supervised pursuant to an agreement entered 23531  
into by the adult parole authority and a court of common pleas 23532  
under section 2301.32 of the Revised Code. The nonresidential 23533  
services may include, but are not limited to, treatment for 23534  
substance abuse, mental health counseling, counseling for sex 23535  
offenders, ~~and~~ electronic monitoring services, aftercare, and 23536  
other nonresidential services that the director identifies by 23537  
rule. 23538

(C) The division of parole and community services may license 23539  
a halfway house, reentry center, or community residential center 23540  
as a suitable facility for the care and treatment of adult 23541  
offenders, including offenders sentenced under section 2929.16 or 23542  
2929.26 of the Revised Code, only if the halfway house, reentry 23543  
center, or community residential center complies with the 23544  
standards that the division adopts in accordance with Chapter 119. 23545  
of the Revised Code for the licensure of halfway houses, reentry 23546  
centers, and community residential centers. The division shall 23547  
annually inspect each licensed halfway house, licensed reentry 23548  
center, and licensed community residential center to determine if 23549  
it is in compliance with the licensure standards. 23550

**Sec. 2967.19.** (A) As used in this section: 23551

(1) "Deadly weapon" and "dangerous ordnance" have the same 23552  
meanings as in section 2923.11 of the Revised Code. 23553

(2) "Disqualifying prison term" means any of the following:	23554
(a) A prison term imposed for aggravated murder, murder,	23555
voluntary manslaughter, involuntary manslaughter, felonious	23556
assault, kidnapping, rape, aggravated arson, aggravated burglary,	23557
or aggravated robbery;	23558
(b) A prison term imposed for complicity in, an attempt to	23559
commit, or conspiracy to commit any offense listed in division	23560
(A)(2)(a) of this section;	23561
(c) A prison term of life imprisonment, including any term of	23562
life imprisonment that has parole eligibility;	23563
(d) A prison term imposed for any felony other than carrying	23564
a concealed weapon an essential element of which is any conduct or	23565
failure to act expressly involving any deadly weapon or dangerous	23566
ordnance;	23567
(e) A prison term imposed for any violation of section	23568
2925.03 of the Revised Code that is a felony of the first or	23569
second degree;	23570
(f) A prison term imposed for engaging in a pattern of	23571
corrupt activity in violation of section 2923.32 of the Revised	23572
Code;	23573
(g) A prison term imposed pursuant to section 2971.03 of the	23574
Revised Code;	23575
(h) A prison term imposed for any sexually oriented offense.	23576
(3) "Eligible prison term" means any prison term that is not	23577
a disqualifying prison term and is not a restricting prison term.	23578
(4) "Restricting prison term" means any of the following:	23579
(a) A mandatory prison term imposed under division	23580
<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),	23581
or <del>(D)</del> (B)(7) of section 2929.14 of the Revised Code for a	23582
specification of the type described in that division;	23583

(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;

(c) A prison term imposed for trafficking in persons;

(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) of this section applies to the offender:

(i) The offense is a felony of the first or second degree that is an offense of violence and that is not described in division (A)(2)(a) or (b) of this section, an attempt to commit a felony of the first or second degree that is an offense of violence and that is not described in division (A)(2)(a) or (b) of this section if the attempt is a felony of the first or second degree, or an offense under an existing or former law of this state, another state, or the United States that is or was substantially equivalent to any other offense described in this division.

(ii) The offender previously was convicted of or pleaded guilty to any offense listed in division (A)(2) or (A)(4)(d)(i) of this section.

(5) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code.

(B) The director of the department of rehabilitation and correction may ~~petition~~ recommend in writing to the sentencing court ~~for the release that the court consider releasing~~ from prison ~~of~~ any offender who, on or after September 30, 2011, is confined in a state correctional institution ~~under,~~ who is serving a stated prison term of one year or more, and who is eligible

under division (C) of this section for a release under this 23615  
section and who has served at least eighty per cent of that stated 23616  
~~prison term that remains to be served after the offender becomes~~ 23617  
eligible as described in that division. If the director wishes to 23618  
~~submit a petition for release~~ recommend that the sentencing court 23619  
consider releasing an offender under this section, the director 23620  
shall ~~submit the petition~~ notify the sentencing court in writing 23621  
of the offender's eligibility not earlier than ninety days prior 23622  
to the date on which the offender ~~has served eighty per cent of~~ 23623  
~~the offender's stated prison term that remains to be served after~~ 23624  
~~the offender~~ becomes eligible as described in division (C) of this 23625  
section. The director's submission of a ~~petition for release under~~ 23626  
~~this section~~ the written notice constitutes a recommendation by 23627  
the director that the court strongly consider release of the 23628  
offender consistent with the purposes and principles of sentencing 23629  
set forth in sections 2929.11 and 2929.13 of the Revised Code. 23630  
Only an offender recommended by the director under division (B) of 23631  
this section may be considered for early release under this 23632  
section. 23633

(C)(1) An offender serving a stated prison term of one year 23634  
or more and who has commenced service of that stated prison term 23635  
becomes eligible for release from prison under this section only 23636  
as described in this division. An offender serving a stated prison 23637  
term that includes a disqualifying prison term is not eligible for 23638  
release from prison under this section. An offender serving a 23639  
stated prison term that consists solely of one or more restricting 23640  
prison terms is not eligible for release under this section. An 23641  
offender serving a stated prison term of one year or more that 23642  
includes one or more restricting prison terms and one or more 23643  
eligible prison terms becomes eligible for release under this 23644  
section after having fully served ~~each~~ all restricting prison ~~term~~ 23645  
terms and having served eighty per cent of the stated prison term 23646  
that remains to be served after all restricting prison terms have 23647

been fully served. An offender serving a stated prison term that 23648  
consists solely of one or more eligible prison terms becomes 23649  
eligible for release under this section ~~upon the offender's~~ 23650  
~~commencement of service~~ after having served eighty per cent of 23651  
that stated prison term. ~~After an offender becomes eligible for~~ 23652  
~~release under this section, the director of rehabilitation and~~ 23653  
~~correction may petition for the release of the offender under~~ 23654  
~~division (C)(2) of this section no earlier than ninety days before~~ 23655  
~~the offender has served the portion of the offender's stated~~ 23656  
~~prison term specified in that division.~~ For purposes of 23657  
determining an offender's eligibility for release under this 23658  
section, if the offender's stated prison term includes consecutive 23659  
prison terms, any restricting prison terms shall be deemed served 23660  
prior to any eligible prison terms that run consecutively to the 23661  
restricting prison terms, and the eligible prison terms are deemed 23662  
to commence after all of the restricting prison terms have been 23663  
fully served. 23664

An offender serving a stated prison term ~~one~~ of one year or 23665  
more that includes a mandatory prison term that is not a 23666  
disqualifying prison term and is not a restricting prison term is 23667  
not automatically ineligible as a result of the offender's service 23668  
of that mandatory term for release from prison under this section, 23669  
and the offender's eligibility for release from prison under this 23670  
section is determined in accordance with this division. 23671

(2) If an offender confined in a state correctional 23672  
institution under a stated prison term is eligible for release 23673  
under this section as described in division (C)(1) of this 23674  
section, the director of the department of rehabilitation and 23675  
correction may ~~petition~~ recommend in writing that the sentencing 23676  
court ~~pursuant to division (B) of this section for the release~~ 23677  
consider releasing the offender from prison ~~of the offender under~~ 23678  
this section by submitting to the sentencing court the written 23679



notice described in division (B) of this section. 23680

(D) The director shall include with any ~~petition~~ notice 23681  
submitted to the sentencing court under division (B) of this 23682  
section an institutional summary report that covers the offender's 23683  
participation while confined in a state correctional institution 23684  
in school, training, work, treatment, and other rehabilitative 23685  
activities and any disciplinary action taken against the offender 23686  
while so confined. The director shall include with the ~~petition a~~ 23687  
~~post-release control assessment and placement plan, when relevant,~~ 23688  
~~and~~ notice any other documentation requested by the court, if 23689  
available. 23690

(E) When the director submits a ~~petition~~ written notice to a 23691  
sentencing court that an offender is eligible to be considered for 23692  
early release under this section ~~for release of an offender~~, the 23693  
department promptly shall provide to the prosecuting attorney of 23694  
the county in which the offender was indicted a copy of the 23695  
~~petition~~ written notice, a copy of the institutional summary 23696  
report, and any other information provided to the court. The 23697  
department also promptly shall give written notice of the ~~filing~~ 23698  
~~of the petition~~ submission to any victim of the offender or 23699  
victim's representative of any victim of the offender who is 23700  
registered with the office of victim's services. 23701

The department also shall post a copy of the written notice 23702  
~~of the petition~~ on the database it maintains under section 5120.66 23703  
of the Revised Code and include information on where a person may 23704  
send comments regarding the ~~petition~~ recommendation of early 23705  
release. 23706

The information provided to the court, the prosecutor, and 23707  
the victim or victim's representative under divisions (D) and (E) 23708  
of this section shall include the name and contact information of 23709  
a specific department of rehabilitation and correction employee 23710  
who is available to answer questions about the offender who is the 23711

subject of the written notice submitted by the director, 23712  
including, but not limited to, the offender's institutional 23713  
conduct and rehabilitative activities while incarcerated. 23714

(F) Upon receipt of a ~~petition for release of an offender~~ 23715  
written notice submitted by the director under division (B) of 23716  
this section, the court ~~may deny the petition without either~~ 23717  
shall, on its own motion, schedule a hearing to consider releasing 23718  
the offender who is the subject of the notice or shall inform the 23719  
department that it will not be conducting a hearing relative to 23720  
the offender. The court shall not grant a ~~petition for an early~~ 23721  
~~release of~~ to an offender without holding a hearing. If a court 23722  
~~denies a petition for release of an offender without declines to~~ 23723  
hold a hearing relative to an offender with respect to a written 23724  
notice submitted by the director, the court may later consider 23725  
release of that offender under this section on a ~~subsequent~~ 23726  
~~petition.~~ The court shall enter its ruling within its own motion 23727  
by scheduling a hearing for that purpose. Within thirty days after 23728  
the ~~petition~~ written notice is filed submitted, the court shall 23729  
inform the department whether or not the court is scheduling a 23730  
hearing on the offender who is the subject of the notice. 23731

(G) If the court ~~grants~~ schedules a hearing ~~on~~ upon receiving 23732  
a ~~petition for release of an offender~~ written notice submitted 23733  
under division (B) of this section or upon its own motion under 23734  
division (F) of this section, the court shall notify the head of 23735  
the state correctional institution in which the offender is 23736  
confined of the hearing prior to the hearing. If the court makes a 23737  
journal entry ordering the offender to be conveyed to the hearing, 23738  
except as otherwise provided in this division, the head of the 23739  
correctional institution shall deliver the offender to the sheriff 23740  
of the county in which the hearing is to be held, and the sheriff 23741  
shall convey the offender to and from the hearing. Upon the 23742  
court's own motion or the motion of the offender or the 23743

prosecuting attorney of the county in which the offender was 23744  
indicted, the court may permit the offender to appear at the 23745  
hearing by video conferencing equipment if equipment of that 23746  
nature is available and compatible. 23747

Upon receipt of notice from a court of a hearing on the 23748  
release of an offender under this division, the head of the state 23749  
correctional institution in which the offender is confined 23750  
immediately shall notify the appropriate person at the department 23751  
of rehabilitation and correction of the hearing, and the 23752  
department within twenty-four hours after receipt of the notice 23753  
shall post on the database it maintains pursuant to section 23754  
5120.66 of the Revised Code the offender's name and all of the 23755  
information specified in division (A)(1)(c)(i) of that section. If 23756  
the court ~~grants~~ schedules a hearing ~~on a petition for release of~~ 23757  
~~an offender~~ under this section, the court promptly shall give 23758  
notice of the hearing to the prosecuting attorney of the county in 23759  
which the offender was indicted. Upon receipt of the notice from 23760  
the court, the prosecuting attorney shall notify pursuant to 23761  
section 2930.16 of the Revised Code any victim of the offender or 23762  
the victim's representative of the hearing. 23763

(H) If the court ~~grants~~ schedules a hearing ~~on a petition for~~ 23764  
~~release of an offender~~ under this section, at the hearing, the 23765  
court shall afford the offender and the offender's attorney an 23766  
opportunity to present written information and, if present, oral 23767  
information relevant to the ~~motion~~ offender's early release. The 23768  
court shall afford a similar opportunity to the prosecuting 23769  
attorney, victim or victim's representative, as defined in section 23770  
2930.01 of the Revised Code, and any other person the court 23771  
determines is likely to present additional relevant information. 23772  
If the court pursuant to division (G) of this section permits the 23773  
offender to appear at the hearing by video conferencing equipment, 23774  
the offender's opportunity to present oral information shall be as 23775

a part of the video conferencing. The court shall consider any 23776  
statement of a victim made under section 2930.14 or 2930.17 of the 23777  
Revised Code, any victim impact statement prepared under section 23778  
2947.051 of the Revised Code, and any report, ~~plan~~, and other 23779  
documentation submitted by the director under division (D) of this 23780  
section. After ruling on ~~the motion~~ whether to grant the offender 23781  
early release, the court shall notify the victim in accordance 23782  
with sections 2930.03 and 2930.16 of the Revised Code. 23783

(I) If the court grants a ~~petition for release of~~ an offender 23784  
early release under this section, it shall order the release of 23785  
the offender, shall place the offender under one or more 23786  
appropriate community control sanctions, under appropriate 23787  
conditions, and under the supervision of the department of 23788  
probation that serves the court, and shall reserve the right to 23789  
reimpose the sentence that it reduced and from which the offender 23790  
was released if the offender violates the sanction. The court 23791  
shall not make a release under this section effective prior to the 23792  
date on which the offender ~~has served at least eighty per cent of~~ 23793  
~~the offender's stated prison term that remains to be served after~~ 23794  
~~the offender~~ becomes eligible as described in division (C) of this 23795  
section. If the sentence under which the offender is confined in a 23796  
state correctional institution and from which the offender is 23797  
being released was imposed for a felony of the first or second 23798  
degree, the court shall consider ordering that the offender be 23799  
monitored by means of a global positioning device. If the court 23800  
reimposes the sentence that it reduced and from which the offender 23801  
was released and if the violation of the sanction is a new 23802  
offense, the court may order that the reimposed sentence be served 23803  
either concurrently with, or consecutive to, any new sentence 23804  
imposed upon the offender as a result of the violation that is a 23805  
new offense. The period of all community control sanctions imposed 23806  
under this division shall not exceed five years. The court, in its 23807  
discretion, may reduce the period of community control sanctions 23808

by the amount of time the offender spent in jail or prison for the offense. 23809  
23810

If the court grants ~~a petition for release of~~ an offender 23811  
early release under this section, it shall notify the appropriate 23812  
person at the department of rehabilitation and correction of the 23813  
release, and the department shall post notice of the release on 23814  
the database it maintains pursuant to section 5120.66 of the 23815  
Revised Code. 23816

(J) The department shall adopt under Chapter 119. of the 23817  
Revised Code any rules necessary to implement this section. 23818

**Sec. 2967.191.** The department of rehabilitation and 23819  
correction shall reduce the stated prison term of a prisoner or, 23820  
if the prisoner is serving a term for which there is parole 23821  
eligibility, the minimum and maximum term or the parole 23822  
eligibility date of the prisoner by the total number of days that 23823  
the prisoner was confined for any reason arising out of the 23824  
offense for which the prisoner was convicted and sentenced, 23825  
including confinement in lieu of bail while awaiting trial, 23826  
confinement for examination to determine the prisoner's competence 23827  
to stand trial or sanity, and confinement while awaiting 23828  
transportation to the place where the prisoner is to serve the 23829  
prisoner's prison term, as determined by the sentencing court 23830  
under division (B)(2)(h)(i) of section 2929.19 of the Revised 23831  
Code. The department of rehabilitation and correction also shall 23832  
reduce the stated prison term of a prisoner or, if the prisoner is 23833  
serving a term for which there is parole eligibility, the minimum 23834  
and maximum term or the parole eligibility date of the prisoner by 23835  
the total number of days, if any, that the prisoner previously 23836  
served in the custody of the department of rehabilitation and 23837  
correction arising out of the offense for which the prisoner was 23838  
convicted and sentenced. 23839

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 23840  
correction, by rule, may establish a transitional control program 23841  
for the purpose of closely monitoring a prisoner's adjustment to 23842  
community supervision during the final one hundred eighty days of 23843  
the prisoner's confinement. If the department establishes a 23844  
transitional control program under this division, the adult parole 23845  
authority may transfer eligible prisoners to transitional control 23846  
status under the program during the final one hundred eighty days 23847  
of their confinement and under the terms and conditions 23848  
established by the department, shall provide for the confinement 23849  
as provided in this division of each eligible prisoner so 23850  
transferred, and shall supervise each eligible prisoner so 23851  
transferred in one or more community control sanctions. Each 23852  
eligible prisoner who is transferred to transitional control 23853  
status under the program shall be confined in a suitable facility 23854  
that is licensed pursuant to division (C) of section 2967.14 of 23855  
the Revised Code, or shall be confined in a residence the 23856  
department has approved for this purpose and be monitored pursuant 23857  
to an electronic monitoring device, as defined in section 2929.01 23858  
of the Revised Code. If the department establishes a transitional 23859  
control program under this division, the rules establishing the 23860  
program shall include criteria that define which prisoners are 23861  
eligible for the program, criteria that must be satisfied to be 23862  
approved as a residence that may be used for confinement under the 23863  
program of a prisoner that is transferred to it and procedures for 23864  
the department to approve residences that satisfy those criteria, 23865  
and provisions of the type described in division (C) of this 23866  
section. At a minimum, the criteria that define which prisoners 23867  
are eligible for the program shall provide all of the following: 23868

(a) That a prisoner is eligible for the program if the 23869  
prisoner is serving a prison term or term of imprisonment for an 23870  
offense committed prior to March 17, 1998, and if, at the time at 23871

which eligibility is being determined, the prisoner would have 23872  
been eligible for a furlough under this section as it existed 23873  
immediately prior to March 17, 1998, or would have been eligible 23874  
for conditional release under former section 2967.23 of the 23875  
Revised Code as that section existed immediately prior to March 23876  
17, 1998; 23877

(b) That no prisoner who is serving a mandatory prison term 23878  
is eligible for the program until after expiration of the 23879  
mandatory term; 23880

(c) That no prisoner who is serving a prison term or term of 23881  
life imprisonment without parole imposed pursuant to section 23882  
2971.03 of the Revised Code is eligible for the program. 23883

(2) At least three weeks prior to transferring to 23884  
transitional control under this section a prisoner who is serving 23885  
a term of imprisonment or prison term for an offense committed on 23886  
or after July 1, 1996, the ~~adult~~ division of parole authority and 23887  
community services of the department of rehabilitation and 23888  
correction shall give notice of the pendency of the transfer to 23889  
transitional control to the court of common pleas of the county in 23890  
which the indictment against the prisoner was found and of the 23891  
fact that the court may disapprove the transfer of the prisoner to 23892  
transitional control and shall include a report prepared by the 23893  
head of the state correctional institution in which the prisoner 23894  
is confined. The head of the state correctional institution in 23895  
which the prisoner is confined, upon the request of the adult 23896  
parole authority, shall provide to the authority for inclusion in 23897  
the notice sent to the court under this division a report on the 23898  
prisoner's conduct in the institution and in any institution from 23899  
which the prisoner may have been transferred. The report shall 23900  
cover the prisoner's participation in school, vocational training, 23901  
work, treatment, and other rehabilitative activities and any 23902  
disciplinary action taken against the prisoner. If the court 23903

disapproves of the transfer of the prisoner to transitional control, the court shall notify the authority of the disapproval within thirty days after receipt of the notice. If the court timely disapproves the transfer of the prisoner to transitional control, the authority shall not proceed with the transfer. If the court does not timely disapprove the transfer of the prisoner to transitional control, the authority may transfer the prisoner to transitional control.

(3) If the victim of an offense for which a prisoner was sentenced to a prison term or term of imprisonment has requested notification under section 2930.16 of the Revised Code and has provided the department of rehabilitation and correction with the victim's name and address, the adult parole authority, at least three weeks prior to transferring the prisoner to transitional control pursuant to this section, shall notify the victim of the pendency of the transfer and of the victim's right to submit a statement to the authority regarding the impact of the transfer of the prisoner to transitional control. If the victim subsequently submits a statement of that nature to the authority, the authority shall consider the statement in deciding whether to transfer the prisoner to transitional control.

(4) The department of rehabilitation and correction, at least three weeks prior to transferring a prisoner to transitional control pursuant to this section, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the prisoner's name and all of the information specified in division (A)(1)(c)(iv) of that section. In addition to and independent of the right of a victim to submit a statement as described in division (A)(3) of this section or to otherwise make a statement and in addition to and independent of any other right or duty of a person to present information or make a statement, any person may send to the adult parole authority at any time prior to the



authority's transfer of the prisoner to transitional control a 23936  
written statement regarding the transfer of the prisoner to 23937  
transitional control. In addition to the information, reports, and 23938  
statements it considers under divisions (A)(2) and (3) of this 23939  
section or that it otherwise considers, the authority shall 23940  
consider each statement submitted in accordance with this division 23941  
in deciding whether to transfer the prisoner to transitional 23942  
control. 23943

(B) Each prisoner transferred to transitional control under 23944  
this section shall be confined in the manner described in division 23945  
(A) of this section during any period of time that the prisoner is 23946  
not actually working at the prisoner's approved employment, 23947  
engaged in a vocational training or another educational program, 23948  
engaged in another program designated by the director, or engaged 23949  
in other activities approved by the department. 23950

(C) The department of rehabilitation and correction shall 23951  
adopt rules for transferring eligible prisoners to transitional 23952  
control, supervising and confining prisoners so transferred, 23953  
administering the transitional control program in accordance with 23954  
this section, and using the moneys deposited into the transitional 23955  
control fund established under division (E) of this section. 23956

(D) The department of rehabilitation and correction may adopt 23957  
rules for the issuance of passes for the limited purposes 23958  
described in this division to prisoners who are transferred to 23959  
transitional control under this section. If the department adopts 23960  
rules of that nature, the rules shall govern the granting of the 23961  
passes and shall provide for the supervision of prisoners who are 23962  
temporarily released pursuant to one of those passes. Upon the 23963  
adoption of rules under this division, the department may issue 23964  
passes to prisoners who are transferred to transitional control 23965  
status under this section in accordance with the rules and the 23966  
provisions of this division. All passes issued under this division 23967

shall be for a maximum of forty-eight hours and may be issued only 23968  
for the following purposes: 23969

(1) To visit a relative in imminent danger of death; 23970

(2) To have a private viewing of the body of a deceased 23971  
relative; 23972

(3) To visit with family; 23973

(4) To otherwise aid in the rehabilitation of the prisoner. 23974

(E) The adult parole authority may require a prisoner who is 23975  
transferred to transitional control to pay to the division of 23976  
parole and community services the reasonable expenses incurred by 23977  
the division in supervising or confining the prisoner while under 23978  
transitional control. Inability to pay those reasonable expenses 23979  
shall not be grounds for refusing to transfer an otherwise 23980  
eligible prisoner to transitional control. Amounts received by the 23981  
division of parole and community services under this division 23982  
shall be deposited into the transitional control fund, which is 23983  
hereby created in the state treasury and which hereby replaces and 23984  
succeeds the furlough services fund that formerly existed in the 23985  
state treasury. All moneys that remain in the furlough services 23986  
fund on March 17, 1998, shall be transferred on that date to the 23987  
transitional control fund. The transitional control fund shall be 23988  
used solely to pay costs related to the operation of the 23989  
transitional control program established under this section. The 23990  
director of rehabilitation and correction shall adopt rules in 23991  
accordance with section 111.15 of the Revised Code for the use of 23992  
the fund. 23993

(F) A prisoner who violates any rule established by the 23994  
department of rehabilitation and correction under division (A), 23995  
(C), or (D) of this section may be transferred to a state 23996  
correctional institution pursuant to rules adopted under division 23997  
(A), (C), or (D) of this section, but the prisoner shall receive 23998

credit towards completing the prisoner's sentence for the time 23999  
spent under transitional control. 24000

If a prisoner is transferred to transitional control under 24001  
this section, upon successful completion of the period of 24002  
transitional control, the prisoner may be released on parole or 24003  
under post-release control pursuant to section 2967.13 or 2967.28 24004  
of the Revised Code and rules adopted by the department of 24005  
rehabilitation and correction. If the prisoner is released under 24006  
post-release control, the duration of the post-release control, 24007  
the type of post-release control sanctions that may be imposed, 24008  
the enforcement of the sanctions, and the treatment of prisoners 24009  
who violate any sanction applicable to the prisoner are governed 24010  
by section 2967.28 of the Revised Code. 24011

**Sec. 2967.28.** (A) As used in this section: 24012

(1) "Monitored time" means the monitored time sanction 24013  
specified in section 2929.17 of the Revised Code. 24014

(2) "Deadly weapon" and "dangerous ordnance" have the same 24015  
meanings as in section 2923.11 of the Revised Code. 24016

(3) "Felony sex offense" means a violation of a section 24017  
contained in Chapter 2907. of the Revised Code that is a felony. 24018

(4) "Risk reduction sentence" means a prison term imposed by 24019  
a court, when the court recommends pursuant to section 2929.143 of 24020  
the Revised Code that the offender serve the sentence under 24021  
section 5120.036 of the Revised Code, and the offender may 24022  
potentially be released from imprisonment prior to the expiration 24023  
of the prison term if the offender successfully completes all 24024  
assessment and treatment or programming required by the department 24025  
of rehabilitation and correction under section 5120.036 of the 24026  
Revised Code. 24027

(B) Each sentence to a prison term for a felony of the first 24028

degree, for a felony of the second degree, for a felony sex 24029  
offense, or for a felony of the third degree that is not a felony 24030  
sex offense and in the commission of which the offender caused or 24031  
threatened to cause physical harm to a person shall include a 24032  
requirement that the offender be subject to a period of 24033  
post-release control imposed by the parole board after the 24034  
offender's release from imprisonment. This division applies with 24035  
respect to all prison terms of a type described in this division, 24036  
including a term of any such type that is a risk reduction 24037  
sentence. If a court imposes a sentence including a prison term of 24038  
a type described in this division on or after July 11, 2006, the 24039  
failure of a sentencing court to notify the offender pursuant to 24040  
division (B)(2)(c) of section 2929.19 of the Revised Code of this 24041  
requirement or to include in the judgment of conviction entered on 24042  
the journal a statement that the offender's sentence includes this 24043  
requirement does not negate, limit, or otherwise affect the 24044  
mandatory period of supervision that is required for the offender 24045  
under this division. Section 2929.191 of the Revised Code applies 24046  
if, prior to July 11, 2006, a court imposed a sentence including a 24047  
prison term of a type described in this division and failed to 24048  
notify the offender pursuant to division (B)(2)(c) of section 24049  
2929.19 of the Revised Code regarding post-release control or to 24050  
include in the judgment of conviction entered on the journal or in 24051  
the sentence pursuant to division (D)(1) of section 2929.14 of the 24052  
Revised Code a statement regarding post-release control. Unless 24053  
reduced by the parole board pursuant to division (D) of this 24054  
section when authorized under that division, a period of 24055  
post-release control required by this division for an offender 24056  
shall be of one of the following periods: 24057

- (1) For a felony of the first degree or for a felony sex 24058  
offense, five years; 24059
- (2) For a felony of the second degree that is not a felony 24060

sex offense, three years; 24061

(3) For a felony of the third degree that is not a felony sex 24062  
offense and in the commission of which the offender caused or 24063  
threatened physical harm to a person, three years. 24064

(C) Any sentence to a prison term for a felony of the third, 24065  
fourth, or fifth degree that is not subject to division (B)(1) or 24066  
(3) of this section shall include a requirement that the offender 24067  
be subject to a period of post-release control of up to three 24068  
years after the offender's release from imprisonment, if the 24069  
parole board, in accordance with division (D) of this section, 24070  
determines that a period of post-release control is necessary for 24071  
that offender. This division applies with respect to all prison 24072  
terms of a type described in this division, including a term of 24073  
any such type that is a risk reduction sentence. Section 2929.191 24074  
of the Revised Code applies if, prior to July 11, 2006, a court 24075  
imposed a sentence including a prison term of a type described in 24076  
this division and failed to notify the offender pursuant to 24077  
division (B)(2)(d) of section 2929.19 of the Revised Code 24078  
regarding post-release control or to include in the judgment of 24079  
conviction entered on the journal or in the sentence pursuant to 24080  
division (D)(2) of section 2929.14 of the Revised Code a statement 24081  
regarding post-release control. Pursuant to an agreement entered 24082  
into under section 2967.29 of the Revised Code, a court of common 24083  
pleas or parole board may impose sanctions or conditions on an 24084  
offender who is placed on post-release control under this 24085  
division. 24086

(D)(1) Before the prisoner is released from imprisonment, the 24087  
parole board or, pursuant to an agreement under section 2967.29 of 24088  
the Revised Code, the court shall impose upon a prisoner described 24089  
in division (B) of this section, shall impose upon a prisoner 24090  
described in division (C) of this section who is to be released 24091  
before the expiration of the prisoner's stated prison term under a 24092

risk reduction sentence, may impose upon a prisoner described in 24093  
division (C) of this section who is not to be released before the 24094  
expiration of the prisoner's stated prison term under a risk 24095  
reduction sentence, and shall impose upon a prisoner described in 24096  
division (B)(2)(b) of section 5120.031 or in division (B)(1) of 24097  
section 5120.032 of the Revised Code, one or more post-release 24098  
control sanctions to apply during the prisoner's period of 24099  
post-release control. Whenever the board or court imposes one or 24100  
more post-release control sanctions upon a prisoner, the board or 24101  
court, in addition to imposing the sanctions, also shall include 24102  
as a condition of the post-release control that the offender not 24103  
leave the state without permission of the court or the offender's 24104  
parole or probation officer and that the offender abide by the 24105  
law. The board or court may impose any other conditions of release 24106  
under a post-release control sanction that the board or court 24107  
considers appropriate, and the conditions of release may include 24108  
any community residential sanction, community nonresidential 24109  
sanction, or financial sanction that the sentencing court was 24110  
authorized to impose pursuant to sections 2929.16, 2929.17, and 24111  
2929.18 of the Revised Code. Prior to the release of a prisoner 24112  
for whom it will impose one or more post-release control sanctions 24113  
under this division, the parole board or court shall review the 24114  
prisoner's criminal history, results from the single validated 24115  
risk assessment tool selected by the department of rehabilitation 24116  
and correction under section 5120.114 of the Revised Code, all 24117  
juvenile court adjudications finding the prisoner, while a 24118  
juvenile, to be a delinquent child, and the record of the 24119  
prisoner's conduct while imprisoned. The parole board or court 24120  
shall consider any recommendation regarding post-release control 24121  
sanctions for the prisoner made by the office of victims' 24122  
services. After considering those materials, the board or court 24123  
shall determine, for a prisoner described in division (B) of this 24124  
section, division (B)(2)(b) of section 5120.031, or division 24125

(B)(1) of section 5120.032 of the Revised Code and for a prisoner 24126  
described in division (C) of this section who is to be released 24127  
before the expiration of the prisoner's stated prison term under a 24128  
risk reduction sentence, which post-release control sanction or 24129  
combination of post-release control sanctions is reasonable under 24130  
the circumstances or, for a prisoner described in division (C) of 24131  
this section who is not to be released before the expiration of 24132  
the prisoner's stated prison term under a risk reduction sentence, 24133  
whether a post-release control sanction is necessary and, if so, 24134  
which post-release control sanction or combination of post-release 24135  
control sanctions is reasonable under the circumstances. In the 24136  
case of a prisoner convicted of a felony of the fourth or fifth 24137  
degree other than a felony sex offense, the board or court shall 24138  
presume that monitored time is the appropriate post-release 24139  
control sanction unless the board or court determines that a more 24140  
restrictive sanction is warranted. A post-release control sanction 24141  
imposed under this division takes effect upon the prisoner's 24142  
release from imprisonment. 24143

Regardless of whether the prisoner was sentenced to the 24144  
prison term prior to, on, or after July 11, 2006, prior to the 24145  
release of a prisoner for whom it will impose one or more 24146  
post-release control sanctions under this division, the parole 24147  
board shall notify the prisoner that, if the prisoner violates any 24148  
sanction so imposed or any condition of post-release control 24149  
described in division (B) of section 2967.131 of the Revised Code 24150  
that is imposed on the prisoner, the parole board may impose a 24151  
prison term of up to one-half of the stated prison term originally 24152  
imposed upon the prisoner. 24153

(2) If a prisoner who is placed on post-release control under 24154  
this section is released before the expiration of the prisoner's 24155  
stated prison term by reason of credit earned under section 24156  
2967.193 of the Revised Code and if the prisoner earned sixty or 24157

more days of credit, the adult parole authority shall supervise 24158  
the offender with an active global positioning system device for 24159  
the first fourteen days after the offender's release from 24160  
imprisonment. This division does not prohibit or limit the 24161  
imposition of any post-release control sanction otherwise 24162  
authorized by this section. 24163

(3) At any time after a prisoner is released from 24164  
imprisonment and during the period of post-release control 24165  
applicable to the releasee, the adult parole authority or, 24166  
pursuant to an agreement under section 2967.29 of the Revised 24167  
Code, the court may review the releasee's behavior under the 24168  
post-release control sanctions imposed upon the releasee under 24169  
this section. The authority or court may determine, based upon the 24170  
review and in accordance with the standards established under 24171  
division (E) of this section, that a more restrictive or a less 24172  
restrictive sanction is appropriate and may impose a different 24173  
sanction. The authority also may recommend that the parole board 24174  
or court increase or reduce the duration of the period of 24175  
post-release control imposed by the court. If the authority 24176  
recommends that the board or court increase the duration of 24177  
post-release control, the board or court shall review the 24178  
releasee's behavior and may increase the duration of the period of 24179  
post-release control imposed by the court up to eight years. If 24180  
the authority recommends that the board or court reduce the 24181  
duration of control for an offense described in division (B) or 24182  
(C) of this section, the board or court shall review the 24183  
releasee's behavior and may reduce the duration of the period of 24184  
control imposed by the court. In no case shall the board or court 24185  
reduce the duration of the period of control imposed for an 24186  
offense described in division (B)(1) of this section to a period 24187  
less than the length of the stated prison term originally imposed, 24188  
and in no case shall the board or court permit the releasee to 24189  
leave the state without permission of the court or the releasee's 24190



parole or probation officer. 24191

(E) The department of rehabilitation and correction, in 24192  
accordance with Chapter 119. of the Revised Code, shall adopt 24193  
rules that do all of the following: 24194

(1) Establish standards for the imposition by the parole 24195  
board of post-release control sanctions under this section that 24196  
are consistent with the overriding purposes and sentencing 24197  
principles set forth in section 2929.11 of the Revised Code and 24198  
that are appropriate to the needs of releasees; 24199

(2) Establish standards that provide for a period of 24200  
post-release control of up to three years for all prisoners 24201  
described in division (C) of this section who are to be released 24202  
before the expiration of their stated prison term under a risk 24203  
reduction sentence and standards by which the parole board can 24204  
determine which prisoners described in division (C) of this 24205  
section who are not to be released before the expiration of their 24206  
stated prison term under a risk reduction sentence should be 24207  
placed under a period of post-release control; 24208

(3) Establish standards to be used by the parole board in 24209  
reducing the duration of the period of post-release control 24210  
imposed by the court when authorized under division (D) of this 24211  
section, in imposing a more restrictive post-release control 24212  
sanction than monitored time upon a prisoner convicted of a felony 24213  
of the fourth or fifth degree other than a felony sex offense, or 24214  
in imposing a less restrictive control sanction upon a releasee 24215  
based on the releasee's activities including, but not limited to, 24216  
remaining free from criminal activity and from the abuse of 24217  
alcohol or other drugs, successfully participating in approved 24218  
rehabilitation programs, maintaining employment, and paying 24219  
restitution to the victim or meeting the terms of other financial 24220  
sanctions; 24221

(4) Establish standards to be used by the adult parole authority in modifying a releasee's post-release control sanctions pursuant to division (D)(2) of this section;	24222 24223 24224
(5) Establish standards to be used by the adult parole authority or parole board in imposing further sanctions under division (F) of this section on releasees who violate post-release control sanctions, including standards that do the following:	24225 24226 24227 24228
(a) Classify violations according to the degree of seriousness;	24229 24230
(b) Define the circumstances under which formal action by the parole board is warranted;	24231 24232
(c) Govern the use of evidence at violation hearings;	24233
(d) Ensure procedural due process to an alleged violator;	24234
(e) Prescribe nonresidential community control sanctions for most misdemeanor and technical violations;	24235 24236
(f) Provide procedures for the return of a releasee to imprisonment for violations of post-release control.	24237 24238
(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	24239 24240 24241 24242 24243 24244 24245 24246 24247 24248 24249 24250 24251

directly to the adult parole authority or to the officer of the 24252  
authority who supervises the offender. The authority's officers 24253  
may treat the offender as if the offender were on parole and in 24254  
violation of the parole, and otherwise shall comply with this 24255  
section. 24256

(2) If the adult parole authority or, pursuant to an 24257  
agreement under section 2967.29 of the Revised Code, the court 24258  
determines that a releasee has violated a post-release control 24259  
sanction or any conditions described in division (A) of section 24260  
2967.131 of the Revised Code imposed upon the releasee and that a 24261  
more restrictive sanction is appropriate, the authority or court 24262  
may impose a more restrictive sanction upon the releasee, in 24263  
accordance with the standards established under division (E) of 24264  
this section or in accordance with the agreement made under 24265  
section 2967.29 of the Revised Code, or may report the violation 24266  
to the parole board for a hearing pursuant to division (F)(3) of 24267  
this section. The authority or court may not, pursuant to this 24268  
division, increase the duration of the releasee's post-release 24269  
control or impose as a post-release control sanction a residential 24270  
sanction that includes a prison term, but the authority or court 24271  
may impose on the releasee any other residential sanction, 24272  
nonresidential sanction, or financial sanction that the sentencing 24273  
court was authorized to impose pursuant to sections 2929.16, 24274  
2929.17, and 2929.18 of the Revised Code. 24275

(3) The parole board or, pursuant to an agreement under 24276  
section 2967.29 of the Revised Code, the court may hold a hearing 24277  
on any alleged violation by a releasee of a post-release control 24278  
sanction or any conditions described in division (A) of section 24279  
2967.131 of the Revised Code that are imposed upon the releasee. 24280  
If after the hearing the board or court finds that the releasee 24281  
violated the sanction or condition, the board or court may 24282  
increase the duration of the releasee's post-release control up to 24283

the maximum duration authorized by division (B) or (C) of this 24284  
section or impose a more restrictive post-release control 24285  
sanction. When appropriate, the board or court may impose as a 24286  
post-release control sanction a residential sanction that includes 24287  
a prison term. The board or court shall consider a prison term as 24288  
a post-release control sanction imposed for a violation of 24289  
post-release control when the violation involves a deadly weapon 24290  
or dangerous ordnance, physical harm or attempted serious physical 24291  
harm to a person, or sexual misconduct, or when the releasee 24292  
committed repeated violations of post-release control sanctions. 24293  
Unless a releasee's stated prison term was reduced pursuant to 24294  
section 5120.032 of the Revised Code, the period of a prison term 24295  
that is imposed as a post-release control sanction under this 24296  
division shall not exceed nine months, and the maximum cumulative 24297  
prison term for all violations under this division shall not 24298  
exceed one-half of the stated prison term originally imposed upon 24299  
the offender as part of this sentence. If a releasee's stated 24300  
prison term was reduced pursuant to section 5120.032 of the 24301  
Revised Code, the period of a prison term that is imposed as a 24302  
post-release control sanction under this division and the maximum 24303  
cumulative prison term for all violations under this division 24304  
shall not exceed the period of time not served in prison under the 24305  
sentence imposed by the court. The period of a prison term that is 24306  
imposed as a post-release control sanction under this division 24307  
shall not count as, or be credited toward, the remaining period of 24308  
post-release control. 24309

If an offender is imprisoned for a felony committed while 24310  
under post-release control supervision and is again released on 24311  
post-release control for a period of time determined by division 24312  
(F)(4)(d) of this section, the maximum cumulative prison term for 24313  
all violations under this division shall not exceed one-half of 24314  
the total stated prison terms of the earlier felony, reduced by 24315  
any prison term administratively imposed by the parole board or 24316

court, plus one-half of the total stated prison term of the new 24317  
felony. 24318

(4) Any period of post-release control shall commence upon an 24319  
offender's actual release from prison. If an offender is serving 24320  
an indefinite prison term or a life sentence in addition to a 24321  
stated prison term, the offender shall serve the period of 24322  
post-release control in the following manner: 24323

(a) If a period of post-release control is imposed upon the 24324  
offender and if the offender also is subject to a period of parole 24325  
under a life sentence or an indefinite sentence, and if the period 24326  
of post-release control ends prior to the period of parole, the 24327  
offender shall be supervised on parole. The offender shall receive 24328  
credit for post-release control supervision during the period of 24329  
parole. The offender is not eligible for final release under 24330  
section 2967.16 of the Revised Code until the post-release control 24331  
period otherwise would have ended. 24332

(b) If a period of post-release control is imposed upon the 24333  
offender and if the offender also is subject to a period of parole 24334  
under an indefinite sentence, and if the period of parole ends 24335  
prior to the period of post-release control, the offender shall be 24336  
supervised on post-release control. The requirements of parole 24337  
supervision shall be satisfied during the post-release control 24338  
period. 24339

(c) If an offender is subject to more than one period of 24340  
post-release control, the period of post-release control for all 24341  
of the sentences shall be the period of post-release control that 24342  
expires last, as determined by the parole board or court. Periods 24343  
of post-release control shall be served concurrently and shall not 24344  
be imposed consecutively to each other. 24345

(d) The period of post-release control for a releasee who 24346  
commits a felony while under post-release control for an earlier 24347

felony shall be the longer of the period of post-release control 24348  
specified for the new felony under division (B) or (C) of this 24349  
section or the time remaining under the period of post-release 24350  
control imposed for the earlier felony as determined by the parole 24351  
board or court. 24352

**Sec. 2981.11.** (A)(1) Any property that has been lost, 24353  
abandoned, stolen, seized pursuant to a search warrant, or 24354  
otherwise lawfully seized or forfeited and that is in the custody 24355  
of a law enforcement agency shall be kept safely by the agency, 24356  
pending the time it no longer is needed as evidence or for another 24357  
lawful purpose, and shall be disposed of pursuant to sections 24358  
2981.12 and 2981.13 of the Revised Code. 24359

(2) This chapter does not apply to the custody and disposal 24360  
of any of the following: 24361

(a) Vehicles subject to forfeiture under Title XLV of the 24362  
Revised Code, except as provided in division (A)(6) of section 24363  
2981.12 of the Revised Code; 24364

(b) Abandoned junk motor vehicles or other property of 24365  
negligible value; 24366

(c) Property held by a department of rehabilitation and 24367  
correction institution that is unclaimed, that does not have an 24368  
identified owner, that the owner agrees to dispose of, or that is 24369  
identified by the department as having little value; 24370

(d) Animals taken, and devices used in unlawfully taking 24371  
animals, under section 1531.20 of the Revised Code; 24372

(e) Controlled substances sold by a peace officer in the 24373  
performance of the officer's official duties under section 24374  
3719.141 of the Revised Code; 24375

(f) Property recovered by a township law enforcement agency 24376  
under sections 505.105 to 505.109 of the Revised Code; 24377

(g) Property held and disposed of under an ordinance of the municipal corporation or under sections 737.29 to 737.33 of the Revised Code, except that a municipal corporation that has received notice of a citizens' reward program as provided in division (F) of section 2981.12 of the Revised Code and disposes of property under an ordinance shall pay twenty-five per cent of any moneys acquired from any sale or auction to the citizens' reward program.

(B)(1) Each law enforcement agency that has custody of any property that is subject to this section shall adopt and comply with a written internal control policy that does all of the following:

(a) Provides for keeping detailed records as to the amount of property acquired by the agency and the date property was acquired;

(b) Provides for keeping detailed records of the disposition of the property, which shall include, but not be limited to, both of the following:

(i) The manner in which it was disposed, the date of disposition, detailed financial records concerning any property sold, and the name of any person who received the property. The record shall not identify or enable identification of the individual officer who seized any item of property.

(ii) The general types of expenditures made with amounts that are gained from the sale of the property and that are retained by the agency, including the specific amount expended on each general type of expenditure, except that the policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation.

(c) Complies with section 2981.13 of the Revised Code if the agency has a law enforcement trust fund or similar fund created

under that section. 24409

~~(2) Each law enforcement agency that during any calendar year 24410  
has any seized or forfeited property covered by this section in 24411  
its custody, including amounts distributed under section 2981.13 24412  
of the Revised Code to its law enforcement trust fund or a similar 24413  
fund created for the state highway patrol, department of public 24414  
safety, department of taxation, or state board of pharmacy, shall 24415  
prepare a report covering the calendar year that cumulates all of 24416  
the information contained in all of the public records kept by the 24417  
agency pursuant to this section for that calendar year. The agency 24418  
shall send a copy of the cumulative report to the attorney general 24419  
not later than the first day of March in the calendar year 24420  
following the calendar year covered by the report. 24421~~

~~(3) The records kept under the internal control policy shall 24422  
be open to public inspection during the agency's regular business 24423  
hours. The policy adopted under this section and each report 24424  
received by the attorney general is a public record open for 24425  
inspection under section 149.43 of the Revised Code. 24426~~

~~(4) Not later than the fifteenth day of April in each 24427  
calendar year in which reports are sent to the attorney general 24428  
under division (B)(2) of this section, the attorney general shall 24429  
send to the president of the senate and the speaker of the house 24430  
of representatives a written notice that indicates that the 24431  
attorney general received reports that cover the previous calendar 24432  
year, that the reports are open for inspection under section 24433  
149.43 of the Revised Code, and that the attorney general will 24434  
provide a copy of any or all of the reports to the president of 24435  
the senate or the speaker of the house of representatives upon 24436  
request. 24437~~

(C) A law enforcement agency with custody of property to be 24438  
disposed of under section 2981.12 or 2981.13 of the Revised Code 24439  
shall make a reasonable effort to locate persons entitled to 24440



possession of the property, to notify them of when and where it 24441  
may be claimed, and to return the property to them at the earliest 24442  
possible time. In the absence of evidence identifying persons 24443  
entitled to possession, it is sufficient notice to advertise in a 24444  
newspaper of general circulation in the county and to briefly 24445  
describe the nature of the property in custody and inviting 24446  
persons to view and establish their right to it. 24447

(D) As used in sections 2981.11 to 2981.13 of the Revised 24448  
Code: 24449

(1) "Citizens' reward program" has the same meaning as in 24450  
section 9.92 of the Revised Code. 24451

(2) "Law enforcement agency" includes correctional 24452  
institutions. 24453

(3) "Township law enforcement agency" means an organized 24454  
police department of a township, a township police district, a 24455  
joint police district, or the office of a township constable. 24456

**Sec. 2981.14.** (A) Nothing in this chapter precludes the head 24457  
of a law enforcement agency that seizes property from seeking 24458  
forfeiture under federal law. If the property is forfeitable under 24459  
this chapter and federal forfeiture is not sought, the property is 24460  
subject only to this chapter. 24461

(B) Any law enforcement agency that receives moneys from a 24462  
sale of forfeited property under federal law shall deposit, use, 24463  
and account for the amounts, including any interest derived, in 24464  
accordance with applicable federal law. If the state highway 24465  
patrol or the investigative unit of the department of public 24466  
safety receives such federal forfeiture moneys, the appropriate 24467  
official shall deposit all interest or other earnings derived from 24468  
the investment of the moneys into the ~~contraband, forfeiture, and~~ 24469  
~~other fund of the~~ highway patrol treasury contraband fund, the 24470

highway patrol justice contraband fund, the investigative unit 24471  
treasury contraband fund, or the department investigative unit 24472  
justice contraband fund, whichever is appropriate. 24473

(C) There is hereby created in the state treasury the highway 24474  
patrol treasury contraband fund, the highway patrol justice 24475  
contraband fund, the investigative unit treasury contraband fund, 24476  
and the investigative unit justice contraband fund. Each fund 24477  
shall consist of moneys received under division (B) of this 24478  
section and shall be used in accordance with any federal or other 24479  
requirements associated with moneys received. 24480

**Sec. 3109.14.** (A) As used in this section, "birth record" and 24481  
"certification of birth" have the meanings given in section 24482  
3705.01 of the Revised Code. 24483

(B)(1) The director of health, a person authorized by the 24484  
director, a local commissioner of health, or a local registrar of 24485  
vital statistics shall charge and collect a fee for each certified 24486  
copy of a birth record, for each certification of birth, and for 24487  
each copy of a death record. The fee shall be three dollars. The 24488  
fee is in addition to the fee imposed by section 3705.24 or any 24489  
other section of the Revised Code. A local commissioner of health 24490  
or a local registrar of vital statistics may retain an amount of 24491  
each additional fee collected, not to exceed three per cent of the 24492  
amount of the additional fee, to be used for costs directly 24493  
related to the collection of the fee and the forwarding of the fee 24494  
to the ~~treasurer of state~~ department of health. The 24495

The additional fees collected by the director of health or a 24496  
person authorized by the director and the additional fees 24497  
collected, but not retained, under division (B)(1) of this section 24498  
by a local commissioner of health or a local registrar of vital 24499  
statistics shall be forwarded to the ~~treasurer of state~~ department 24500  
of health not later than thirty days following the end of each 24501

quarter. Not later than two days after the fees are forwarded to 24502  
the department each quarter, the department shall pay the 24503  
collected fees to the treasurer of state in accordance with rules 24504  
adopted by the treasurer of state under section 113.08 of the 24505  
Revised Code. 24506

(2) Upon the filing for a divorce decree under section 24507  
3105.10 or a decree of dissolution under section 3105.65 of the 24508  
Revised Code, a court of common pleas shall charge and collect a 24509  
fee. The fee shall be eleven dollars. The fee is in addition to 24510  
any other court costs or fees. The county clerk of courts may 24511  
retain an amount of each additional fee collected, not to exceed 24512  
three per cent of the amount of the additional fee, to be used for 24513  
costs directly related to the collection of the fee and the 24514  
forwarding of the fee to the treasurer of state. The additional 24515  
fees collected, but not retained, under division (B)(2) of this 24516  
section shall be forwarded to the treasurer of state not later 24517  
than twenty days following the end of each month. 24518

(C) The treasurer of state shall deposit the fees paid or 24519  
forwarded under this section in the state treasury to the credit 24520  
of the children's trust fund, which is hereby created. A person or 24521  
government entity that fails to forward the fees in a timely 24522  
manner, as determined by the treasurer of state, shall ~~forward~~ 24523  
send to the treasurer of state, in addition to the fees, a penalty 24524  
equal to ten per cent of the fees. 24525

The treasurer of state shall invest the moneys in the fund, 24526  
and all earnings resulting from investment of the fund shall be 24527  
credited to the fund, except that actual administrative costs 24528  
incurred by the treasurer of state in administering the fund may 24529  
be deducted from the earnings resulting from investments. The 24530  
amount that may be deducted shall not exceed three per cent of the 24531  
total amount of fees credited to the fund in each fiscal year, 24532  
except that the children's trust fund board may approve an amount 24533

for actual administrative costs exceeding three per cent but not 24534  
exceeding four per cent of such amount. The balance of the 24535  
investment earnings shall be credited to the fund. Moneys credited 24536  
to the fund shall be used only for the purposes described in 24537  
sections 3109.13 to 3109.18 of the Revised Code. 24538

**Sec. 3125.41.** (A) As used in this section: 24539

(1) "Cable television service" has the same meaning as in 24540  
section 2913.01 of the Revised Code. 24541

(2) "Public utility" means a person or entity, including an 24542  
entity owned or operated by a municipal corporation or other 24543  
government entity, that is described in ~~division (A) of~~ section 24544  
4905.03 of the Revised Code as a telephone company, electric light 24545  
company, gas company, natural gas company, water-works company, 24546  
heating or cooling company, or sewage disposal system company, or 24547  
that is providing cable television service. 24548

(B) Except as provided in section 3125.43 of the Revised 24549  
Code, the office of child support shall have access to all of the 24550  
following unless release of the information is prohibited by 24551  
federal or state law: 24552

(1) Any information in the possession of any officer or 24553  
entity of the state or any political subdivision of the state that 24554  
would aid the office in locating an absent parent or child 24555  
pursuant to section 3125.06 of the Revised Code; 24556

(2) Any information concerning the employment, compensation, 24557  
and benefits of any obligor or obligee subject to a support order 24558  
in the possession of any person; 24559

(3) The name and address of any obligor or obligee subject to 24560  
a support order and the obligor's or obligee's employer in the 24561  
customer records of a public utility. 24562

Sec. 3301.55. (A) A school district, county DD board, or 24563  
eligible nonpublic school operating a preschool program shall 24564  
house the program in buildings that meet the following 24565  
requirements: 24566

(1) The building is operated by the district, county DD 24567  
board, or eligible nonpublic school and has been approved by the 24568  
division of ~~labor~~ industrial compliance in the department of 24569  
commerce or a certified municipal, township, or county building 24570  
department for the purpose of operating a program for preschool 24571  
children. Any such structure shall be constructed, equipped, 24572  
repaired, altered, and maintained in accordance with applicable 24573  
provisions of Chapters 3781. and 3791. and with rules adopted by 24574  
the board of building standards under Chapter 3781. of the Revised 24575  
Code for the safety and sanitation of structures erected for this 24576  
purpose. 24577

(2) The building is in compliance with fire and safety laws 24578  
and regulations as evidenced by reports of annual school fire and 24579  
safety inspections as conducted by appropriate local authorities. 24580

(3) The school is in compliance with rules established by the 24581  
state board of education regarding school food services. 24582

(4) The facility includes not less than thirty-five square 24583  
feet of indoor space for each child in the program. Safe play 24584  
space, including both indoor and outdoor play space, totaling not 24585  
less than sixty square feet for each child using the space at any 24586  
one time, shall be regularly available and scheduled for use. 24587

(5) First aid facilities and space for temporary placement or 24588  
isolation of injured or ill children are provided. 24589

(B) Each school district, county DD board, or eligible 24590  
nonpublic school that operates, or proposes to operate, a 24591  
preschool program shall submit a building plan including all 24592

information specified by the state board of education to the board 24593  
not later than the first day of September of the school year in 24594  
which the program is to be initiated. The board shall determine 24595  
whether the buildings meet the requirements of this section and 24596  
section 3301.53 of the Revised Code, and notify the superintendent 24597  
of its determination. If the board determines, on the basis of the 24598  
building plan or any other information, that the buildings do not 24599  
meet those requirements, it shall cause the buildings to be 24600  
inspected by the department of education. The department shall 24601  
make a report to the superintendent specifying any aspects of the 24602  
building that are not in compliance with the requirements of this 24603  
section and section 3301.53 of the Revised Code and the time 24604  
period that will be allowed the district, county DD board, or 24605  
school to meet the requirements. 24606

**Sec. 3304.14.** (A) The governor shall appoint an administrator 24607  
of the rehabilitation services commission to serve at the pleasure 24608  
of the governor and shall fix the administrator's compensation. 24609  
The administrator shall devote the administrator's entire time to 24610  
the duties of the administrator's office, shall hold no other 24611  
office or position of trust and profit, and shall engage in no 24612  
other business during the administrator's term of office. The 24613  
governor may grant the administrator the authority to appoint, 24614  
remove, and discipline without regard to sex, race, creed, color, 24615  
age, or national origin, such other professional, administrative, 24616  
and clerical staff members as are necessary to carry out the 24617  
functions and duties of the commission. 24618

(B)(1) The administrator shall have exclusive authority to 24619  
administer the daily operation and provision of vocational 24620  
rehabilitation services under this chapter. 24621

(2) The administrator shall establish a fee schedule for 24622  
vocational rehabilitation services in accordance with 34 C.F.R. 24623

<u>361.50.</u>	24624
<b>Sec. 3304.16.</b> In carrying out the purposes of sections	24625
3304.11 to 3304.27 of the Revised Code, the rehabilitation	24626
services commission:	24627
(A) Shall develop all necessary rules;	24628
(B) Shall prepare and submit to the governor annual reports	24629
of activities and expenditures and, prior to each first regular	24630
session of the general assembly, an estimate of sums required to	24631
carry out the commission's responsibilities;	24632
(C) Shall certify any disbursement of funds available to the	24633
commission for vocational rehabilitation activities;	24634
(D) Shall serve as the sole state agency designated to	24635
administer the plan under the "Rehabilitation Act of 1973," 87	24636
Stat. 355, 29 U.S.C. 701, as amended;	24637
(E) Shall take appropriate action to guarantee rights of and	24638
services to handicapped persons;	24639
(F) Shall consult with and advise other state agencies to	24640
assist them in meeting the needs of handicapped persons more	24641
effectively and to achieve maximum coordination among programs for	24642
the handicapped;	24643
(G) Shall establish an administrative division of consumer	24644
affairs and advocacy within the commission to promote and help	24645
guarantee the rights of handicapped persons;	24646
(H) Shall maintain an inventory of state services that are	24647
available to handicapped persons;	24648
(I) Shall utilize, support, assist, and cooperate with the	24649
governor's committee on employment of the handicapped;	24650
(J) May delegate to any officer or employee of the commission	24651
any necessary powers and duties, <u>except that the commission shall</u>	24652

delegate to the administrator of the commission, as provided in 24653  
section 3304.14 of the Revised Code, the power and duty to 24654  
administer the daily operation and provision of vocational 24655  
rehabilitation services; 24656

(K) May take any other necessary or appropriate action for 24657  
cooperation with public and private agencies and organizations 24658  
which may include: 24659

(1) Reciprocal agreements with other states to provide for 24660  
the vocational rehabilitation of individuals within the states 24661  
concerned; 24662

(2) Contracts or other arrangements with public and other 24663  
nonprofit agencies and organizations for the construction or 24664  
establishment and operation of vocational rehabilitation programs 24665  
and facilities; 24666

(3) Cooperative arrangements with the federal government for 24667  
carrying out sections 3304.11 to 3304.27 of the Revised Code, the 24668  
"Vocational Rehabilitation Act," 41 Stat. 735 (1920), 29 U.S.C. 24669  
31, as amended, or other federal statutes pertaining to vocational 24670  
rehabilitation, and to this end, may adopt plans and methods of 24671  
administration found necessary by the federal government for the 24672  
efficient operation of any joint arrangements or the efficient 24673  
application of any federal statutes; 24674

(4) Upon the designation of the governor, performing 24675  
functions and services for the federal government relating to 24676  
individuals under a physical or mental disability. 24677

(L) ~~Shall comply with~~ May take any requirements appropriate 24678  
action necessary to obtain federal funds in the maximum amount and 24679  
most advantageous proportion possible-; 24680

(M) May conduct research and demonstration projects, 24681  
including inquiries concerning the causes of blindness and its 24682  
prevention, provide training and instruction, including the 24683



establishment and maintenance of research fellowships and 24684  
traineeships along with all necessary stipends and allowances, 24685  
disseminate information, and provide technical assistance relating 24686  
to vocational rehabilitation; 24687

(N) May plan, establish, and operate programs, facilities, 24688  
and services relating to vocational rehabilitation; 24689

(O) May accept and hold, invest, reinvest, or otherwise use 24690  
gifts made for the purpose of furthering vocational 24691  
rehabilitation; 24692

(P) May ameliorate the condition of the aged blind or other 24693  
severely disabled individuals by establishing a program of home 24694  
visitation by commission employees for the purpose of instruction; 24695

(Q) May establish and manage small business enterprises that 24696  
are operated by persons with a substantial handicap to employment, 24697  
including blind persons; 24698

(R) May purchase from insurance companies licensed to do 24699  
business in this state any insurance deemed necessary by the 24700  
commission for the efficient operation of a suitable vending 24701  
facility as defined in division (A) of section 3304.28 of the 24702  
Revised Code; 24703

(S) May accept directly from any state agency, and any state 24704  
agency may transfer directly to the commission, surplus computers 24705  
and computer equipment to be used for any purposes the commission 24706  
considers appropriate, notwithstanding sections 125.12 to 125.14 24707  
of the Revised Code. 24708

**Sec. 3304.181.** If the total of all funds available from 24709  
nonfederal sources to support the activities of the rehabilitation 24710  
services commission does not comply with the expenditure 24711  
requirements of 34 C.F.R. 361.60 and 361.62 for those activities 24712  
or would cause the state to lose an allotment or fail to receive a 24713

reallotment under 34 C.F.R. 361.65, the commission ~~shall~~ may 24714  
solicit additional funds from, and enter into agreements for the 24715  
use of those funds with, private or public entities, including 24716  
local government entities of this state. The commission ~~shall~~ may 24717  
continue to solicit additional funds and enter into agreements 24718  
until the total funding available is sufficient for the commission 24719  
to receive federal funds at the maximum amount and in the most 24720  
advantageous proportion possible. 24721

Any agreement entered into between the commission and a 24722  
private or public entity to provide funds under this section shall 24723  
be in accordance with 34 C.F.R. 361.28 and section 3304.182 of the 24724  
Revised Code. 24725

**Sec. 3304.182.** Any agreement between the rehabilitation 24726  
services commission and a private or public entity providing funds 24727  
under section 3304.181 of the Revised Code may permit the 24728  
commission to receive a specified percentage of the funds, but the 24729  
percentage shall be not more than twenty-five per cent of the 24730  
total funds available under the agreement. ~~The agreement shall not~~ 24731  
~~be for less than six months or be discontinued by the commission~~ 24732  
~~without the commission first providing three months notice of~~ 24733  
~~intent to discontinue the agreement.~~ The commission may terminate 24734  
an agreement only at any time for good just cause. It may 24735  
terminate an agreement for any other reason by giving at least 24736  
thirty days' notice to the public or private entity. 24737

Any services provided under an agreement entered into under 24738  
section 3304.181 of the Revised Code shall be provided by a person 24739  
or government entity that meets the accreditation standards 24740  
established in rules adopted by the commission under section 24741  
3304.16 of the Revised Code. 24742

**Sec. 3305.01.** As used in this chapter: 24743

(A) "Public institution of higher education" means a state university as defined in section 3345.011 of the Revised Code, the northeast Ohio medical university, or a university branch, technical college, state community college, community college, or municipal university established or operating under Chapter 3345., 3349., 3354., 3355., 3357., or 3358. of the Revised Code.

(B) "State retirement system" means the public employees retirement system created under Chapter 145. of the Revised Code, the state teachers retirement system created under Chapter 3307. of the Revised Code, or the school employees retirement system created under Chapter 3309. of the Revised Code.

(C) "Eligible employee" means any person employed as a full-time employee of a public institution of higher education.

In all cases of doubt, the board of trustees of the public institution of higher education shall determine whether any person is an eligible employee for purposes of this chapter, and the board's decision shall be final.

(D) "Electing employee" means any eligible employee who elects, pursuant to section 3305.05 or 3305.051 of the Revised Code, to participate in an alternative retirement plan provided pursuant to this chapter or an eligible employee who is required to participate in an alternative retirement plan pursuant to division (C)~~(4)~~(3) of section 3305.05 or division (F) of section 3305.051 of the Revised Code.

(E) "Compensation," for purposes of an electing employee, has the same meaning as the applicable one of the following:

(1) If the electing employee would be subject to Chapter 145. of the Revised Code had the employee not made an election pursuant to section 3305.05 or 3305.051 of the Revised Code, "earnable salary" as defined in division (R) of section 145.01 of the Revised Code;

(2) If the electing employee would be subject to Chapter 24775  
3307. of the Revised Code had the employee not made an election 24776  
pursuant to section 3305.05 or 3305.051 of the Revised Code, 24777  
"compensation" as defined in division (L) of section 3307.01 of 24778  
the Revised Code; 24779

(3) If the electing employee would be subject to Chapter 24780  
3309. of the Revised Code had the employee not made an election 24781  
pursuant to section 3305.05 or 3305.051 of the Revised Code, 24782  
"compensation" as defined in division (V) of section 3309.01 of 24783  
the Revised Code. 24784

(F) "~~Provider~~ Vendor" means an entity designated under 24785  
section 3305.03 of the Revised Code as eligible to be a provider 24786  
of investment options for an alternative retirement plan. 24787

(G) "Provider" means, with respect to each public institution 24788  
of higher education, a vendor that has entered into an agreement 24789  
with that public institution of higher education in accordance 24790  
with section 3305.04 of the Revised Code. 24791

**Sec. 3305.02.** An alternative retirement program is hereby 24792  
established in accordance with this chapter for the purpose of 24793  
providing to eligible employees the opportunity of participating 24794  
in an alternative retirement plan as an alternative to 24795  
participating in a state retirement system. The employer is the 24796  
sponsor of each alternative retirement plan offered under this 24797  
chapter. 24798

Each alternative retirement plan offered under this program 24799  
shall be a defined contribution plan qualified under section 401 24800  
(a) of the Internal Revenue Code that provides retirement and, to 24801  
the extent applicable, death benefits through investment options. 24802  
The options shall be offered to electing employees pursuant to 24803  
trust or custodial accounts or pursuant to group or individual 24804  
annuity contracts, and certificates issued under group contracts, 24805

~~and.~~ The options may include life insurance, annuities, variable 24806  
annuities, regulated investment trusts, pooled investment funds, 24807  
or other forms of investment, at the option of each electing 24808  
employee. 24809

Notwithstanding this chapter, any retirement plan established 24810  
by a public institution of higher education prior to March 31, 24811  
1997, as an alternative to participating in any state retirement 24812  
system may continue in effect and be modified without regard to 24813  
this chapter for all employees at the public institution eligible 24814  
to participate in the plan. 24815

**Sec. 3305.03.** (A) ~~The department of insurance~~ Ohio board of 24816  
regents shall designate ~~three or more~~ the entities that are 24817  
eligible to provide investment options under alternative 24818  
retirement plans ~~established~~ maintained by public institutions of 24819  
higher education ~~in accordance with this chapter. An entity shall~~ 24820  
~~be designated a provider under this section if the entity meets.~~ 24821  
The board shall accept and review applications from entities 24822  
seeking designation as a vendor. The board shall not designate an 24823  
entity as a vendor unless the entity meets the requirements 24824  
described in division (B) of this section. 24825

(B) To be eligible for designation as a vendor, an entity 24826  
must meet both of the following requirements: 24827

(1) ~~It is~~ The entity must be authorized to conduct business 24828  
in this state with regard to the investment options to be offered 24829  
under an alternative retirement plan; maintained by a public 24830  
institution of higher education. 24831

(2) ~~It provides~~ The entity must offer the same or similar 24832  
investment options ~~to be offered~~ under alternative retirement 24833  
plans, ~~as group or individual contracts, or a combination thereof,~~ 24834  
optional retirement plans, or similar types of plans with respect 24835  
to which all of the following apply: 24836

<u>(a) The plans are defined contribution plans that are</u>	24837
<u>qualified plans under Internal Revenue Code 401(a) or 403(b).</u>	24838
<u>(b) The plans are maintained by institutions of higher</u>	24839
<u>education in at least ten other states.</u>	24840
<del>(B)</del> <u>(c) The plans are established as primary retirement plans</u>	24841
<u>that are alternatives to or a component of the applicable state</u>	24842
<u>retirement system.</u>	24843
<u>(C) In designating a provider under this section determining</u>	24844
<u>whether to designate an entity as a vendor, the department of</u>	24845
<u>insurance board of regents shall identify, consider, and evaluate</u>	24846
<u>all of the following:</u>	24847
<u>(1) The experience of the provider entity in providing in</u>	24848
<u>other states investment options under alternative retirement</u>	24849
<u>programs in other states plans, optional retirement plans, or</u>	24850
<u>similar types of plans that meet the requirements of division</u>	24851
<u>(B)(2) of this section;</u>	24852
<u>(2) The potential effectiveness of the provider entity in</u>	24853
<u>recruiting eligible employees to enter into contracts select that</u>	24854
<u>entity for purposes of participating in an alternative retirement</u>	24855
<u>plan and in retaining those contracts employees' accounts;</u>	24856
<u>(3) Whether the entity intends to offer a broad range of</u>	24857
<u>investment options to the electing employees;</u>	24858
<u>(4) The suitability of the investment options to the needs</u>	24859
<u>and interests of the electing employees and their beneficiaries;</u>	24860
<u>(5) The capability of the entity to offer sufficient</u>	24861
<u>information to the electing employees and their beneficiaries to</u>	24862
<u>make informed decisions with regard to investment options offered</u>	24863
<u>by the entity;</u>	24864
<u>(6) The capability of the entity to perform in a manner that</u>	24865
<u>is in the best interests of the electing employees and their</u>	24866

<u>beneficiaries;</u>	24867
<u>(7) The fees and expenses associated with the entity's</u>	24868
<u>investment options and the manner in which the entity intends to</u>	24869
<u>disclose those fees and expenses;</u>	24870
<u>(8) The nature and extent of the rights and benefits to be</u>	24871
<u>provided under the investment options;</u>	24872
<del>(4) The relationship between the rights and benefits under</del>	24873
<del>the investment options and the amount of the contributions made</del>	24874
<del>under those options;</del>	24875
<del>(5) The suitability of the rights and benefits under the</del>	24876
<del>investment options to the needs and interests of eligible</del>	24877
<del>employees;</del>	24878
<del>(6)(9) The capability of the provider entity to provide the</del>	24879
<del>rights and benefits under the investment options;</del>	24880
<del>(7)(10) Comments submitted by a public institution of higher</del>	24881
<del>education under section 3305.031 of the Revised Code;</del>	24882
<u>(11) Any other matters <del>it</del> the board of regents considers</u>	24883
<u>relevant.</u>	24884
<del>(C)(D) The department of insurance board of regents shall</del>	24885
<del>periodically review conduct periodic reviews of each provider</del>	24886
<del>entity designated under division (A) of this section as a vendor</del>	24887
<del>and the investment options being offered to ensure that the</del>	24888
<del>requirements and purposes of this chapter are being met. If the</del>	24889
<del>department The reviews of a vendor shall occur not less frequently</del>	24890
<del>than once every three years.</del>	24891
<u>If it finds that the provider vendor is not in compliance</u>	24892
<u>with any requirement the requirements of this chapter or the</u>	24893
<u>provider vendor is not satisfactorily meeting the purposes of this</u>	24894
<u>chapter, the department may board shall rescind the provider's</u>	24895
<u>vendor's designation.</u>	24896

~~(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 competitive bidding under those sections.

**Sec. 3305.031.** (A) As part of the process established under section 3305.03 of the Revised Code for designating an entity as a vendor and conducting periodic reviews of a vendor, the Ohio board of regents shall do all of the following:

(1) Provide written notice to each public institution of higher education that an entity has applied to be designated as a vendor under section 3305.03 of the Revised Code;

(2) Provide written notice to each public institution of higher education that a vendor is scheduled for a review;

(3) Establish a comment period of not less than thirty days during which a public institution of higher education is authorized to comment about an entity's application for designation or a vendor's review and to request a meeting with the board of regents concerning the application or review;

(4) Not later than fourteen days after the board makes a decision with respect to an application or review, including any rescission of a vendor's designation, provide written notice to each public institution of higher education of the board's decision.

(B) If a meeting is requested by a public institution of higher education under division (A)(3) of this section, the board of regents shall do all of the following:

(1) Notify each public institution of higher education of the meeting and its time and place;

(2) Hold the meeting not less than ten but not more than thirty days after the end of the comment period;



(3) Continue to accept comments concerning the application or review, as applicable, until five business days after the meeting is held. 24927  
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(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. 24930  
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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. 24934  
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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~~ 24940  
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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. 24949  
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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 24952  
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are determined by the public institution of higher education in 24957  
its sole discretion. 24958

(2) Except as provided in division (B)(3) of this section, 24959  
the public institution of higher education shall enter into 24960  
agreements with a minimum of four vendors or, if fewer than four 24961  
vendors are available, with the number of vendors available. 24962

(3) Division (B)(2) of this section does not require a public 24963  
institution of higher education to enter into an agreement with a 24964  
vendor if either of the following is the case: 24965

(a) The vendor is not willing to provide investment options 24966  
under the alternative retirement plan at that public institution. 24967

(b) The vendor is not willing to agree to the terms and 24968  
conditions of the agreement. 24969

(4) After an agreement has been entered into, both of the 24970  
following apply with respect to termination of the agreement with 24971  
the provider: 24972

(a) The agreement shall be terminated if the provider ceases 24973  
to be an entity designated as a vendor. 24974

(b) The agreement may be terminated if the provider fails to 24975  
comply with the terms and conditions of such agreement. 24976

**Sec. 3305.05.** (A) As used in this section and section 24977  
3305.051 of the Revised Code, "academic or administrative 24978  
employee" means any full-time employee not receiving any benefit, 24979  
allowance, or other payment granted on the employee's account from 24980  
a state retirement system who, before ~~the effective date of this~~ 24981  
~~section~~ August 1, 2005, met one of the following requirements: 24982

(1) The employee was a member of the faculty of a public 24983  
institution of higher education. 24984

(2) The employee was a member of the administrative staff of 24985

a public institution of higher education serving in a position in 24986  
the unclassified civil service pursuant to section 124.11 of the 24987  
Revised Code. 24988

(3) If section 124.11 of the Revised Code did not apply to 24989  
the public institution of higher education, the employee was a 24990  
member of the administrative staff of a public institution of 24991  
higher education serving in a position comparable to a position in 24992  
the unclassified civil service. 24993

In all cases of doubt, the board of trustees of the public 24994  
institution of higher education shall determine whether any person 24995  
is an academic or administrative employee for purposes of this 24996  
chapter, and the board's decision shall be final. 24997

(B)(1) Each person who, on ~~the effective date of this section~~ 24998  
August 1, 2005, is an eligible employee of a public institution of 24999  
higher education and has accrued less than five years of service 25000  
credit in a state retirement system may, not later than one 25001  
hundred twenty days after ~~the effective date of this section~~ 25002  
August 1, 2005, make an election to participate in an alternative 25003  
retirement plan available at the employing public institution, 25004  
unless, prior to ~~the effective date of this section~~ August 1, 25005  
2005, the person had an opportunity pursuant to former section 25006  
3305.05 of the Revised Code to make such an election as an 25007  
academic or administrative employee of that public institution of 25008  
higher education. 25009

(2) An eligible employee whose employment with a public 25010  
institution of higher education commences on or after ~~the~~ 25011  
~~effective date of this section~~ August 1, 2005, may, not later than 25012  
one hundred twenty days after the starting date of the employment, 25013  
make an election to participate in an alternative retirement plan 25014  
available at the employing public institution. 25015

(3) An eligible employee who, on or after ~~the effective date~~ 25016

~~of this section~~ August 1, 2005, terminates employment at one 25017  
public institution of higher education and subsequently is 25018  
employed by another public institution of higher education in a 25019  
position for which an alternative retirement plan is available 25020  
may, not later than one hundred twenty days after the starting 25021  
date of the employment, elect to participate in an alternative 25022  
retirement plan available at that public institution. 25023

(C)(1) An eligible employee who makes an election under 25024  
division (B) of this section shall submit the election in writing 25025  
to the designated officer of the employee's employing public 25026  
institution of higher education. Once submitted, the election is 25027  
irrevocable while the eligible employee continues to be employed 25028  
by the public institution of higher education. Not later than ten 25029  
days after the election becomes irrevocable, the officer shall 25030  
file a certified copy of the election with the state retirement 25031  
system to which, apart from the election, the employee's 25032  
employment would be subject. 25033

Each public institution of higher education that employs a 25034  
person eligible to make an election under division (B) of this 25035  
section shall notify, in writing, ~~within ten days of the person's~~ 25036  
~~employment~~, the state retirement system that applies to that 25037  
employment in the manner specified by that state retirement 25038  
system. The notice shall include the person's name and address. 25039  
The notice shall be given not later than ten days after the first 25040  
date the person is on the institution's payroll. 25041

(2) Elections made under division (B) of this section take 25042  
effect as follows: 25043

(a) An election under division (B)(1) of this section is 25044  
effective as of the date on which the employee's election to 25045  
participate in the alternative retirement plan becomes 25046  
irrevocable. 25047

(b) An election under division (B)(2) or (3) of this section 25048  
is effective as of the electing employee's starting date of 25049  
employment. 25050

(3) An eligible employee's election under division (B) of 25051  
this section applies to the employee's employment in all positions 25052  
at that public institution, unless the employee terminates 25053  
employment at the public institution and does not return to 25054  
employment in any position at that public institution ~~prior to one~~ 25055  
year for at least three hundred sixty-five days after the date of 25056  
termination. 25057

(4) An eligible employee who makes an election under division 25058  
(B) of this section is forever barred from claiming or purchasing 25059  
service credit under any state retirement system for the period of 25060  
employment while the election is in effect. 25061

(D)(1) An eligible employee who fails to make an election 25062  
under division (B) of this section within the one-hundred-twenty 25063  
day election period shall be deemed to have elected to participate 25064  
in the state retirement system that applies to the employee's 25065  
employment. 25066

(2) An eligible employee who fails to make an election under 25067  
division (B) of this section shall not be permitted to make an 25068  
election for employment in any other position at the public 25069  
institution of higher education while employed at that public 25070  
institution, unless the employee terminates employment at the 25071  
public institution and does not return to employment in any 25072  
position at the public institution ~~prior to one year~~ for at least 25073  
three hundred sixty-five days after the date of termination. 25074

**Sec. 3305.053.** The board of trustees of a public institution 25075  
of higher education shall permit an employee who makes an election 25076  
under section 3305.05 or 3305.051 of the Revised Code to do all of 25077  
the following: 25078

(A) Select, from among the providers that have entered into a ~~contract~~ an agreement with the public institution of higher education under section 3305.04 of the Revised Code, the provider of an investment option for that employee;

~~(B) Except as permitted under division (C) of this section, contract with only one provider in any plan year;~~

~~(C) Change Subject to any terms and conditions established by the public institution of higher education, change the provider selected under division (A) of this section at the following times:~~

~~(1) Once during the first payroll period in any plan year;~~

~~(2) Any time the provider that the employee selected ceases, under division (C) of section 3305.03 of the Revised Code, to be designated any time during the plan year.~~

~~(D)(C)~~ If under division ~~(C)~~(B) of this section an employee changes providers, the employee may direct the provider ~~shall to~~ transfer to the new provider the employee's account balance either in whole or in part, as directed by the employee, except that the provider is not required to immediately transfer any part of the account invested at the employee's election in a fixed annuity account if the contract with the employee under which the investment was made permits the provider to make such a transfer over a period of time not exceeding ten years and the contract was filed with and approved by the department of insurance pursuant to section 3911.011 of the Revised Code.

**Sec. 3305.06.** (A) Each electing employee shall contribute an amount, which shall be a certain percentage of the employee's compensation, to the provider of the investment option the employee has selected. This percentage shall be the percentage the electing employee would have otherwise been required to contribute

to the state retirement system that applies to the employee's 25109  
position, except that the percentage shall not be less than three 25110  
per cent. Employee contributions under this division may be 25111  
treated as employer contributions in accordance with Internal 25112  
Revenue Code 414(h). 25113

(B) Each public institution of higher education employing an 25114  
electing employee shall contribute a percentage of the employee's 25115  
compensation to the provider of the investment option the employee 25116  
has selected. This percentage shall be equal to the percentage 25117  
that the public institution of higher education would otherwise 25118  
contribute on behalf of that employee to the state retirement 25119  
system that would otherwise cover that employee's position, less 25120  
the percentage contributed by the public institution of higher 25121  
education under division (D) of this section. 25122

(C)(1) In no event shall the amount contributed by the 25123  
electing employee pursuant to division (A) of this section and on 25124  
the electing employee's behalf pursuant to division (B) of this 25125  
section be less than the amount necessary to qualify the plan as a 25126  
state retirement system pursuant to Internal Revenue Code 25127  
3121~~(B)~~(b)(7) and the regulations adopted thereunder. 25128

(2) The full amount of the electing employee's contribution 25129  
under division (A) of this section and the full amount of the 25130  
employer's contribution made on behalf of that employee under 25131  
division (B) of this section shall be paid to the appropriate 25132  
provider for application to the electing employee's investment 25133  
option. 25134

(D) Each public institution of higher education employing an 25135  
electing employee shall contribute on behalf of that employee to 25136  
the state retirement system that otherwise applies to the electing 25137  
employee's position a percentage of the electing employee's 25138  
compensation to mitigate any negative financial impact of the 25139

alternative retirement program on the state retirement system. The 25140  
percentage shall be six per cent, except that the percentage may 25141  
be adjusted by the Ohio retirement study council to reflect the 25142  
determinations made by actuarial studies conducted under section 25143  
171.07 of the Revised Code. Any adjustment shall become effective 25144  
on the first day of the second month following submission of the 25145  
actuarial study to the Ohio board of regents under section 171.07 25146  
of the Revised Code. 25147

Contributions on behalf of an electing employee shall 25148  
continue in accordance with this division until the occurrence of 25149  
the following: 25150

(1) If the electing employee would be subject to Chapter 145. 25151  
of the Revised Code had the employee not made an election pursuant 25152  
to section 3305.05 or 3305.051 of the Revised Code, until the 25153  
unfunded actuarial accrued liability for all benefits, except 25154  
health care benefits provided under section 145.325 or 145.58 of 25155  
the Revised Code and benefit increases provided after March 31, 25156  
1997, is fully amortized, as determined by the annual actuarial 25157  
valuation prepared under section 145.22 of the Revised Code; 25158

(2) If the electing employee would be subject to Chapter 25159  
3307. of the Revised Code had the employee not made an election 25160  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 25161  
the unfunded actuarial accrued liability for all benefits, except 25162  
health care benefits provided under section 3307.39 or 3307.61 of 25163  
the Revised Code and benefit increases provided after March 31, 25164  
1997, is fully amortized, as determined by the annual actuarial 25165  
valuation prepared under section 3307.51 of the Revised Code; 25166

(3) If the electing employee would be subject to Chapter 25167  
3309. of the Revised Code had the employee not made an election 25168  
pursuant to section 3305.05 or 3305.051 of the Revised Code, until 25169  
the unfunded actuarial accrued liability for all benefits, except 25170  
health care benefits provided under section 3309.375 or 3309.69 of 25171



the Revised Code and benefit increases provided after March 31, 25172  
1997, is fully amortized, as determined by the annual actuarial 25173  
valuation prepared under section 3309.21 of the Revised Code. 25174

**Sec. 3313.65.** (A) As used in this section and section 3313.64 25175  
of the Revised Code: 25176

(1) A person is "in a residential facility" if the person is 25177  
a resident or a resident patient of an institution, home, or other 25178  
residential facility that is: 25179

(a) Licensed as a nursing home, residential care facility, or 25180  
home for the aging by the director of health under section 3721.02 25181  
of the Revised Code; 25182

~~(b) Licensed as an adult care facility by the director of 25183  
mental health under sections 5119.70 to 5119.88 of the Revised 25184  
Code; 25185~~

~~(e)~~ Maintained as a county home or district home by the board 25186  
of county commissioners or a joint board of county commissioners 25187  
under Chapter 5155. of the Revised Code; 25188

~~(d)~~(c) Operated or administered by a board of alcohol, drug 25189  
addiction, and mental health services under section 340.03 or 25190  
340.06 of the Revised Code, or provides residential care pursuant 25191  
to contracts made under section 340.03 or 340.033 of the Revised 25192  
Code; 25193

~~(e)~~(d) Maintained as a state institution for the mentally ill 25194  
under Chapter 5119. of the Revised Code; 25195

~~(f)~~(e) Licensed by the department of mental health under 25196  
section 5119.20 or 5119.22 of the Revised Code; 25197

~~(g)~~(f) Licensed as a residential facility by the department 25198  
of developmental disabilities under section 5123.19 of the Revised 25199  
Code; 25200

<del>(h)</del> <u>(g)</u> Operated by the veteran's administration or another agency of the United States government;	25201 25202
<del>(i)</del> <u>(h)</u> Operated by the Ohio veterans' home.	25203
(2) A person is "in a correctional facility" if any of the following apply:	25204 25205
(a) The person is an Ohio resident and is:	25206
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	25207 25208
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	25209 25210
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	25211 25212 25213 25214 25215 25216 25217 25218 25219 25220 25221
(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	25222 25223 25224 25225
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the	25226 25227 25228 25229 25230

person's removal. 25231

(4) "Community control sanction" has the same meaning as in 25232  
section 2929.01 of the Revised Code. 25233

(5) "Post-release control sanction" has the same meaning as 25234  
in section 2967.01 of the Revised Code. 25235

(B) If the circumstances described in division (C) of this 25236  
section apply, the determination of what school district must 25237  
admit a child to its schools and what district, if any, is liable 25238  
for tuition shall be made in accordance with this section, rather 25239  
than section 3313.64 of the Revised Code. 25240

(C) A child who does not reside in the school district in 25241  
which the child's parent resides and for whom a tuition obligation 25242  
previously has not been established under division (C)(2) of 25243  
section 3313.64 of the Revised Code shall be admitted to the 25244  
schools of the district in which the child resides if at least one 25245  
of the child's parents is in a residential or correctional 25246  
facility or a juvenile residential placement and the other parent, 25247  
if living and not in such a facility or placement, is not known to 25248  
reside in this state. 25249

(D) Regardless of who has custody or care of the child, 25250  
whether the child resides in a home, or whether the child receives 25251  
special education, if a district admits a child under division (C) 25252  
of this section, tuition shall be paid to that district as 25253  
follows: 25254

(1) If the child's parent is in a juvenile residential 25255  
placement, by the district in which the child's parent resided at 25256  
the time the parent became subject to the jurisdiction of the 25257  
juvenile court; 25258

(2) If the child's parent is in a correctional facility, by 25259  
the district in which the child's parent resided at the time the 25260  
sentence was imposed; 25261

(3) If the child's parent is in a residential facility, by 25262  
the district in which the parent resided at the time the parent 25263  
was admitted to the residential facility, except that if the 25264  
parent was transferred from another residential facility, tuition 25265  
shall be paid by the district in which the parent resided at the 25266  
time the parent was admitted to the facility from which the parent 25267  
first was transferred; 25268

(4) In the event of a disagreement as to which school 25269  
district is liable for tuition under division (C)(1), (2), or (3) 25270  
of this section, the superintendent of public instruction shall 25271  
determine which district shall pay tuition. 25272

(E) If a child covered by division (D) of this section 25273  
receives special education in accordance with Chapter 3323. of the 25274  
Revised Code, the tuition shall be paid in accordance with section 25275  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 25276  
do not receive special education shall be paid in accordance with 25277  
division (J) of section 3313.64 of the Revised Code. 25278

**Sec. 3313.71.** School physicians may make examinations, which 25279  
shall include tests to determine the existence of hearing defects, 25280  
and diagnoses of all children referred to them. They may make such 25281  
examination of teachers and other school employees and inspection 25282  
of school buildings as in their opinion the protection of health 25283  
of the pupils, teachers, and other school employees requires. 25284

Boards of education shall require and provide, in accordance 25285  
with section 3313.67 of the Revised Code, such tests and 25286  
examinations for tuberculosis of pupils in selected grades and of 25287  
school employees as may be required by the Ohio public director of 25288  
health ~~council~~. 25289

Boards may require annual tuberculin tests of any grades. All 25290  
pupils with positive reactions to the test shall have chest x-rays 25291  
and all positive reactions and x-ray findings shall be reported 25292

promptly to the county record bureau of tuberculosis cases 25293  
provided for in section 339.74 of the Revised Code. Boards shall 25294  
waive the required test where a pupil presents a written statement 25295  
from the pupil's family physician certifying that such test has 25296  
been given and that such pupil is free from tuberculosis in a 25297  
communicable stage, or that such test is inadvisable for medical 25298  
reasons, or from the pupil's parent or guardian objecting to such 25299  
test because of religious convictions. 25300

Whenever a pupil, teacher, or other school employee is found 25301  
to be ill or suffering from tuberculosis in a communicable stage 25302  
or other communicable disease, the school physician shall promptly 25303  
send such pupil, teacher, or other school employee home, with a 25304  
statement, in the case of a pupil, to the pupil's parents or 25305  
guardian, briefly setting forth the discovered facts, and advising 25306  
that the family physician be consulted. School physicians shall 25307  
keep accurate card-index records of all examinations, and said 25308  
records, that they may be uniform throughout the state, shall be 25309  
according to the form prescribed by the state board of education, 25310  
and the reports shall be made according to the method of said 25311  
form. If the parent or guardian of any pupil or any teacher or 25312  
other school employee, after notice from the board of education, 25313  
furnishes within two weeks thereafter the written certificate of 25314  
any reputable physician that the pupil, teacher, or other school 25315  
employee has been examined, in such cases the service of the 25316  
school physician shall be dispensed with, and such certificate 25317  
shall be furnished by such parent or guardian, as required by the 25318  
board of education. Such individual records shall not be open to 25319  
the public and shall be solely for the use of the boards of 25320  
education and boards of health officer. If any teacher or other 25321  
school employee is found to have tuberculosis in a communicable 25322  
stage or other communicable disease, the teacher's or employee's 25323  
employment shall be discontinued or suspended upon such terms as 25324  
to salary as the board deems just until the school physician has 25325

certified to a recovery from such disease. The methods of making 25326  
the tuberculin tests and chest x-rays required by this section 25327  
shall be such as are approved by the director of health. 25328

**Sec. 3313.976.** (A) No private school may receive scholarship 25329  
payments from parents pursuant to section 3313.979 of the Revised 25330  
Code until the chief administrator of the private school registers 25331  
the school with the superintendent of public instruction. The 25332  
state superintendent shall register any school that meets the 25333  
following requirements: 25334

(1) The school is located within the boundaries of the pilot 25335  
project school district; 25336

(2) The school indicates in writing its commitment to follow 25337  
all requirements for a state-sponsored scholarship program 25338  
specified under sections 3313.974 to 3313.979 of the Revised Code, 25339  
including, but not limited to, the requirements for admitting 25340  
students pursuant to section 3313.977 of the Revised Code; 25341

(3) The school meets all state minimum standards for 25342  
chartered nonpublic schools in effect on July 1, 1992, except that 25343  
the state superintendent at the superintendent's discretion may 25344  
register nonchartered nonpublic schools meeting the other 25345  
requirements of this division; 25346

(4) The school does not discriminate on the basis of race, 25347  
religion, or ethnic background; 25348

(5) The school enrolls a minimum of ten students per class or 25349  
a sum of at least twenty-five students in all the classes offered; 25350

(6) The school does not advocate or foster unlawful behavior 25351  
or teach hatred of any person or group on the basis of race, 25352  
ethnicity, national origin, or religion; 25353

(7) The school does not provide false or misleading 25354  
information about the school to parents, students, or the general 25355

public; 25356

(8) For students in grades kindergarten through eight with 25357  
family incomes at or below two hundred per cent of the federal 25358  
poverty guidelines, as defined in section 5104.46 of the Revised 25359  
Code, the school agrees not to charge any tuition ~~to low income~~ 25360  
~~families receiving ninety per cent of the scholarship amount~~ 25361  
~~through the scholarship program, pursuant to division (A) of~~ 25362  
~~section 3313.978 of the Revised Code~~, in excess of ~~ten per cent of~~ 25363  
the scholarship amount established pursuant to division (C)(1) of 25364  
section 3313.978 of the Revised Code, excluding any increase 25365  
described in division (C)(2) of that section. ~~The school shall~~ 25366  
~~permit any such tuition, at the discretion of the parent, to be~~ 25367  
~~satisfied by the low income family's provision of in-kind~~ 25368  
~~contributions or services.~~ 25369

(9) For students in grades kindergarten through eight with 25370  
family incomes above two hundred per cent of the federal poverty 25371  
guidelines, whose scholarship amounts are less than the actual 25372  
tuition charge of the school, the school agrees not to charge any 25373  
tuition ~~to low income families receiving a seventy five per cent~~ 25374  
~~scholarship amount through the scholarship program, pursuant to~~ 25375  
~~division (A) of section 3313.978 of the Revised Code~~, in excess of 25376  
the difference between the actual tuition charge of the school and 25377  
~~seventy five per cent of the scholarship amount established~~ 25378  
pursuant to division (C)(1) of section 3313.978 of the Revised 25379  
Code, excluding any increase described in division (C)(2) of that 25380  
section. The school shall permit such tuition, at the discretion 25381  
of the parent, to be satisfied by the ~~low income family's~~ 25382  
provision of in-kind contributions or services. 25383

(10) The school agrees not to charge any tuition to families 25384  
of students in grades nine through twelve receiving a scholarship 25385  
in excess of the actual tuition charge of the school less 25386  
~~seventy five or ninety per cent of the scholarship amount~~ 25387

established pursuant to division (C)(1) of section 3313.978 of the Revised Code, ~~as applicable~~, excluding any increase described in division (C)(2) of that section.

(11) Notwithstanding division (K) of section 3301.0711 of the Revised Code, the school annually administers the assessments prescribed by section 3301.0710 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code and reports to the department of education the results of each such assessment administered to each scholarship student.

(B) The state superintendent shall revoke the registration of any school if, after a hearing, the superintendent determines that the school is in violation of any of the provisions of division (A) of this section.

(C) Any public school located in a school district adjacent to the pilot project district may receive scholarship payments on behalf of parents pursuant to section 3313.979 of the Revised Code if the superintendent of the district in which such public school is located notifies the state superintendent prior to the first day of March that the district intends to admit students from the pilot project district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the state superintendent. The state superintendent shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

**Sec. 3313.978.** (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot



project school district of the number of initial scholarships that 25419  
the state superintendent will be awarding in each of grades 25420  
kindergarten through twelve. 25421

The state superintendent shall provide information about the 25422  
scholarship program to all students residing in the district, 25423  
shall accept applications from any such students until such date 25424  
as shall be established by the state superintendent as a deadline 25425  
for applications, and shall establish criteria for the selection 25426  
of students to receive scholarships from among all those applying 25427  
prior to the deadline, which criteria shall give preference to 25428  
students from low-income families. ~~For each student selected, the~~ 25429  
~~state superintendent shall also determine whether the student~~ 25430  
~~qualifies for seventy five or ninety per cent of the scholarship~~ 25431  
~~amount. Students whose family income is at or above two hundred~~ 25432  
~~per cent of the maximum income level established by the state~~ 25433  
~~superintendent for low income families shall qualify for~~ 25434  
~~seventy five per cent of the scholarship amount and students whose~~ 25435  
~~family income is below two hundred per cent of that maximum income~~ 25436  
~~level shall qualify for ninety per cent of the scholarship amount.~~ 25437  
The state superintendent shall notify students of their selection 25438  
prior to the fifteenth day of January ~~and whether they qualify for~~ 25439  
~~seventy five or ninety per cent of the scholarship amount.~~ 25440

(1) A student receiving a pilot project scholarship may 25441  
utilize it at an alternative public school by notifying the 25442  
district superintendent, at any time before the beginning of the 25443  
school year, of the name of the public school in an adjacent 25444  
school district to which the student has been accepted pursuant to 25445  
section 3327.06 of the Revised Code. 25446

(2) A student may decide to utilize a pilot project 25447  
scholarship at a registered private school in the district if all 25448  
of the following conditions are met: 25449

(a) By the fifteenth day of February of the preceding school 25450

year, or at any time prior to the start of the school year, the 25451  
parent makes an application on behalf of the student to a 25452  
registered private school. 25453

(b) The registered private school notifies the parent and the 25454  
state superintendent as follows that the student has been 25455  
admitted: 25456

(i) By the fifteenth day of March of the preceding school 25457  
year if the student filed an application by the fifteenth day of 25458  
February and was admitted by the school pursuant to division (A) 25459  
of section 3313.977 of the Revised Code; 25460

(ii) Within one week of the decision to admit the student if 25461  
the student is admitted pursuant to division (C) of section 25462  
3313.977 of the Revised Code. 25463

(c) The student actually enrolls in the registered private 25464  
school to which the student was first admitted or in another 25465  
registered private school in the district or in a public school in 25466  
an adjacent school district. 25467

(B) The state superintendent shall also award in any school 25468  
year tutorial assistance grants to a number of students equal to 25469  
the number of students who receive scholarships under division (A) 25470  
of this section. Tutorial assistance grants shall be awarded 25471  
solely to students who are enrolled in the public schools of the 25472  
district in a grade level covered by the pilot project. Tutorial 25473  
assistance grants may be used solely to obtain tutorial assistance 25474  
from a provider approved pursuant to division (D) of section 25475  
3313.976 of the Revised Code. 25476

All students wishing to obtain tutorial assistance grants 25477  
shall make application to the state superintendent by the first 25478  
day of the school year in which the assistance will be used. The 25479  
state superintendent shall award assistance grants in accordance 25480  
with criteria the superintendent shall establish. ~~For each student~~ 25481

~~awarded a grant, the state superintendent shall also determine 25482  
whether the student qualifies for seventy five or ninety per cent 25483  
of the grant amount and so notify the student. Students whose 25484  
family income is at or above two hundred per cent of the maximum 25485  
income level established by the state superintendent for 25486  
low income families shall qualify for seventy five per cent of the 25487  
grant amount and students whose family income is below two hundred 25488  
per cent of that maximum income level shall qualify for ninety per 25489  
cent of the grant amount. 25490~~

(C)(1) In the case of basic scholarships for students in 25491  
grades kindergarten through eight, the scholarship amount shall 25492  
not exceed the lesser of the net tuition charges of the 25493  
alternative school the scholarship recipient attends or three 25494  
thousand dollars before fiscal year 2007, three thousand four 25495  
hundred fifty dollars in fiscal year 2007 through fiscal year 25496  
2011, and four thousand two hundred fifty dollars in fiscal year 25497  
2012 and thereafter. 25498

In the case of basic scholarships for students in grades nine 25499  
through twelve, the scholarship amount shall not exceed the lesser 25500  
of the net tuition charges of the alternative school the 25501  
scholarship recipient attends or two thousand seven hundred 25502  
dollars before fiscal year 2007, three thousand four hundred fifty 25503  
dollars in fiscal year 2007 through fiscal year 2011, and five 25504  
thousand dollars in fiscal year 2012 and thereafter. 25505

The net tuition and fees charged to a student shall be the 25506  
tuition amount specified by the alternative school minus all other 25507  
financial aid, discounts, and adjustments received for the 25508  
student. In cases where discounts are offered for multiple 25509  
students from the same family, and not all students in the same 25510  
family are scholarship recipients, the net tuition amount 25511  
attributable to the scholarship recipient shall be the lowest net 25512  
tuition to which the family is entitled. 25513

(2) The state superintendent shall provide for an increase in 25514  
the basic scholarship amount in the case of any student who is a 25515  
mainstreamed student with a disability and shall further increase 25516  
such amount in the case of any separately educated student with a 25517  
disability. Such increases shall take into account the 25518  
instruction, related services, and transportation costs of 25519  
educating such students. 25520

(3) In the case of tutorial assistance grants, the grant 25521  
amount shall not exceed the lesser of the provider's actual 25522  
charges for such assistance or: 25523

(a) Before fiscal year 2007, a percentage established by the 25524  
state superintendent, not to exceed twenty per cent, of the amount 25525  
of the pilot project school district's average basic scholarship 25526  
amount; 25527

(b) In fiscal year 2007 and thereafter, four hundred dollars. 25528

~~(4) No scholarship or tutorial assistance grant shall be 25529  
awarded unless the state superintendent determines that 25530  
twenty five or ten per cent, as applicable, of the amount 25531  
specified for such scholarship or grant pursuant to division 25532  
(C)(1), (2), or (3) of this section will be furnished by a 25533  
political subdivision, a private nonprofit or for profit entity, 25534  
or another person. Only seventy five or ninety per cent of such 25535  
amounts, as applicable, shall be paid from state funds pursuant to 25536  
section 3313.979 of the Revised Code. 25537~~

(D)(1) Annually by the first day of November, the state 25538  
superintendent shall estimate the maximum per-pupil scholarship 25539  
amounts for the ensuing school year. The state superintendent 25540  
shall make this estimate available to the general public at the 25541  
offices of the district board of education together with the forms 25542  
required by division (D)(2) of this section. 25543

(2) Annually by the fifteenth day of January, the chief 25544

administrator of each registered private school located in the 25545  
pilot project district and the principal of each public school in 25546  
such district shall complete a parental information form and 25547  
forward it to the president of the board of education. The 25548  
parental information form shall be prescribed by the department of 25549  
education and shall provide information about the grade levels 25550  
offered, the numbers of students, tuition amounts, achievement 25551  
test results, and any sectarian or other organizational 25552  
affiliations. 25553

(E)(1) Only for the purpose of administering the pilot 25554  
project scholarship program, the department may request from any 25555  
of the following entities the data verification code assigned 25556  
under division (D)(2) of section 3301.0714 of the Revised Code to 25557  
any student who is seeking a scholarship under the program: 25558

(a) The school district in which the student is entitled to 25559  
attend school under section 3313.64 or 3313.65 of the Revised 25560  
Code; 25561

(b) If applicable, the community school in which the student 25562  
is enrolled; 25563

(c) The independent contractor engaged to create and maintain 25564  
data verification codes. 25565

(2) Upon a request by the department under division (E)(1) of 25566  
this section for the data verification code of a student seeking a 25567  
scholarship or a request by the student's parent for that code, 25568  
the school district or community school shall submit that code to 25569  
the department or parent in the manner specified by the 25570  
department. If the student has not been assigned a code, because 25571  
the student will be entering kindergarten during the school year 25572  
for which the scholarship is sought, the district shall assign a 25573  
code to that student and submit the code to the department or 25574  
parent by a date specified by the department. If the district does 25575

not assign a code to the student by the specified date, the 25576  
department shall assign a code to the student. 25577

The department annually shall submit to each school district 25578  
the name and data verification code of each student residing in 25579  
the district who is entering kindergarten, who has been awarded a 25580  
scholarship under the program, and for whom the department has 25581  
assigned a code under this division. 25582

(3) The department shall not release any data verification 25583  
code that it receives under division (E) of this section to any 25584  
person except as provided by law. 25585

(F) Any document relative to the pilot project scholarship 25586  
program that the department holds in its files that contains both 25587  
a student's name or other personally identifiable information and 25588  
the student's data verification code shall not be a public record 25589  
under section 149.43 of the Revised Code. 25590

(G)(1) The department annually shall compile the scores 25591  
attained by scholarship students enrolled in registered private 25592  
schools on the assessments administered to the students pursuant 25593  
to division (A)(11) of section 3313.976 of the Revised Code. The 25594  
scores shall be aggregated as follows: 25595

(a) By school district, which shall include all scholarship 25596  
students residing in the pilot project school district who are 25597  
enrolled in a registered private school and were required to take 25598  
an assessment pursuant to division (A)(11) of section 3313.976 of 25599  
the Revised Code; 25600

(b) By registered private school, which shall include all 25601  
scholarship students enrolled in that school who were required to 25602  
take an assessment pursuant to division (A)(11) of section 25603  
3313.976 of the Revised Code. 25604

(2) The department shall disaggregate the student performance 25605  
data described in division (G)(1) of this section according to the 25606

following categories:	25607
(a) Age;	25608
(b) Race and ethnicity;	25609
(c) Gender;	25610
(d) Students who have participated in the scholarship program for three or more years;	25611 25612
(e) Students who have participated in the scholarship program for more than one year and less than three years;	25613 25614
(f) Students who have participated in the scholarship program for one year or less;	25615 25616
(g) Economically disadvantaged students.	25617
(3) The department shall post the student performance data required under divisions (G)(1) and (2) of this section on its web site and shall include that data in the information about the scholarship program provided to students under division (A) of this section. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.	25618 25619 25620 25621 25622 25623 25624 25625 25626 25627
(4) The department shall provide the parent of each scholarship student enrolled in a registered private school with information comparing the student's performance on the assessments administered pursuant to division (A)(11) of section 3313.976 of the Revised Code with the average performance of similar students enrolled in the building operated by the pilot project school district that the scholarship student would otherwise attend. In calculating the performance of similar students, the department shall consider age, grade, race and ethnicity, gender, and	25628 25629 25630 25631 25632 25633 25634 25635 25636

socioeconomic status. 25637

**Sec. 3313.979.** Each scholarship to be used for payments to a 25638  
registered private school is payable to the parents of the student 25639  
entitled to the scholarship. Each scholarship to be used for 25640  
payments to a public school in an adjacent school district is 25641  
payable to the school district of attendance by the superintendent 25642  
of public instruction. Each grant to be used for payments to an 25643  
approved tutorial assistance provider is payable to the approved 25644  
tutorial assistance provider. 25645

(A)(1) By the fifteenth day of each month of the school year 25646  
that any scholarship students are enrolled in a registered private 25647  
school, the chief administrator of that school shall notify the 25648  
state superintendent of: 25649

(a) The number of scholarship students who were reported to 25650  
the school district as having been admitted by that private school 25651  
pursuant to division (A)(2)(b) of section 3313.978 of the Revised 25652  
Code and who were still enrolled in the private school as of the 25653  
first day of such month, ~~and the numbers of such students who~~ 25654  
~~qualify for seventy five and ninety per cent of the scholarship~~ 25655  
~~amount;~~ 25656

(b) The number of scholarship students who were reported to 25657  
the school district as having been admitted by another private 25658  
school pursuant to division (A)(2)(b) of section 3313.978 of the 25659  
Revised Code and since the date of admission have transferred to 25660  
the school providing the notification under division (A)(1) of 25661  
this section, ~~and the numbers of such students who qualify for~~ 25662  
~~seventy five and ninety per cent of the scholarship amount.~~ 25663

(2) From time to time, the state superintendent shall make a 25664  
payment to the parent of each student entitled to a scholarship. 25665  
Each payment shall include for each student reported under 25666  
division (A)(1) of this section, ~~a portion of seventy five or~~ 25667



~~ninety per cent, as applicable, of the scholarship amount~~ 25668  
specified in divisions (C)(1) and (2) of section 3313.978 of the 25669  
Revised Code. This amount shall be proportionately reduced in the 25670  
case of any such student who is not enrolled in a registered 25671  
private school for the entire school year. 25672

(3) The first payment under this division shall be made by 25673  
the last day of November and shall equal one-third of ~~seventy-five~~ 25674  
~~or ninety per cent, as applicable, of the estimated total amount~~ 25675  
that will be due to the parent for the school year pursuant to 25676  
division (A)(2) of this section. 25677

(B) The state superintendent, on behalf of the parents of a 25678  
scholarship student enrolled in a public school in an adjacent 25679  
school district pursuant to section 3327.06 of the Revised Code, 25680  
shall make the tuition payments required by that section to the 25681  
school district admitting the student, except that, 25682  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 25683  
Revised Code, the total payments in any school year shall not 25684  
exceed ~~seventy-five or ninety per cent, as applicable, of the~~ 25685  
scholarship amount provided in divisions (C)(1) and (2) of section 25686  
3313.978 of the Revised Code. 25687

(C) Whenever an approved provider provides tutorial 25688  
assistance to a student, the state superintendent shall pay the 25689  
approved provider for such costs upon receipt of a statement 25690  
specifying the services provided and the costs of the services, 25691  
which statement shall be signed by the provider and verified by 25692  
the chief administrator having supervisory control over the 25693  
tutoring site. The total payments to any approved provider under 25694  
this division for all provider services to any individual student 25695  
in any school year shall not exceed ~~seventy-five or ninety per~~ 25696  
~~cent, as applicable, of the grant amount provided in division~~ 25697  
(C)(3) of section 3313.978 of the Revised Code. 25698

Sec. 3318.034. (A) This section applies to both of the 25699  
following: 25700

(1) Any school district that has not executed an agreement 25701  
for a project under sections 3318.01 to 3318.20 of the Revised 25702  
Code prior to June 24, 2008; 25703

(2) Any school district that is eligible for additional 25704  
assistance under sections 3318.01 to 3318.20 of the Revised Code 25705  
pursuant to division (B)(2) of section 3318.04 of the Revised 25706  
Code. 25707

Notwithstanding any provision of this chapter to the 25708  
contrary, with the approval of the Ohio school facilities 25709  
commission, any school district to which this section applies may 25710  
opt to divide the district's entire classroom facilities needs, as 25711  
those needs are jointly determined by the staff of the commission 25712  
and the school district, into discrete segments and shall comply 25713  
with all of the provisions of those sections unless otherwise 25714  
provided in this section. 25715

(B) Except as provided in division (C) of this section, each 25716  
segment shall comply with all of the following: 25717

(1) The segment shall consist of the new construction of one 25718  
or more entire buildings or the complete renovation of one or more 25719  
entire existing buildings, with any necessary additions to that 25720  
building. 25721

(2) The segment shall not include any construction of or 25722  
renovation or repair to any building that does not complete the 25723  
needs of the district with respect to that particular building at 25724  
the time the segment is completed. 25725

(3) The segment shall consist of new construction, 25726  
renovations, additions, reconstruction, or repair of classroom 25727  
facilities to the extent that the school district portion, as 25728

determined under section 3318.032 of the Revised Code, is an 25729  
amount not less than the product of 0.040 times the district's 25730  
valuation at the time the agreement for the segment is executed, 25731  
unless the district previously has undertaken a segment under this 25732  
section and the district's portion of the estimated basic project 25733  
cost of the remainder of its entire classroom facilities needs, as 25734  
determined jointly by the staff of the commission and the 25735  
district, is less than the amount otherwise required by this 25736  
division. 25737

(C) A district described in division (A)(2) of this section 25738  
that has not received the additional assistance authorized under 25739  
division (B)(2) of section 3318.04 of the Revised Code may 25740  
undertake a segment, with commission approval, for the purpose of 25741  
renovating or replacing work performed on a facility under the 25742  
district's prior project. The commission may approve that segment 25743  
if the commission determines that the renovation or replacement is 25744  
necessary to protect the facility. The basic project cost of the 25745  
segment shall be allocated between the state and the district in 25746  
accordance with section 3318.032 of the Revised Code. However, the 25747  
requirements of division (B) of this section shall not apply to a 25748  
segment undertaken under this division. 25749

(D) The commission shall conditionally approve and seek 25750  
controlling board approval in accordance with division (A) of 25751  
section 3318.04 of the Revised Code of each segment. 25752

~~(E) The school district's maintenance levy requirement, as~~ 25753  
~~defined in section 3318.18 of the Revised Code, (1) When~~ 25754  
undertaking a segment under this section, a school district may 25755  
elect to prorate its full maintenance amount by setting aside for 25756  
maintenance the amount calculated under division (E)(2) of this 25757  
section to maintain the classroom facilities acquired under the 25758  
segment, if the district will use one or more of the alternative 25759  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 25760

the Revised Code to generate the entire amount calculated under 25761  
that division. If the district so elects, the commission and the 25762  
district shall include in the agreement entered into under section 25763  
3318.08 of the Revised Code a statement specifying that the 25764  
district will use the amount calculated under that division only 25765  
to maintain the classroom facilities acquired under the segment. 25766

(2) The commission shall calculate the amount for a school 25767  
district to maintain the classroom facilities acquired under a 25768  
segment as follows: 25769

The full maintenance amount X (the school district's portion 25770  
of the basic project cost for the segment / the school district's 25771  
portion of the basic project cost for the district's entire 25772  
classroom facilities needs, as determined jointly by the staff of 25773  
the commission and the district) 25774

(3) A school district may elect to prorate its full 25775  
maintenance amount for any number of segments, provided the 25776  
district will use one or more of the alternative methods 25777  
authorized in sections 3318.051, 3318.052, and 3318.084 of the 25778  
Revised Code to generate the entire amount calculated under 25779  
division (E)(2) of this section to maintain the classroom 25780  
facilities acquired under each segment for which it so elects. If 25781  
the district cannot use one or more of those alternative methods 25782  
to generate the entire amount calculated under that division, the 25783  
district shall levy the tax described in division (B) of section 25784  
3318.05 of the Revised Code or an extension of that tax under 25785  
section 3318.061 of the Revised Code in an amount necessary to 25786  
generate the remainder of its full maintenance amount. The 25787  
commission shall calculate the remainder of the district's full 25788  
maintenance amount as follows: 25789

The full maintenance amount - the sum of the amounts 25790  
calculated for the district under division (E)(2) of this section 25791  
for each prior segment of the district's project 25792

(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 elected to undertake its project in its entirety instead of segmenting the project under this section.

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(5) If a school district commenced a segment under this section prior to the effective date of this amendment but has not completed that segment, and has not levied 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, the district may request approval from the commission to prorate its full maintenance amount in accordance with divisions (E)(1) to (4) of this section. If the commission approves the request, the commission and the district shall amend the agreement entered into under section 3318.08 of the Revised Code to reflect the change.

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(F) If a school district levies 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, the tax shall run for twenty-three years from the date the ~~first~~ segment for which the tax is initially levied is undertaken; ~~however, the~~. The maintenance levy requirement, as defined in section 3318.18 of the Revised Code, does not apply to a segment undertaken under division (C) of this section.

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(G) As used in this section, "full maintenance amount" means the amount of total revenue that a school district likely would generate by one-half mill of the tax described in division (B) of section 3318.05 of the Revised Code over the entire twenty-three-year period required under that section, as determined by the commission in consultation with the department of taxation.

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**Sec. 3318.08.** Except in the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the requisite favorable vote on the election is obtained, or if the school district board has resolved to apply the proceeds of a property tax levy or the proceeds of an income tax, or a combination of proceeds from such taxes, as authorized in section 3318.052 of the Revised Code, the Ohio school facilities commission, upon certification to it of either the results of the election or the resolution under section 3318.052 of the Revised Code, shall enter into a written agreement with the school district board for the construction and sale of the project. In the case of a joint vocational school district that receives assistance under sections 3318.40 to 3318.45 of the Revised Code, if the school district board of education and the school district electors have satisfied the conditions prescribed in division (D)(1) of section 3318.41 of the Revised Code, the commission shall enter into an agreement with the school district board for the construction and sale of the project. In either case, the agreement shall include, but need not be limited to, the following provisions:

(A) The sale and issuance of bonds or notes in anticipation thereof, as soon as practicable after the execution of the agreement, in an amount equal to the school district's portion of the basic project cost, including any securities authorized under division (J) of section 133.06 of the Revised Code and dedicated by the school district board to payment of the district's portion of the basic project cost of the project; provided, that if at that time the county treasurer of each county in which the school district is located has not commenced the collection of taxes on the general duplicate of real and public utility property for the year in which the controlling board approved the project, the school district board shall authorize the issuance of a first

installment of bond anticipation notes in an amount specified by 25856  
the agreement, which amount shall not exceed an amount necessary 25857  
to raise the net bonded indebtedness of the school district as of 25858  
the date of the controlling board's approval to within five 25859  
thousand dollars of the required level of indebtedness for the 25860  
preceding year. In the event that a first installment of bond 25861  
anticipation notes is issued, the school district board shall, as 25862  
soon as practicable after the county treasurer of each county in 25863  
which the school district is located has commenced the collection 25864  
of taxes on the general duplicate of real and public utility 25865  
property for the year in which the controlling board approved the 25866  
project, authorize the issuance of a second and final installment 25867  
of bond anticipation notes or a first and final issue of bonds. 25868

The combined value of the first and second installment of 25869  
bond anticipation notes or the value of the first and final issue 25870  
of bonds shall be equal to the school district's portion of the 25871  
basic project cost. The proceeds of any such bonds shall be used 25872  
first to retire any bond anticipation notes. Otherwise, the 25873  
proceeds of such bonds and of any bond anticipation notes, except 25874  
the premium and accrued interest thereon, shall be deposited in 25875  
the school district's project construction fund. In determining 25876  
the amount of net bonded indebtedness for the purpose of fixing 25877  
the amount of an issue of either bonds or bond anticipation notes, 25878  
gross indebtedness shall be reduced by moneys in the bond 25879  
retirement fund only to the extent of the moneys therein on the 25880  
first day of the year preceding the year in which the controlling 25881  
board approved the project. Should there be a decrease in the tax 25882  
valuation of the school district so that the amount of 25883  
indebtedness that can be incurred on the tax duplicates for the 25884  
year in which the controlling board approved the project is less 25885  
than the amount of the first installment of bond anticipation 25886  
notes, there shall be paid from the school district's project 25887  
construction fund to the school district's bond retirement fund to 25888

be applied against such notes an amount sufficient to cause the 25889  
net bonded indebtedness of the school district, as of the first 25890  
day of the year following the year in which the controlling board 25891  
approved the project, to be within five thousand dollars of the 25892  
required level of indebtedness for the year in which the 25893  
controlling board approved the project. The maximum amount of 25894  
indebtedness to be incurred by any school district board as its 25895  
share of the cost of the project is either an amount that will 25896  
cause its net bonded indebtedness, as of the first day of the year 25897  
following the year in which the controlling board approved the 25898  
project, to be within five thousand dollars of the required level 25899  
of indebtedness, or an amount equal to the required percentage of 25900  
the basic project costs, whichever is greater. All bonds and bond 25901  
anticipation notes shall be issued in accordance with Chapter 133. 25902  
of the Revised Code, and notes may be renewed as provided in 25903  
section 133.22 of the Revised Code. 25904

(B) The transfer of such funds of the school district board 25905  
available for the project, together with the proceeds of the sale 25906  
of the bonds or notes, except premium, accrued interest, and 25907  
interest included in the amount of the issue, to the school 25908  
district's project construction fund; 25909

(C) For all school districts except joint vocational school 25910  
districts that receive assistance under sections 3318.40 to 25911  
3318.45 of the Revised Code, the following provisions as 25912  
applicable: 25913

(1) If section 3318.052 of the Revised Code applies, the 25914  
earmarking of the proceeds of a tax levied under section 5705.21 25915  
of the Revised Code for general permanent improvements or under 25916  
section 5705.218 of the Revised Code for the purpose of permanent 25917  
improvements, or the proceeds of a school district income tax 25918  
levied under Chapter 5748. of the Revised Code, or the proceeds 25919  
from a combination of those two taxes, in an amount to pay all or 25920



part of the service charges on bonds issued to pay the school 25921  
district portion of the project and an amount equivalent to all or 25922  
part of the tax required under division (B) of section 3318.05 of 25923  
the Revised Code; 25924

(2) If section 3318.052 of the Revised Code does not apply, 25925  
one of the following: 25926

(a) The levy of the tax authorized at the election for the 25927  
payment of maintenance costs, as specified in division (B) of 25928  
section 3318.05 of the Revised Code; 25929

(b) If the school district electors have approved a 25930  
continuing tax for general permanent improvements under section 25931  
5705.21 of the Revised Code and that tax can be used for 25932  
maintenance, the earmarking of an amount of the proceeds from such 25933  
tax for maintenance of classroom facilities as specified in 25934  
division (B) of section 3318.05 of the Revised Code; 25935

(c) If, in lieu of the tax otherwise required under division 25936  
(B) of section 3318.05 of the Revised Code, the commission has 25937  
approved the transfer of money to the maintenance fund in 25938  
accordance with section 3318.051 of the Revised Code, a 25939  
requirement that the district board comply with the provisions 25940  
that section. The district board may rescind the provision 25941  
prescribed under division (C)(2)(c) of this section only so long 25942  
as the electors of the district have approved, in accordance with 25943  
section 3318.063 of the Revised Code, the levy of a tax for the 25944  
maintenance of the classroom facilities acquired under the 25945  
district's project and that levy continues to be collected as 25946  
approved by the electors. 25947

(D) For joint vocational school districts that receive 25948  
assistance under sections 3318.40 to 3318.45 of the Revised Code, 25949  
provision for deposit of school district moneys dedicated to 25950  
maintenance of the classroom facilities acquired under those 25951

sections as prescribed in section 3318.43 of the Revised Code; 25952

(E) Dedication of any local donated contribution as provided 25953  
for under section 3318.084 of the Revised Code, including a 25954  
schedule for depositing such moneys applied as an offset of the 25955  
district's obligation to levy the tax described in division (B) of 25956  
section 3318.05 of the Revised Code as required under division 25957  
(D)(2) of section 3318.084 of the Revised Code; 25958

(F) Ownership of or interest in the project during the period 25959  
of construction, which shall be divided between the commission and 25960  
the school district board in proportion to their respective 25961  
contributions to the school district's project construction fund; 25962

(G) Maintenance of the state's interest in the project until 25963  
any obligations issued for the project under section 3318.26 of 25964  
the Revised Code are no longer outstanding; 25965

(H) The insurance of the project by the school district from 25966  
the time there is an insurable interest therein and so long as the 25967  
state retains any ownership or interest in the project pursuant to 25968  
division (F) of this section, in such amounts and against such 25969  
risks as the commission shall require; provided, that the cost of 25970  
any required insurance until the project is completed shall be a 25971  
part of the basic project cost; 25972

(I) The certification by the director of budget and 25973  
management that funds are available and have been set aside to 25974  
meet the state's share of the basic project cost as approved by 25975  
the controlling board pursuant to either section 3318.04 or 25976  
division (B)(1) of section 3318.41 of the Revised Code; 25977

(J) Authorization of the school district board to advertise 25978  
for and receive construction bids for the project, for and on 25979  
behalf of the commission, and to award contracts in the name of 25980  
the state subject to approval by the commission; 25981

(K) Provisions for the disbursement of moneys from the school 25982

district's project account upon issuance by the commission or the 25983  
commission's designated representative of vouchers for work done 25984  
to be certified to the commission by the treasurer of the school 25985  
district board; 25986

(L) Disposal of any balance left in the school district's 25987  
project construction fund upon completion of the project; 25988

(M) Limitations upon use of the project or any part of it so 25989  
long as any obligations issued to finance the project under 25990  
section 3318.26 of the Revised Code are outstanding; 25991

(N) Provision for vesting the state's interest in the project 25992  
to the school district board when the obligations issued to 25993  
finance the project under section 3318.26 of the Revised Code are 25994  
outstanding; 25995

(O) Provision for deposit of an executed copy of the 25996  
agreement in the office of the commission; 25997

(P) Provision for termination of the contract and release of 25998  
the funds encumbered at the time of the conditional approval, if 25999  
the proceeds of the sale of the bonds of the school district board 26000  
are not paid into the school district's project construction fund 26001  
and if bids for the construction of the project have not been 26002  
taken within such period after the execution of the agreement as 26003  
may be fixed by the commission; 26004

(Q) Provision for the school district to maintain the project 26005  
in accordance with a plan approved by the commission; 26006

(R) Provision that all state funds reserved and encumbered to 26007  
pay the state share of the cost of the project and the funds 26008  
provided by the school district to pay for its share of the 26009  
project cost, including the respective shares of the cost of a 26010  
segment if the project is divided into segments, be spent on the 26011  
construction and acquisition of the project or segment 26012  
simultaneously in proportion to the state's and the school 26013

district's respective shares of that basic project cost as 26014  
determined under section 3318.032 of the Revised Code or, if the 26015  
district is a joint vocational school district, under section 26016  
3318.42 of the Revised Code. However, if the school district 26017  
certifies to the commission that expenditure by the school 26018  
district is necessary to maintain the federal tax status or 26019  
tax-exempt status of notes or bonds issued by the school district 26020  
to pay for its share of the project cost or to comply with 26021  
applicable temporary investment periods or spending exceptions to 26022  
rebate as provided for under federal law in regard to those notes 26023  
or bonds, the school district may commit to spend, or spend, a 26024  
greater portion of the funds it provides during any specific 26025  
period than would otherwise be required under this division. 26026

(S) A provision stipulating that the commission may prohibit 26027  
the district from proceeding with any project if the commission 26028  
determines that the site is not suitable for construction 26029  
purposes. The commission may perform soil tests in its 26030  
determination of whether a site is appropriate for construction 26031  
purposes. 26032

(T) A provision stipulating that, unless otherwise authorized 26033  
by the commission, any contingency reserve portion of the 26034  
construction budget prescribed by the commission shall be used 26035  
only to pay costs resulting from unforeseen job conditions, to 26036  
comply with rulings regarding building and other codes, to pay 26037  
costs related to design clarifications or corrections to contract 26038  
documents, and to pay the costs of settlements or judgments 26039  
related to the project as provided under section 3318.086 of the 26040  
Revised Code; 26041

(U) Provision stipulating that for continued release of 26042  
project funds the school district board shall comply with section 26043  
3313.41 of the Revised Code throughout the project and shall 26044  
notify the department of education and the Ohio community school 26045

association when the board plans to dispose of facilities by sale 26046  
under that section; 26047

(V) Provision that the commission shall not approve a 26048  
contract for demolition of a facility until the school district 26049  
board has complied with section 3313.41 of the Revised Code 26050  
relative to that facility, unless demolition of that facility is 26051  
to clear a site for construction of a replacement facility 26052  
included in the district's project; 26053

(W) A requirement for the school district to adhere to a 26054  
facilities maintenance plan approved by the commission. 26055

**Sec. 3318.10.** When such working drawings, specifications, and 26056  
estimates of cost have been approved by the school district board 26057  
and the Ohio school facilities commission, the treasurer of the 26058  
school district board shall advertise for construction bids in 26059  
accordance with section 3313.46 of the Revised Code. Such notices 26060  
shall state that plans and specifications for the project are on 26061  
file in the office of the commission and such other place as may 26062  
be designated in such notice, and the time and place when and 26063  
where bids therefor will be received. 26064

The form of proposal to be submitted by bidders shall be 26065  
supplied by the commission. Bidders may be permitted to bid upon 26066  
all the branches of work and materials to be furnished and 26067  
supplied, upon any branch thereof, or upon all or any thereof. 26068

When the construction bids for all branches of work and 26069  
materials have been tabulated, the commission shall cause to be 26070  
prepared a revised estimate of the basic project cost based upon 26071  
the lowest responsible bids received. If such revised estimate 26072  
exceeds the estimated basic project cost as approved by the 26073  
controlling board pursuant to section 3318.04 or division (B)(1) 26074  
of section 3318.41 of the Revised Code, no contracts may be 26075  
entered into pursuant to this section unless such revised estimate 26076

is approved by the commission and by the controlling board. When 26077  
such revised estimate has been prepared, and after such approvals 26078  
are given, if necessary, and if the school district board has 26079  
caused to be transferred to the project construction fund the 26080  
proceeds from the sale of the first or first and final installment 26081  
of its bonds or bond anticipation notes pursuant to the provision 26082  
of the written agreement required by division (B) of section 26083  
3318.08 of the Revised Code, and when the director of budget and 26084  
management has certified that there is a balance in the 26085  
appropriation, not otherwise obligated to pay precedent 26086  
obligations, pursuant to which the state's share of such revised 26087  
estimate is required to be paid, the contract for all branches of 26088  
work and materials to be furnished and supplied, or for any branch 26089  
thereof as determined by the school district board, shall be 26090  
awarded by the school district board to the lowest responsible 26091  
bidder subject to the approval of the commission. Such award shall 26092  
be made within sixty days after the date on which the bids are 26093  
opened, and the successful bidder shall enter into a contract 26094  
within ten days after the successful bidder is notified of the 26095  
award of the contract. 26096

Subject to the approval of the commission, the school 26097  
district board may reject all bids and readvertise. Any contract 26098  
made under this section shall be made in the name of the state and 26099  
executed on its behalf by the president and treasurer of the 26100  
school district board. 26101

The provisions of sections 9.312 and 3313.46 of the Revised 26102  
Code, which are applicable to construction contracts of boards of 26103  
education, shall apply to construction contracts for the project. 26104

The remedies afforded to any subcontractor, materials 26105  
supplier, laborer, mechanic, or persons furnishing material or 26106  
machinery for the project under sections 1311.26 to 1311.32 of the 26107  
Revised Code, shall apply to contracts entered into under this 26108

section and the itemized statement required by section 1311.26 of 26109  
the Revised Code shall be filed with the school district board. 26110

Notwithstanding any other requirement of this section, a 26111  
school district, with the approval of the commission, may utilize 26112  
any otherwise lawful alternative construction delivery method for 26113  
the construction of the project. 26114

**Sec. 3318.30.** (A) There is hereby created the Ohio school 26115  
facilities commission as an independent agency of the state within 26116  
the Ohio facilities construction commission, which is created 26117  
under section 123.20 of the Revised Code. The Ohio school 26118  
facilities commission shall administer the provision of financial 26119  
assistance to school districts for the acquisition or construction 26120  
of classroom facilities in accordance with sections 3318.01 to 26121  
3318.33 of the Revised Code. 26122

The Ohio school facilities commission is a body corporate and 26123  
politic, an agency of state government and an instrumentality of 26124  
the state, performing essential governmental functions of this 26125  
state. The carrying out of the purposes and the exercise by the 26126  
Ohio school facilities commission of its powers conferred by 26127  
sections 3318.01 to 3318.33 of the Revised Code are essential 26128  
public functions and public purposes of the state. The Ohio school 26129  
facilities commission may, in its own name, sue and be sued, enter 26130  
into contracts, and perform all the powers and duties given to it 26131  
by sections 3318.01 to 3318.33 of the Revised Code, but it does 26132  
not have and shall not exercise the power of eminent domain. In 26133  
its discretion and as it determines appropriate, the Ohio school 26134  
facilities commission may delegate to any of its members, 26135  
executive director, or other employees any of the Ohio school 26136  
facilities commission's powers and duties to carry out its 26137  
functions. 26138

(B) The Ohio school facilities commission shall consist of 26139

seven members, three of whom are voting members. The voting 26140  
members of the Ohio school facilities commission shall be the 26141  
director of the office of budget and management, the director of 26142  
administrative services, and the superintendent of public 26143  
instruction, or their designees. Of the nonvoting members, two 26144  
shall be members of the senate appointed by the president of the 26145  
senate, and two shall be members of the house of representatives 26146  
appointed by the speaker of the house. Each of the appointees of 26147  
the president, and each of the appointees of the speaker, shall be 26148  
members of different political parties. 26149

Nonvoting members shall serve as members of the Ohio school 26150  
facilities commission during the legislative biennium for which 26151  
they are appointed, except that any such member who ceases to be a 26152  
member of the legislative house from which the member was 26153  
appointed shall cease to be a member of the Ohio school facilities 26154  
commission. Each nonvoting member shall be appointed within 26155  
thirty-one days of the end of the term of that member's 26156  
predecessor. Such members may be reappointed. Vacancies of 26157  
nonvoting members shall be filled in the manner provided for 26158  
original appointments. 26159

Members of the Ohio school facilities commission shall serve 26160  
without compensation. 26161

After the initial nonvoting members of the Ohio school 26162  
facilities commission have been appointed, the Ohio school 26163  
facilities commission shall meet and organize by electing voting 26164  
members as the chairperson and vice-chairperson of the Ohio school 26165  
facilities commission, who shall hold their offices until the next 26166  
organizational meeting of the Ohio school facilities commission. 26167  
Organizational meetings of the Ohio school facilities commission 26168  
shall be held at the first meeting of each calendar year. At each 26169  
organizational meeting, the Ohio school facilities commission 26170  
shall elect from among its voting members a chairperson and 26171



vice-chairperson, who shall serve until the next annual 26172  
organizational meeting. The Ohio school facilities commission 26173  
shall adopt rules pursuant to section 111.15 of the Revised Code 26174  
for the conduct of its internal business and shall keep a journal 26175  
of its proceedings. Including the organizational meeting, the Ohio 26176  
school facilities commission shall meet at least once each 26177  
calendar quarter. 26178

Two voting members of the Ohio school facilities commission 26179  
constitute a quorum, and the affirmative vote of two members is 26180  
necessary for approval of any action taken by the Ohio school 26181  
facilities commission. A vacancy in the membership of the Ohio 26182  
school facilities commission does not impair a quorum from 26183  
exercising all the rights and performing all the duties of the 26184  
Ohio school facilities commission. Meetings of the Ohio school 26185  
facilities commission may be held anywhere in the state and shall 26186  
be held in compliance with section 121.22 of the Revised Code. 26187

(C) The Ohio school facilities commission shall file an 26188  
annual report of its activities and finances with the governor, 26189  
speaker of the house of representatives, president of the senate, 26190  
and chairpersons of the house and senate finance committees. 26191

(D) The Ohio school facilities commission shall be exempt 26192  
from the requirements of sections 101.82 to 101.87 of the Revised 26193  
Code. 26194

(E) The Ohio school facilities commission may share employees 26195  
and facilities with the Ohio facilities construction commission. 26196

**Sec. 3318.31.** (A) The Ohio school facilities commission may 26197  
perform any act and ensure the performance of any function 26198  
necessary or appropriate to carry out the purposes of, and 26199  
exercise the powers granted under, Chapter 3318. of the Revised 26200  
Code, including any of the following: 26201

(1) Adopt, amend, and rescind, pursuant to section 111.15 of 26202  
the Revised Code, rules for the administration of programs 26203  
authorized under Chapter 3318. of the Revised Code. 26204

(2) Contract with, retain the services of, or designate, and 26205  
fix the compensation of, such agents, accountants, consultants, 26206  
advisers, and other independent contractors as may be necessary or 26207  
desirable to carry out the programs authorized under Chapter 3318. 26208  
of the Revised Code, or authorize the executive director to 26209  
perform such powers and duties. 26210

(3) Receive and accept any gifts, grants, donations, and 26211  
pledges, and receipts therefrom, to be used for the programs 26212  
authorized under Chapter 3318. of the Revised Code. 26213

(4) Make and enter into all contracts, commitments, and 26214  
agreements, and execute all instruments, necessary or incidental 26215  
to the performance of its duties and the execution of its rights 26216  
and powers under Chapter 3318. of the Revised Code, or authorize 26217  
the executive director to perform such powers and duties. 26218

(5) Request the ~~director of administrative services~~ Ohio 26219  
facilities construction commission to debar a contractor as 26220  
provided in section 153.02 of the Revised Code. 26221

(B) The Ohio school facilities commission shall appoint and 26222  
fix the compensation of an executive director who shall serve at 26223  
the pleasure of the Ohio school facilities commission. The 26224  
executive director shall exercise all powers that the Ohio school 26225  
facilities commission possesses, supervise the operations of the 26226  
Ohio school facilities commission and perform such other duties as 26227  
delegated by the Ohio school facilities commission. The executive 26228  
director also shall employ and fix the compensation of such 26229  
employees as will facilitate the activities and purposes of the 26230  
Ohio school facilities commission, who shall serve at the pleasure 26231  
of the executive director. The employees of the Ohio school 26232

facilities commission shall be exempt from Chapter 4117. of the 26233  
Revised Code and shall not be public employees as defined in 26234  
section 4117.01 of the Revised Code. Any agreement entered into 26235  
prior to July 1, 2012, between the office of collective bargaining 26236  
and the exclusive representative for employees of the commission 26237  
is binding and shall continue to have effect. 26238

(C) The Ohio school facilities commission may adopt, amend, 26239  
and rescind rules pertaining to the administration of the 26240  
construction of school facilities of the state under Chapter 119. 26241  
of the Revised Code. 26242

(D) The attorney general shall serve as the legal 26243  
representative for the Ohio school facilities commission and may 26244  
appoint other counsel as necessary for that purpose in accordance 26245  
with section 109.07 of the Revised Code. 26246

**Sec. 3318.37.** (A)(1) As used in this section: 26247

(a) "Full maintenance amount" has the same meaning as in 26248  
section 3318.034 of the Revised Code. 26249

(b) "Large land area school district" means a school district 26250  
with a territory of greater than three hundred square miles in any 26251  
percentile as determined under section 3318.011 of the Revised 26252  
Code. 26253

~~(b)~~(c) "Low wealth school district" means a school district 26254  
in the first through seventy-fifth percentiles as determined under 26255  
section 3318.011 of the Revised Code. 26256

~~(e)~~(d) A "school district with an exceptional need for 26257  
immediate classroom facilities assistance" means a low wealth or 26258  
large land area school district with an exceptional need for new 26259  
facilities in order to protect the health and safety of all or a 26260  
portion of its students. 26261

(2) No school district that participates in the school 26262

building assistance expedited local partnership program under 26263  
section 3318.36 of the Revised Code shall receive assistance under 26264  
the program established under this section unless the following 26265  
conditions are satisfied: 26266

(a) The district board adopted a resolution certifying its 26267  
intent to participate in the school building assistance expedited 26268  
local partnership program under section 3318.36 of the Revised 26269  
Code prior to September 14, 2000. 26270

(b) The district was selected by the Ohio school facilities 26271  
commission for participation in the school building assistance 26272  
expedited local partnership program under section 3318.36 of the 26273  
Revised Code in the manner prescribed by the commission under that 26274  
section as it existed prior to September 14, 2000. 26275

(B)(1) There is hereby established the exceptional needs 26276  
school facilities assistance program. Under the program, the Ohio 26277  
school facilities commission may set aside from the moneys 26278  
annually appropriated to it for classroom facilities assistance 26279  
projects up to twenty-five per cent for assistance to school 26280  
districts with exceptional needs for immediate classroom 26281  
facilities assistance. 26282

(2)(a) After consulting with education and construction 26283  
experts, the commission shall adopt guidelines for identifying 26284  
school districts with an exceptional need for immediate classroom 26285  
facilities assistance. 26286

(b) The guidelines shall include application forms and 26287  
instructions for school districts to use in applying for 26288  
assistance under this section. 26289

(3) The commission shall evaluate the classroom facilities, 26290  
and the need for replacement classroom facilities from the 26291  
applications received under this section. The commission, 26292  
utilizing the guidelines adopted under division (B)(2)(a) of this 26293

section, shall prioritize the school districts to be assessed. 26294

Notwithstanding section 3318.02 of the Revised Code, the 26295  
commission may conduct on-site evaluation of the school districts 26296  
prioritized under this section and approve and award funds until 26297  
such time as all funds set aside under division (B)(1) of this 26298  
section have been encumbered. However, the commission need not 26299  
conduct the evaluation of facilities if the commission determines 26300  
that a district's assessment conducted under section 3318.36 of 26301  
the Revised Code is sufficient for purposes of this section. 26302

(4) Notwithstanding division (A) of section 3318.05 of the 26303  
Revised Code, the school district's portion of the basic project 26304  
cost under this section shall be the "required percentage of the 26305  
basic project costs," as defined in division (K) of section 26306  
3318.01 of the Revised Code. 26307

(5) Except as otherwise specified in this section, any 26308  
project undertaken with assistance under this section shall comply 26309  
with all provisions of sections 3318.01 to 3318.20 of the Revised 26310  
Code. A school district may receive assistance under sections 26311  
3318.01 to 3318.20 of the Revised Code for the remainder of the 26312  
district's classroom facilities needs as assessed under this 26313  
section when the district is eligible for such assistance pursuant 26314  
to section 3318.02 of the Revised Code, but any classroom facility 26315  
constructed with assistance under this section shall not be 26316  
included in a district's project at that time unless the 26317  
commission determines the district has experienced the increased 26318  
enrollment specified in division (B)(1) of section 3318.04 of the 26319  
Revised Code. 26320

(C) No school district shall receive assistance under this 26321  
section for a classroom facility that has been included in the 26322  
discrete part of the district's classroom facilities needs 26323  
identified and addressed in the district's project pursuant to an 26324  
agreement entered into under section 3318.36 of the Revised Code, 26325

unless the district's entire classroom facilities plan consists of 26326  
only a single building designed to house grades kindergarten 26327  
through twelve. 26328

(D)(1) When undertaking a project under this section, a 26329  
school district may elect to prorate its full maintenance amount 26330  
by setting aside for maintenance the amount calculated under 26331  
division (D)(2) of this section to maintain the classroom 26332  
facilities acquired under the project, if the district will use 26333  
one or more of the alternative methods authorized in sections 26334  
3318.051, 3318.052, and 3318.084 of the Revised Code to generate 26335  
the entire amount calculated under that division. If the district 26336  
so elects, the commission and the district shall include in the 26337  
agreement entered into under section 3318.08 of the Revised Code a 26338  
statement specifying that the district will use the amount 26339  
calculated under that division only to maintain the classroom 26340  
facilities acquired under the project under this section. 26341

(2) The commission shall calculate the amount for a school 26342  
district to maintain the classroom facilities acquired under a 26343  
project under this section as follows: 26344

The full maintenance amount X (the school district's portion 26345  
of the basic project cost under this section / the school 26346  
district's portion of the basic project cost for the district's 26347  
entire classroom facilities needs, as determined jointly by the 26348  
staff of the commission and the district) 26349

(3) A school district may elect to prorate its full 26350  
maintenance amount for any number of projects under this section, 26351  
provided the district will use one or more of the alternative 26352  
methods authorized in sections 3318.051, 3318.052, and 3318.084 of 26353  
the Revised Code to generate the entire amount calculated under 26354  
division (D)(2) of this section to maintain the classroom 26355  
facilities acquired under each project for which it so elects. If 26356  
the district cannot use one or more of those alternative methods 26357

to generate the entire amount calculated under that division, the 26358  
district shall levy the tax described in division (B) of section 26359  
3318.05 of the Revised Code or an extension of that tax under 26360  
section 3318.061 of the Revised Code in an amount necessary to 26361  
generate the remainder of its full maintenance amount. The 26362  
commission shall calculate the remainder of the district's full 26363  
maintenance amount as follows: 26364

The full maintenance amount - the sum of the amounts 26365  
calculated for the district under division (D)(2) of this section 26366  
for each of the district's prior projects under this section 26367

(4) In no case shall the sum of the amounts calculated for a 26368  
school district's maintenance of classroom facilities under 26369  
divisions (D)(2) and (3) of this section exceed the amount that 26370  
would have been required for maintenance if the district had 26371  
elected to meet its entire classroom facilities needs with a 26372  
project under sections 3318.01 to 3318.20 of the Revised Code and 26373  
had not undertaken one or more projects under this section. 26374

(5) If a school district commenced a project under this 26375  
section prior to the effective date of this amendment but has not 26376  
completed that project, and has not levied the tax described in 26377  
division (B) of section 3318.05 of the Revised Code or an 26378  
extension of that tax under section 3318.061 of the Revised Code, 26379  
the district may request approval from the commission to prorate 26380  
its full maintenance amount in accordance with divisions (D)(1) to 26381  
(4) of this section. If the commission approves the request, the 26382  
commission and the district shall amend the agreement entered into 26383  
under section 3318.08 of the Revised Code to reflect the change. 26384

**Sec. 3333.04.** The chancellor of the Ohio board of regents 26385  
shall: 26386

(A) Make studies of state policy in the field of higher 26387  
education and formulate a master plan for higher education for the 26388

state, considering the needs of the people, the needs of the state, and the role of individual public and private institutions within the state in fulfilling these needs;

(B)(1) Report annually to the governor and the general assembly on the findings from the chancellor's studies and the master plan for higher education for the state;

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The board shall



provide notice of each hearing within a reasonable amount of time 26420  
prior to its scheduled date. Following the hearing, the board 26421  
shall issue a recommendation to the chancellor. The chancellor 26422  
shall consider the board's recommendation but shall not be 26423  
required to accept it. 26424

For purposes of determining the amounts of any state 26425  
instructional subsidies paid to state colleges, universities, and 26426  
other state-assisted institutions of higher education, the 26427  
chancellor may exclude students enrolled in any program that the 26428  
chancellor has recommended for elimination pursuant to this 26429  
division except that the chancellor shall not exclude any such 26430  
student who enrolled in the program prior to the date on which the 26431  
chancellor initially commences to exclude students under this 26432  
division. 26433

The chancellor and state colleges, universities, and other 26434  
state-assisted institutions of higher education shall jointly 26435  
develop a process for determining which existing graduate or 26436  
professional programs constitute unnecessary duplication. 26437

(G) Recommend to the state colleges, universities, and other 26438  
state-assisted institutions of higher education programs which 26439  
should be added to their present programs; 26440

(H) Conduct studies for the state colleges, universities, and 26441  
other state-assisted institutions of higher education to assist 26442  
them in making the best and most efficient use of their existing 26443  
facilities and personnel; 26444

(I) Make recommendations to the governor and general assembly 26445  
concerning the development of state-financed capital plans for 26446  
higher education; the establishment of new state colleges, 26447  
universities, and other state-assisted institutions of higher 26448  
education; and the establishment of new programs at the existing 26449  
state colleges, universities, and other institutions of higher 26450

education; 26451

(J) Review the appropriation requests of the public community 26452  
colleges and the state colleges and universities and submit to the 26453  
office of budget and management and to the chairpersons of the 26454  
finance committees of the house of representatives and of the 26455  
senate the chancellor's recommendations in regard to the biennial 26456  
higher education appropriation for the state, including 26457  
appropriations for the individual state colleges and universities 26458  
and public community colleges. For the purpose of determining the 26459  
amounts of instructional subsidies to be paid to state-assisted 26460  
colleges and universities, the chancellor shall define "full-time 26461  
equivalent student" by program per academic year. The definition 26462  
may take into account the establishment of minimum enrollment 26463  
levels in technical education programs below which support 26464  
allowances will not be paid. Except as otherwise provided in this 26465  
section, the chancellor shall make no change in the definition of 26466  
"full-time equivalent student" in effect on November 15, 1981, 26467  
which would increase or decrease the number of subsidy-eligible 26468  
full-time equivalent students, without first submitting a fiscal 26469  
impact statement to the president of the senate, the speaker of 26470  
the house of representatives, the legislative service commission, 26471  
and the director of budget and management. The chancellor shall 26472  
work in close cooperation with the director of budget and 26473  
management in this respect and in all other matters concerning the 26474  
expenditures of appropriated funds by state colleges, 26475  
universities, and other institutions of higher education. 26476

(K) Seek the cooperation and advice of the officers and 26477  
trustees of both public and private colleges, universities, and 26478  
other institutions of higher education in the state in performing 26479  
the chancellor's duties and making the chancellor's plans, 26480  
studies, and recommendations; 26481

(L) Appoint advisory committees consisting of persons 26482

associated with public or private secondary schools, members of 26483  
the state board of education, or personnel of the state department 26484  
of education; 26485

(M) Appoint advisory committees consisting of college and 26486  
university personnel, or other persons knowledgeable in the field 26487  
of higher education, or both, in order to obtain their advice and 26488  
assistance in defining and suggesting solutions for the problems 26489  
and needs of higher education in this state; 26490

(N) Approve or disapprove all new degrees and new degree 26491  
programs at all state colleges, universities, and other 26492  
state-assisted institutions of higher education; 26493

(O) Adopt such rules as are necessary to carry out the 26494  
chancellor's duties and responsibilities. The rules shall 26495  
prescribe procedures for the chancellor to follow when taking 26496  
actions associated with the chancellor's duties and 26497  
responsibilities and shall indicate which types of actions are 26498  
subject to those procedures. The procedures adopted under this 26499  
division shall be in addition to any other procedures prescribed 26500  
by law for such actions. However, if any other provision of the 26501  
Revised Code or rule adopted by the chancellor prescribes 26502  
different procedures for such an action, the procedures adopted 26503  
under this division shall not apply to that action to the extent 26504  
they conflict with the procedures otherwise prescribed by law. The 26505  
procedures adopted under this division shall include at least the 26506  
following: 26507

(1) Provision for public notice of the proposed action; 26508

(2) An opportunity for public comment on the proposed action, 26509  
which may include a public hearing on the action by the board of 26510  
regents; 26511

(3) Methods for parties that may be affected by the proposed 26512  
action to submit comments during the public comment period; 26513

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	26514 26515
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	26516 26517
(6) A timeline for the process described in divisions (0)(1) to (5) of this section.	26518 26519
<del>(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:</del>	26520 26521 26522 26523
<del>(1) Increased access to higher education;</del>	26524
<del>(2) Job training;</del>	26525
<del>(3) Adult literacy;</del>	26526
<del>(4) Research;</del>	26527
<del>(5) Excellence in higher education;</del>	26528
<del>(6) Reduction in the number of graduate programs within the same subject area.</del>	26529 26530
<del>In July of each odd numbered year, the chancellor shall submit to the governor and the general assembly a report on progress made toward these goals.</del>	26531 26532 26533
<del>(Q) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;</del>	26534 26535 26536 26537
<del>(R)(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;</del>	26538 26539 26540 26541
<del>(S)(R) Adopt rules for student financial aid programs as</del>	26542

required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 26543  
3333.28, and 5910.02 of the Revised Code, and perform any other 26544  
administrative functions assigned to the chancellor by those 26545  
sections; 26546

~~(F)~~(S) Conduct enrollment audits of state-supported 26547  
institutions of higher education; 26548

~~(U)~~(T) Appoint consortia of college and university personnel 26549  
to advise or participate in the development and operation of 26550  
statewide collaborative efforts, including the Ohio supercomputer 26551  
center, the Ohio academic resources network, OhioLink, and the 26552  
Ohio learning network. For each consortium, the chancellor shall 26553  
designate a college or university to serve as that consortium's 26554  
fiscal agent, financial officer, and employer. Any funds 26555  
appropriated for the consortia shall be distributed to the fiscal 26556  
agents for the operation of the consortia. A consortium shall 26557  
follow the rules of the college or university that serves as its 26558  
fiscal agent. The chancellor may restructure existing consortia, 26559  
appointed under this division, in accordance with procedures 26560  
adopted under divisions ~~(D)~~(O)(1) to (6) of this section. 26561

~~(V)~~(U) Adopt rules establishing advisory duties and 26562  
responsibilities of the board of regents not otherwise prescribed 26563  
by law; 26564

~~(W)~~(V) Respond to requests for information about higher 26565  
education from members of the general assembly and direct staff to 26566  
conduct research or analysis as needed for this purpose. 26567

**Sec. 3333.041.** (A) On or before the last day of December of 26568  
each year, the chancellor of the Ohio board of regents shall 26569  
submit ~~a report~~ to the governor and, in accordance with section 26570  
101.68 of the Revised Code, the general assembly, the state board 26571  
of education, and the board of education of each city, exempted 26572  
village, and local school district on the a report or reports 26573

concerning all of the following: 26574

(1) The status of graduates of Ohio school districts at 26575  
state-assisted colleges or universities state institutions of 26576  
higher education during the twelve-month period ending on the 26577  
thirtieth day of September of the current calendar year. The 26578  
report shall list, by school district, the number of graduates of 26579  
each school district who attended ~~such a college or university~~ 26580  
state institution of higher education and the percentage of each 26581  
district's graduates enrolled in ~~such a college or university~~ 26582  
state institution of higher education during the reporting period 26583  
who were required during such period by the college or university, 26584  
as a prerequisite to enrolling in those courses generally required 26585  
for first-year students, to enroll in a remedial course in 26586  
English, including composition or reading, mathematics, and any 26587  
other area designated by the ~~board~~ chancellor. The chancellor also 26588  
shall make the information described in division (A)(1) of this 26589  
section available to the board of education of each city, exempted 26590  
village, and local school district. 26591

Each ~~state-assisted college and university~~ state institution 26592  
of higher education shall, by the first day of November of each 26593  
year, submit to the chancellor in the form specified by the 26594  
chancellor the information the chancellor requires to compile the 26595  
report. 26596

(2) Aggregate academic growth data for students assigned to 26597  
graduates of teacher preparation programs approved under section 26598  
3333.048 of the Revised Code who teach English language arts or 26599  
mathematics in any of grades four to eight in a public school in 26600  
Ohio. For this purpose, the chancellor shall use the value-added 26601  
progress dimension prescribed by section 3302.021 of the Revised 26602  
Code. The chancellor shall aggregate the data by graduating class 26603  
for each approved teacher preparation program, except that if a 26604  
particular class has ten or fewer graduates to which this section 26605

applies, the chancellor shall report the data for a group of 26606  
classes over a three-year period. In no case shall the report 26607  
identify any individual graduate. The department of education 26608  
shall share any data necessary for the report with the chancellor. 26609

(3) The following information with respect to the Ohio 26610  
tuition trust authority: 26611

(a) The name of each investment manager that is a minority 26612  
business enterprise or a women's business enterprise with which 26613  
the chancellor contracts; 26614

(b) The amount of assets managed by investment managers that 26615  
are minority business enterprises or women's business enterprises, 26616  
expressed as a percentage of assets managed by investment managers 26617  
with which the chancellor has contracted; 26618

(c) Efforts by the chancellor to increase utilization of 26619  
investment managers that are minority business enterprises or 26620  
women's business enterprises. 26621

(4) The status of implementation of faculty improvement 26622  
programs under section 3345.28 of the Revised Code. The report 26623  
shall include, but need not be limited to, the following: the 26624  
number of professional leave grants made by each institution; the 26625  
purpose of each professional leave; and a statement of the cost to 26626  
the institution of each professional leave, to the extent that the 26627  
cost exceeds the salary of the faculty member on professional 26628  
leave. 26629

(5) The number and types of biobased products purchased under 26630  
section 125.092 of the Revised Code and the amount of money spent 26631  
by state institutions of higher education for those biobased 26632  
products as that information is provided to the chancellor under 26633  
division (A) of section 3345.692 of the Revised Code. 26634

(6) A description of dual enrollment programs, as defined in 26635  
section 3313.6013 of the Revised Code, that are offered by school 26636

districts, community schools established under Chapter 3314. of 26637  
the Revised Code, STEM schools established under Chapter 3326. of 26638  
the Revised Code, college-preparatory boarding schools established 26639  
under Chapter 3328. of the Revised Code, and chartered nonpublic 26640  
high schools. The chancellor also shall post the information on 26641  
the chancellor's web site. 26642

(7) The academic and economic impact of the Ohio innovation 26643  
partnership established under section 3333.61 of the Revised Code. 26644  
At a minimum, the report shall include the following: 26645

(a) Progress and performance metrics for each initiative that 26646  
received an award in the previous fiscal year; 26647

(b) Economic indicators of the impact of each initiative, and 26648  
all initiatives as a whole, on the regional economies and the 26649  
statewide economy; 26650

(c) The chancellor's strategy in assigning choose Ohio first 26651  
scholarships among state universities and colleges and how the 26652  
actual awards fit that strategy. 26653

(8) The academic and economic impact of the Ohio 26654  
co-op/internship program established under section 3333.72 of the 26655  
Revised Code. At a minimum, the report shall include the 26656  
following: 26657

(a) Progress and performance metrics for each initiative that 26658  
received an award in the previous fiscal year; 26659

(b) Economic indicators of the impact of each initiative, and 26660  
all initiatives as a whole, on the regional economies and the 26661  
statewide economy; 26662

(c) The chancellor's strategy in allocating awards among 26663  
state institutions of higher education and how the actual awards 26664  
fit that strategy. 26665

(B) As used in this section, ~~"state-assisted college or~~ 26666



~~university" means a state university or college as defined in 26667  
division (A)(1) of section 3345.12 of the Revised Code, community 26668  
colleges, state community colleges, university branches, and 26669  
technical colleges.:~~ 26670

(1) "Minority business enterprise" has the same meaning as in 26671  
section 122.71 of the Revised Code. 26672

(2) "State institution of higher education" and "state 26673  
university" have the same meanings as in section 3345.011 of the 26674  
Revised Code. 26675

(3) "State university or college" has the same meaning as in 26676  
section 3345.12 of the Revised Code. 26677

(4) "Women's business enterprise" means a business, or a 26678  
partnership, corporation, limited liability company, or joint 26679  
venture of any kind, that is owned and controlled by women who are 26680  
United States citizens and residents of this state. 26681

**Sec. 3333.123.** (A) As used in this section: 26682

(1) "The Ohio college opportunity grant program" means the 26683  
program established under section 3333.122 of the Revised Code. 26684

(2) "Rules for the Ohio college opportunity grant program" 26685  
means the rules authorized in division ~~(S)~~(R) of section 3333.04 26686  
of the Revised Code for the implementation of the program. 26687

(B) In adopting rules for the Ohio college opportunity grant 26688  
program, the chancellor of the Ohio board of regents may include 26689  
provisions that give preferential or priority funding to 26690  
low-income students who in their primary and secondary school work 26691  
participate in or complete rigorous academic coursework, attain 26692  
passing scores on the assessments prescribed in section 3301.0710 26693  
of the Revised Code, or meet other high academic performance 26694  
standards determined by the chancellor to reduce the need for 26695  
remediation and ensure academic success at the postsecondary 26696

education level. Any such rules shall include a specification of 26697  
procedures needed to certify student achievement of primary and 26698  
secondary standards as well as the timeline for implementation of 26699  
the provisions authorized by this section. 26700

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the 26701  
Revised Code, "term" and "academic year" mean "term" and "academic 26702  
year" as defined by the chancellor of the Ohio board of regents. 26703

The chancellor shall establish and administer an academic 26704  
scholarship program. Under the program, a total of one thousand 26705  
new scholarships shall be awarded annually in the amount of not 26706  
less than two thousand dollars per award. At least one such new 26707  
scholarship shall be awarded annually to a student in each public 26708  
high school and joint vocational school and each nonpublic high 26709  
school for which the state board of education prescribes minimum 26710  
standards in accordance with section 3301.07 of the Revised Code. 26711

To be eligible for the award of a scholarship, a student 26712  
shall be a resident of Ohio and shall be enrolled as a full-time 26713  
undergraduate student in an Ohio institution of higher education 26714  
that meets the requirements of Title VI of the "Civil Rights Act 26715  
of 1964" and is state-assisted, is nonprofit and holds a 26716  
certificate of authorization issued under section 1713.02 of the 26717  
Revised Code, is a private institution exempt from regulation 26718  
under Chapter 3332. of the Revised Code as prescribed in section 26719  
3333.046 of the Revised Code, or holds a certificate of 26720  
registration and program authorization issued under section 26721  
3332.05 of the Revised Code and awards an associate or bachelor's 26722  
degree. Students who attend an institution holding a certificate 26723  
of registration shall be enrolled in a program leading to an 26724  
associate or bachelor's degree for which associate or bachelor's 26725  
degree program the institution has program authorization to offer 26726  
the program issued under section 3332.05 of the Revised Code. 26727

"Resident" and "full-time student" shall be defined in rules 26728  
adopted by the chancellor. 26729

The chancellor shall award the scholarships on the basis of a 26730  
formula designed by the chancellor to identify students with the 26731  
highest capability for successful college study. The formula shall 26732  
weigh the factor of achievement, as measured by grade point 26733  
average, and the factor of ability, as measured by performance on 26734  
a competitive examination specified by the chancellor. Students 26735  
receiving scholarships shall be known as "Ohio academic scholars." 26736  
~~Annually, not later than the thirty first day of July, the~~ 26737  
~~chancellor shall report to the governor and the general assembly~~ 26738  
~~on the performance of current Ohio academic scholars and the~~ 26739  
~~effectiveness of the formula.~~ 26740

**Sec. 3333.60.** As used in sections 3333.61 to ~~3333.70~~ 3333.69 26741  
of the Revised Code: 26742

(A) "State university or college" has the same meaning as in 26743  
section 3345.12 of the Revised Code. 26744

(B) "State university" and "state institution of higher 26745  
education" have the same meanings as in section 3345.011 of the 26746  
Revised Code. 26747

**Sec. 3333.61.** The chancellor of the Ohio board of regents 26748  
shall establish and administer the Ohio innovation partnership, 26749  
which shall consist of the choose Ohio first scholarship program 26750  
and the Ohio research scholars program. Under the programs, the 26751  
chancellor, subject to approval by the controlling board, shall 26752  
make awards to state universities or colleges for programs and 26753  
initiatives that recruit students and scientists in the fields of 26754  
science, technology, engineering, mathematics, and medicine to 26755  
state universities or colleges, in order to enhance regional 26756  
educational and economic strengths and meet the needs of the 26757

state's regional economies. Awards may be granted for programs and 26758  
initiatives to be implemented by a state university or college 26759  
alone or in collaboration with other state institutions of higher 26760  
education, nonpublic Ohio universities and colleges, or other 26761  
public or private Ohio entities. If the chancellor makes an award 26762  
to a program or initiative that is intended to be implemented by a 26763  
state university or college in collaboration with other state 26764  
institutions of higher education or nonpublic Ohio universities or 26765  
colleges, the chancellor may provide that some portion of the 26766  
award be received directly by the collaborating universities or 26767  
colleges consistent with all terms of the Ohio innovation 26768  
partnership. 26769

The choose Ohio first scholarship program shall assign a 26770  
number of scholarships to state universities and colleges to 26771  
recruit Ohio residents as undergraduate, or as provided in section 26772  
3333.66 of the Revised Code graduate, students in the fields of 26773  
science, technology, engineering, mathematics, and medicine, or in 26774  
science, technology, engineering, mathematics, or medical 26775  
education. Choose Ohio first scholarships shall be awarded to each 26776  
participating eligible student as a grant to the state university 26777  
or college the student is attending and shall be reflected on the 26778  
student's tuition bill. Choose Ohio first scholarships are 26779  
student-centered grants from the state to students to use to 26780  
attend a university or college and are not grants from the state 26781  
to universities or colleges. 26782

Notwithstanding any other provision of this section or 26783  
sections 3333.62 to ~~3333.70~~ 3333.69 of the Revised Code, a 26784  
nonpublic four-year Ohio institution of higher education may 26785  
submit a proposal for choose Ohio first scholarships or Ohio 26786  
research scholars grants. If the chancellor awards a nonpublic 26787  
institution scholarships or grants, the nonpublic institution 26788  
shall comply with all requirements of this section, sections 26789

3333.62 to ~~3333.70~~ 3333.69 of the Revised Code, and the rules 26790  
adopted under this section that apply to state universities or 26791  
colleges awarded choose Ohio first scholarships or Ohio research 26792  
scholars grants. 26793

The Ohio research scholars program shall award grants to use 26794  
in recruiting scientists to the faculties of state universities or 26795  
colleges. 26796

The chancellor shall adopt rules in accordance with Chapter 26797  
119. of the Revised Code to administer the programs. 26798

**Sec. 3333.71.** As used in sections 3333.71 to ~~3333.80~~ 3333.79 26799  
of the Revised Code: 26800

(A) "Cooperative education program" means a partnership 26801  
between students, institutions of higher education, and employers 26802  
that formally integrates students' academic study with work 26803  
experience in cooperating employer organizations and that meets 26804  
all of the following conditions: 26805

(1) Alternates or combines periods of academic study and work 26806  
experience in appropriate fields as an integral part of student 26807  
education; 26808

(2) Provides students with compensation from the cooperative 26809  
employer in the form of wages or salaries for work performed; 26810

(3) Evaluates each participating student's performance in the 26811  
cooperative position, both from the perspective of the student's 26812  
institution of higher education and the student's cooperative 26813  
employer; 26814

(4) Provides participating students with academic credit from 26815  
the institution of higher education upon successful completion of 26816  
their cooperative education; 26817

(5) Is part of an overall degree or certificate program for 26818  
which a percentage of the total program acceptable to the 26819

chancellor of the Ohio board of regents involves cooperative 26820  
education. 26821

(B) "Internship program" means a partnership between 26822  
students, institutions of higher education, and employers that 26823  
formally integrates students' academic study with work or 26824  
community service experience and that does both of the following: 26825

(1) Offers internships of specified and definite duration; 26826

(2) Evaluates each participating student's performance in the 26827  
internship position, both from the perspective of the student's 26828  
institution of higher education and the student's internship 26829  
employer. 26830

An internship program may provide participating students with 26831  
academic credit upon successful completion of the internship, and 26832  
may provide students with compensation in the form of wages or 26833  
salaries, stipends, or scholarships. 26834

(C) "Nonpublic university or college" means a nonprofit 26835  
institution holding a certificate of authorization issued under 26836  
Chapter 1713. of the Revised Code. 26837

(D) "State institution of higher education" has the same 26838  
meaning as in section 3345.011 of the Revised Code. 26839

**Sec. 3333.72.** The chancellor of the Ohio board of regents 26840  
shall establish and administer the Ohio co-op/internship program 26841  
to promote and encourage cooperative education programs or 26842  
internship programs at Ohio institutions of higher education for 26843  
the purpose of recruiting Ohio students to stay in the state, and 26844  
recruiting Ohio residents who left Ohio to attend out-of-state 26845  
institutions of higher education back to Ohio institutions of 26846  
higher education, to participate in high quality academic programs 26847  
that use cooperative education programs or significant internship 26848  
programs, in order to support the growth of Ohio's businesses by 26849

providing businesses with Ohio's most talented students and 26850  
providing Ohio graduates with job opportunities with Ohio's 26851  
growing companies. 26852

The chancellor, subject to approval by the controlling board, 26853  
shall make awards to state institutions of higher education for 26854  
new or existing programs and initiatives meeting the goals of the 26855  
Ohio co-op/internship program. Awards may be granted for programs 26856  
and initiatives to be implemented by a state institution of higher 26857  
education alone or in collaboration with other state institutions 26858  
of higher education or nonpublic Ohio universities and colleges. 26859  
If the chancellor makes an award to a program or initiative that 26860  
is intended to be implemented by a state institution of higher 26861  
education in collaboration with other state institutions of higher 26862  
education or nonpublic Ohio universities or colleges, the 26863  
chancellor may provide that some portion of the award be received 26864  
directly by the collaborating universities or colleges consistent 26865  
with all terms of the Ohio co-op/internship program. 26866

The Ohio co-op/internship program shall support the creation 26867  
and maintenance of high quality academic programs that utilize an 26868  
intensive cooperative education or internship program for students 26869  
at state institutions of higher education, or assign a number of 26870  
scholarships to institutions to recruit Ohio residents as students 26871  
in a high quality academic program, or both. If scholarships are 26872  
included in an award to an institution of higher education, the 26873  
scholarships shall be awarded to each participating eligible 26874  
student as a grant to the state institution of higher education 26875  
the student is attending and shall be reflected on the student's 26876  
tuition bill. 26877

Notwithstanding any other provision of this section or 26878  
sections 3333.73 to ~~3333.80~~ 3333.79 of the Revised Code, an Ohio 26879  
four-year nonpublic university or college may submit a proposal as 26880

lead applicant or co-lead applicant for an award under the Ohio 26881  
co-op/internship program if the proposal is to be implemented in 26882  
collaboration with a state institution of higher education. If the 26883  
chancellor grants a nonpublic university or college an award, the 26884  
nonpublic university or college shall comply with all requirements 26885  
of this section, sections 3333.73 to ~~3333.80~~ 3333.79 of the 26886  
Revised Code, and the rules adopted under this section that apply 26887  
to state institutions of higher education that receive awards 26888  
under the program. 26889

The chancellor shall adopt rules in accordance with Chapter 26890  
119. of the Revised Code to administer the Ohio co-op/internship 26891  
program. 26892

**Sec. 3334.08.** (A) Subject to division (B) of this section, in 26893  
addition to any other powers conferred by this chapter, the Ohio 26894  
tuition trust authority may do any of the following: 26895

(1) Impose reasonable residency requirements for 26896  
beneficiaries of tuition units; 26897

(2) Impose reasonable limits on the number of tuition unit 26898  
participants; 26899

(3) Impose and collect administrative fees and charges in 26900  
connection with any transaction under this chapter; 26901

(4) Purchase insurance from insurers licensed to do business 26902  
in this state providing for coverage against any loss in 26903  
connection with the authority's property, assets, or activities or 26904  
to further ensure the value of tuition units; 26905

(5) Indemnify or purchase policies of insurance on behalf of 26906  
members, officers, and employees of the authority from insurers 26907  
licensed to do business in this state providing for coverage for 26908  
any liability incurred in connection with any civil action, 26909  
demand, or claim against a director, officer, or employee by 26910



reason of an act or omission by the director, officer, or employee 26911  
that was not manifestly outside the scope of the employment or 26912  
official duties of the director, officer, or employee or with 26913  
malicious purpose, in bad faith, or in a wanton or reckless 26914  
manner; 26915

(6) Make, execute, and deliver contracts, conveyances, and 26916  
other instruments necessary to the exercise and discharge of the 26917  
powers and duties of the authority; 26918

(7) Promote, advertise, and publicize the Ohio college 26919  
savings program and the variable college savings program; 26920

(8) Adopt rules under section 111.15 of the Revised Code for 26921  
the implementation of the Ohio college savings program; 26922

(9) Contract, for the provision of all or part of the 26923  
services necessary for the management and operation of the Ohio 26924  
college savings program and the variable college savings program, 26925  
with a bank, trust company, savings and loan association, 26926  
insurance company, or licensed dealer in securities if the bank, 26927  
company, association, or dealer is authorized to do business in 26928  
this state and information about the contract is filed with the 26929  
controlling board pursuant to division (D)(6) of section 127.16 of 26930  
the Revised Code; provided, however, that any funds of the Ohio 26931  
college savings program and the variable college savings program 26932  
that are not needed for immediate use shall be deposited by the 26933  
treasurer of state in the same manner provided under Chapter 135. 26934  
of the Revised Code for public moneys of the state. All interest 26935  
earned on those deposits shall be credited to the Ohio college 26936  
savings program or the variable college savings program, as 26937  
applicable. 26938

(10) Contract for other services, or for goods, needed by the 26939  
authority in the conduct of its business, including but not 26940  
limited to credit card services; 26941

(11) Employ an executive director and other personnel as 26942  
necessary to carry out its responsibilities under this chapter, 26943  
and fix the compensation of these persons. All employees of the 26944  
authority shall be in the unclassified civil service and shall be 26945  
eligible for membership in the public employees retirement system. 26946  
In the hiring of the executive director, the Ohio tuition trust 26947  
authority shall obtain the advice and consent of the Ohio tuition 26948  
trust board created in section 3334.03 of the Revised Code, 26949  
provided that the executive director shall not be hired unless a 26950  
majority of the board votes in favor of the hiring. In addition, 26951  
the board may remove the executive director at any time subject to 26952  
the advice and consent of the chancellor of the Ohio board of 26953  
regents. 26954

(12) Contract with financial consultants, actuaries, 26955  
auditors, and other consultants as necessary to carry out its 26956  
responsibilities under this chapter; 26957

(13) Enter into agreements with any agency of the state or 26958  
its political subdivisions or with private employers under which 26959  
an employee may agree to have a designated amount deducted in each 26960  
payroll period from the wages or salary due the employee for the 26961  
purpose of purchasing tuition units pursuant to a tuition payment 26962  
contract or making contributions pursuant to a variable college 26963  
savings program contract; 26964

(14) Enter into an agreement with the treasurer of state 26965  
under which the treasurer of state will receive, and credit to the 26966  
Ohio tuition trust fund or variable college savings program fund, 26967  
from any bank or savings and loan association authorized to do 26968  
business in this state, amounts that a depositor of the bank or 26969  
association authorizes the bank or association to withdraw 26970  
periodically from the depositor's account for the purpose of 26971  
purchasing tuition units pursuant to a tuition payment contract or 26972  
making contributions pursuant to a variable college savings 26973

program contract;	26974
(15) Solicit and accept gifts, grants, and loans from any person or governmental agency and participate in any governmental program;	26975 26976 26977
(16) Impose limits on the number of units which may be purchased on behalf of or assigned or awarded to any beneficiary and on the total amount of contributions that may be made on behalf of a beneficiary;	26978 26979 26980 26981
(17) Impose restrictions on the substitution of another individual for the original beneficiary under the Ohio college savings program;	26982 26983 26984
(18) Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;	26985 26986
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	26987 26988 26989
(20) Determine the other higher education expenses for which tuition units or contributions may be used;	26990 26991
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	26992 26993 26994 26995 26996 26997 26998 26999
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	27000 27001
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this	27002 27003

chapter. 27004

(B) The authority shall adopt rules under section 111.15 of 27005  
the Revised Code for the implementation and administration of the 27006  
variable college savings program. The rules shall provide 27007  
taxpayers with the maximum tax advantages and flexibility 27008  
consistent with section 529 of the Internal Revenue Code and 27009  
regulations adopted thereunder with regard to disposition of 27010  
contributions and earnings, designation of beneficiaries, and 27011  
rollover of account assets to other programs. 27012

(C) Except as otherwise specified in this chapter, the 27013  
provisions of Chapters 123., 125., and 4117. of the Revised Code 27014  
shall not apply to the authority. The department of administrative 27015  
services shall, upon the request of the authority, act as the 27016  
authority's agent for the purchase of equipment, supplies, 27017  
insurance, or services, or the performance of administrative 27018  
services pursuant to Chapter 125. of the Revised Code. 27019

**Sec. 3345.16.** The board of trustees of a state college or 27020  
university may receive, and hold in trust, for the use and benefit 27021  
of the college or university any grant or devise of land, and 27022  
donation or bequest of money or other personal property, to be 27023  
applied to the general or special use of the college or 27024  
university, including use for student loan and scholarship 27025  
purposes, unless otherwise directed in the donation or bequest. 27026

The board of trustees of a state college or university may 27027  
utilize trust funds to invest in property, real and personal, as a 27028  
portion of the holdings in the endowment portfolio under the trust 27029  
powers imparted to the board of trustees. Such property, real and 27030  
personal, acquired for investment purposes shall be managed by the 27031  
board of trustees in the same manner as are other investments in 27032  
the college's or university's endowment portfolio. The board of 27033  
trustees may lease, lease back, or otherwise contract for the use 27034

of such property in such manner as to provide earning power for 27035  
the college or university investment portfolio. Sections 123.01, 27036  
~~123.04~~ 123.02, ~~123.15~~ 123.10, and ~~123.47~~ 123.13 of the Revised 27037  
Code do not apply to properties, real and personal, held under 27038  
this section as earning-power properties in the college or 27039  
university endowment portfolio. 27040

Notwithstanding any provision of the Revised Code to the 27041  
contrary, the title in properties, real and personal, purchased by 27042  
a board of trustees as an investment and held in the college's or 27043  
university's endowment portfolio shall not be vested in the state, 27044  
but shall be held in trust by the board. 27045

**Sec. 3345.28.** The board of trustees of any state university, 27046  
medical university, technical college, state community college, 27047  
community college, or the board of trustees or managing authority 27048  
of any university branch may establish and administer a faculty 27049  
improvement program, under which any full-time faculty member with 27050  
at least seven academic years of teaching service at the college, 27051  
university, or branch may be granted professional leave for a 27052  
period not to exceed one academic year to engage in further 27053  
education, research, or any other purpose approved by the board. A 27054  
board of trustees or managing authority that establishes such a 27055  
program shall, by rule, adopt a definition of "academic years of 27056  
teaching service" and of "full-time faculty member." 27057

No such board or authority shall pay any faculty member for 27058  
or during a period of professional leave any salary exceeding the 27059  
amount that would have been paid to such faculty member for 27060  
performing the faculty member's regular duties during the period 27061  
of the leave. No faculty member shall, by virtue of being on 27062  
professional leave, suffer a reduction or termination of the 27063  
faculty member's regular employee retirement or insurance benefits 27064  
or of any other benefit or privilege being received as a faculty 27065

member at the college, university, or branch where the faculty 27066  
member is employed. Whenever such a benefit would be reduced 27067  
because of a reduction in the faculty member's salary during the 27068  
period of professional leave, the faculty member shall be given a 27069  
chance to have the benefit increased to its normal level, in 27070  
accordance with rules adopted by the board of trustees or the 27071  
managing authority. A faculty member who has been granted 27072  
professional leave shall complete another seven years of service 27073  
at the college, university, or branch at which the faculty member 27074  
is employed before becoming eligible for another grant of 27075  
professional leave at that college, university, or branch. 27076  
Professional leave taken as part of a faculty improvement program 27077  
established under this section shall not be deemed to be in lieu 27078  
of released time or assigned duty in connection with a specific 27079  
research, scholarly, or creative program. 27080

Boards of trustees and managing authorities may accept moneys 27081  
from any person, political subdivision, or the federal government 27082  
to support a faculty improvement program, and may establish such 27083  
additional rules as are necessary to establish and administer it. 27084

Each grant of professional leave shall be in accordance with 27085  
a professional improvement policy for professional leaves that has 27086  
been approved by the board of trustees or the managing authority. 27087  
No professional leave shall be granted that requires a 27088  
compensating addition to the permanent faculty or staff of the 27089  
college, university, or branch. No professional leave shall be 27090  
approved unless a specific plan for the professional improvement 27091  
of the faculty member while on leave has been submitted to and 27092  
accepted by the president of the university, college, or branch. 27093  
At the completion of the leave, the faculty member shall submit to 27094  
the president a report detailing the attainments of the faculty 27095  
member under this professional improvement plan. 27096

~~Not later than the thirtieth day of June of each year, the~~ 27097

~~chancellor of the board of regents shall report to the 27098  
chairpersons of the education committees of the house of 27099  
representatives and the senate on the status of implementation of 27100  
faculty improvement programs. The report shall include, but need 27101  
not be limited to, the following: the number of professional leave 27102  
grants made by each institution; the purpose of each professional 27103  
leave; and a statement of the cost to the institution of each 27104  
professional leave, to the extent that such cost exceeds the 27105  
salary of the faculty member on professional leave. 27106~~

**Sec. 3345.50.** Notwithstanding anything to the contrary in 27107  
sections 123.01 and ~~123.15~~ 123.10 of the Revised Code, a state 27108  
university, a state community college, or the northeast Ohio 27109  
medical university not certified pursuant to section ~~123.17~~ 123.24 27110  
of the Revised Code may administer any capital facilities project 27111  
for the construction, reconstruction, improvement, renovation, 27112  
enlargement, or alteration of a public improvement under its 27113  
jurisdiction for which the total amount of funds expected to be 27114  
appropriated by the general assembly does not exceed four million 27115  
dollars without the supervision, control, or approval of the 27116  
~~department of administrative services~~ Ohio facilities construction  
commission as specified in those sections, if both of the 27117  
following occur: 27118  
27119

(A) Within sixty days after the effective date of the section 27120  
of an act in which the general assembly initially makes an 27121  
appropriation for the project, the board of trustees of the 27122  
institution notifies the chancellor of the Ohio board of regents 27123  
in writing of its intent to administer the capital facilities 27124  
project; 27125

(B) The board of trustees complies with the guidelines 27126  
established pursuant to section 153.16 of the Revised Code and all 27127  
laws that govern the selection of consultants, preparation and 27128

approval of contract documents, receipt of bids, and award of 27129  
contracts with respect to the project. 27130

The chancellor shall adopt rules in accordance with Chapter 27131  
119. of the Revised Code that establish criteria for the 27132  
administration by any such institution of higher education of a 27133  
capital facilities project for which the total amount of funds 27134  
expected to be appropriated by the general assembly exceeds four 27135  
million dollars. The criteria, to be developed with the ~~department~~ 27136  
~~of administrative services~~ Ohio facilities construction commission 27137  
and higher education representatives selected by the chancellor, 27138  
shall include such matters as the adequacy of the staffing levels 27139  
and expertise needed for the institution to administer the 27140  
project, past performance of the institution in administering such 27141  
projects, and the amount of institutional or other nonstate money 27142  
to be used in financing the project. The chancellor and the 27143  
~~department of administrative services~~ Ohio facilities construction 27144  
commission shall approve the request of any such institution of 27145  
higher education that seeks to administer any such capital 27146  
facilities project and meets the criteria set forth in the rules 27147  
and in the requirements of division (B) of this section. 27148

**Sec. 3345.51.** (A) Notwithstanding anything to the contrary in 27149  
sections ~~123.01~~ 123.20 and ~~123.15~~ 123.21 of the Revised Code, a 27150  
state university, the northeast Ohio medical university, or a 27151  
state community college may administer any capital facilities 27152  
project for the construction, reconstruction, improvement, 27153  
renovation, enlargement, or alteration of a public improvement 27154  
under its jurisdiction for which funds are appropriated by the 27155  
general assembly without the supervision, control, or approval of 27156  
the ~~department of administrative services~~ Ohio facilities 27157  
construction commission as specified in those sections, if all of 27158  
the following occur: 27159



(1) The institution is certified by the ~~state architect~~ 27160  
commission under section ~~123.17~~ 123.24 of the Revised Code; 27161

(2) Within sixty days after the effective date of the section 27162  
of an act in which the general assembly initially makes an 27163  
appropriation for the project, the board of trustees of the 27164  
institution notifies the chancellor of the Ohio board of regents 27165  
in writing of its request to administer the capital facilities 27166  
project and the chancellor approves that request pursuant to 27167  
division (B) of this section; 27168

(3) The board of trustees passes a resolution stating its 27169  
intent to comply with section 153.13 of the Revised Code and the 27170  
guidelines established pursuant to section 153.16 of the Revised 27171  
Code and all laws that govern the selection of consultants, 27172  
preparation and approval of contract documents, receipt of bids, 27173  
and award of contracts with respect to the project. 27174

(B) The chancellor shall adopt rules in accordance with 27175  
Chapter 119. of the Revised Code that establish criteria for the 27176  
administration by any such institution of higher education of a 27177  
capital facilities project for which the general assembly 27178  
appropriates funds. The criteria, to be developed with the 27179  
~~department of administrative services~~ commission and higher 27180  
education representatives selected by the chancellor, shall 27181  
include such matters as the adequacy of the staffing levels and 27182  
expertise needed for the institution to administer the project, 27183  
past performance of the institution in administering such 27184  
projects, and the amount of institutional or other nonstate money 27185  
to be used in financing the project. The chancellor shall approve 27186  
the request of any such institution of higher education that seeks 27187  
to administer any such capital facilities project and meets the 27188  
criteria set forth in the rules and the requirements of division 27189  
(A) of this section. 27190

(C) Any institution that administers a capital facilities 27191

project under this section shall conduct biennial audits for the 27192  
duration of the project to ensure that the institution is 27193  
complying with Chapters 9., 123., and 153. of the Revised Code and 27194  
that the institution is using its certification issued under 27195  
section ~~123.17~~ 123.24 of the Revised Code appropriately. The 27196  
chancellor, in consultation with higher education representatives 27197  
selected by the chancellor, shall adopt rules in accordance with 27198  
Chapter 119. of the Revised Code that establish criteria for the 27199  
conduct of the audits. The criteria shall include documentation 27200  
necessary to determine compliance with Chapters 9., 123., and 153. 27201  
of the Revised Code and a method to determine whether an 27202  
institution is using its certification issued under section ~~123.17~~ 27203  
123.24 of the Revised Code appropriately. 27204

(D) The chancellor, in consultation with higher education 27205  
representatives selected by the chancellor, shall adopt rules in 27206  
accordance with Chapter 119. of the Revised Code establishing 27207  
criteria for monitoring capital facilities projects administered 27208  
by institutions under this section. The criteria shall include the 27209  
following: 27210

(1) Conditions under which the chancellor may revoke the 27211  
authority of an institution to administer a capital facilities 27212  
project under this section, including the failure of an 27213  
institution to maintain a sufficient number of employees who have 27214  
successfully completed the certification program under section 27215  
~~123.17~~ 123.24 of the Revised Code; 27216

(2) A process for institutions to remedy any problems found 27217  
by an audit conducted pursuant to division (C) of this section, 27218  
including the improper use of state funds or violations of Chapter 27219  
9., 123., or 153. of the Revised Code. 27220

(E) If the chancellor revokes an institution's authority to 27221  
administer a capital facilities project, the ~~department of~~ 27222  
~~administrative services~~ commission shall administer the capital 27223

facilities project. The chancellor also may require an 27224  
institution, for which the chancellor revoked authority to 27225  
administer a capital facilities project, to acquire a new local 27226  
administration competency certification pursuant to section ~~123.17~~ 27227  
123.24 of the Revised Code. 27228

**Sec. 3345.54.** (A) As used in this section: 27229

(1) "Auxiliary facilities" has the same meaning as in section 27230  
3345.12 of the Revised Code. 27231

(2) "Conduit entity" means an organization described in 27232  
section 501(c)(3) of the Internal Revenue Code qualified as a 27233  
public charity under section 509(a)(2) or 509(a)(3) of the 27234  
Internal Revenue Code, or any other appropriate legal entity 27235  
selected by the state institution, whose corporate purpose allows 27236  
it to perform the functions and obligations of a conduit entity 27237  
pursuant to the terms of a financing agreement. 27238

(3) "Conveyed property" means auxiliary facilities conveyed 27239  
by a state institution to a conduit entity pursuant to a financing 27240  
agreement. 27241

(4) "Financing agreement" means a contract described in 27242  
division (C) of this section. 27243

(5) "Independent funding source" means a private entity that 27244  
enters into a financing agreement with a conduit entity and a 27245  
state institution. 27246

(6) "State institution" means a state institution of higher 27247  
education as defined in section 3345.011 of the Revised Code. 27248

(B) The board of trustees of a state institution, with the 27249  
approval of the chancellor of the Ohio board of regents and the 27250  
controlling board, may enter into a financing agreement with a 27251  
conduit entity and an independent funding source selected either 27252  
through a competitive selection process or by direct negotiations, 27253

and may convey to the conduit entity title to any auxiliary 27254  
facilities owned by the state institution pursuant to the terms of 27255  
a financing agreement. 27256

(C) A financing agreement under this section is a written 27257  
contract entered into among a state institution, a conduit entity, 27258  
and an independent funding source that provides for: 27259

(1) The conveyance of auxiliary facilities owned by a state 27260  
institution to the conduit entity for consideration deemed 27261  
adequate by the state institution; 27262

(2) The lease of the conveyed property by the conduit entity 27263  
to the independent funding source and leaseback of the conveyed 27264  
property to the conduit entity for a term not to exceed 27265  
ninety-nine years; 27266

(3) Such other terms and conditions that may be negotiated 27267  
and agreed upon by the parties, including, but not limited to, 27268  
terms regarding: 27269

(a) Payment to the state institution by the conduit entity of 27270  
revenues received by it from the operations of the conveyed 27271  
property in excess of the payments it is required to make to the 27272  
independent funding source under the lease-leaseback arrangement 27273  
described in division (C)(2) of this section; 27274

(b) Pledge, assignment, or creation of a lien in favor of the 27275  
independent funding source by the conduit entity of any revenues 27276  
derived from the conveyed property; 27277

(c) Reverter or conveyance of title to the conveyed property 27278  
to the state institution when the conveyed property is no longer 27279  
subject to a lease with the independent funding source. 27280

(4) Terms and conditions required by the chancellor or the 27281  
controlling board as a condition of approval of the financing 27282  
agreement. 27283

(D) The state institution and the conduit entity may enter 27284  
into such other management agreements or other contracts regarding 27285  
the conveyed property the parties deem appropriate, including 27286  
agreements pursuant to which the state institution may maintain or 27287  
administer the conveyed property and collect and disburse revenues 27288  
from the conveyed property on behalf of the conduit entity. 27289

(E) The parties may modify or extend the term of the 27290  
financing agreement with the approval of the chancellor and the 27291  
controlling board. 27292

(F) The conveyed property shall retain its exemption from 27293  
property taxes and assessments as though title to the conveyed 27294  
property were held by the state institution during any part of a 27295  
tax year that title is held by the state institution or the 27296  
conduit entity and, if held by the conduit entity, remains subject 27297  
to the lease-leaseback arrangement described in division (C)(2) of 27298  
this section. However, as a condition of the continued exemption 27299  
of the conveyed property during the term of the lease-leaseback 27300  
arrangement the conduit entity shall apply for and maintain the 27301  
exemption as provided by law. 27302

(G) Nothing in this section is intended to abrogate, amend, 27303  
limit, or replace any existing authority state institutions may 27304  
have with respect to the conveyance, lease, lease-leaseback, 27305  
finance, or acquisition of auxiliary facilities including, but not 27306  
limited to, authority granted under sections 3345.07, 3345.11, and 27307  
3345.12 of the Revised Code. 27308

**Sec. 3345.69.** (A) As used in this section: 27309

(1) "State institution of higher education" has the same 27310  
meaning as in section 3345.011 of the Revised Code. 27311

(2) "Board of trustees of a state institution of higher 27312  
education" has the same meaning as in section 3345.61 of the 27313

Revised Code. 27314

(B) The chairperson of the interuniversity council of Ohio 27315  
and the secretary of the Ohio association of community colleges 27316  
shall assist in coordinating the organization and operation of a 27317  
committee to carry out this section. The committee shall be 27318  
comprised of the presidents of the state institutions of higher 27319  
education or their designees. The committee, in consultation with 27320  
~~the office of energy services of the department of administrative~~ 27321  
~~services~~ Ohio facilities construction commission, shall develop 27322  
guidelines for the board of trustees of each state institution of 27323  
higher education to use in ensuring energy efficiency and 27324  
conservation in on- and off-campus buildings. ~~Initial guidelines~~ 27325  
~~shall be adopted not later than ninety days after the effective~~ 27326  
~~date of this section.~~ At a minimum, guidelines under this section 27327  
shall do all of the following: 27328

(1) Include a goal to reduce on- and off-campus building 27329  
energy consumption by at least twenty per cent by 2014, using 27330  
calendar year 2004 as the benchmark year, while recognizing the 27331  
diverse nature and different energy demands and uses of such 27332  
buildings and measures already taken to increase building energy 27333  
efficiency and conservation; 27334

(2) Prescribe minimum energy efficiency and conservation 27335  
standards for any new, on- or off-campus capital improvement 27336  
project with a construction cost of one hundred thousand dollars 27337  
or more, which standards shall be based on general building type 27338  
and cost-effectiveness; 27339

(3) Prescribe minimum energy efficiency and conservation 27340  
standards for the leasing of an off-campus space of at least 27341  
twenty-thousand square feet; 27342

(4) Incorporate best practices into energy efficiency and 27343  
conservation standards and plans; 27344

(5) Provide that each board develop its own fifteen-year plan for phasing in energy efficiency and conservation projects;	27345
	27346
(6) Provide that project impact assessments include the fiscal effects of energy efficiency and conservation recommendations and plans;	27347
	27348
	27349
(7) Establish mechanisms for each board to report periodically to the committee on its progress relative to the guidelines.	27350
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	27352
(C) The board of trustees of a state institution of higher education shall adopt rules under section 111.15 of the Revised Code to carry out the guidelines established pursuant to division (B) of this section, including in the execution of the board's authority under sections 3345.62 to 3345.66 of the Revised Code.	27353
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<b>Sec. 3345.692.</b> (A) Not later than September 15, 2010, and the fifteenth day of September each year thereafter, a state institution of higher education shall prepare and submit to the chancellor of the board of regents a report that describes the number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by the state institution of higher education for those biobased products.	27358
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<del>(B) Not later than September 30, 2010, and the thirtieth day of September each year thereafter, the chancellor of the board of regents shall prepare and submit to the governor, the president of the senate, and the speaker of the house of representatives a report that describes the number and types of biobased products purchased under section 125.092 of the Revised Code and the amount of money spent by state institutions of higher education for those biobased products as that information is provided to the chancellor under division (A) of this section.</del>	27365
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<del>(C) As used in this section, "state institution of higher</del>	27374

education" has the same meaning as in section 3345.011 of the Revised Code.

**Sec. 3347.03.** Each commission created by section 3347.01 of the Revised Code may acquire property of any kind by purchase, gift, or devise and hold and use any such property, or may use state lands at their respective universities upon consent of the respective boards of trustees thereof, for the erection, remodeling, or improving and equipping of buildings for suitable housing, dormitory, dining hall, and recreational accommodations, referred to as "buildings" in sections 3347.03 to 3347.08 of the Revised Code, for students, instructors, members of the faculty, the administration and maintenance staff of the universities with which each commission is identified, and their families. The construction, remodeling, or improving of any such buildings shall be in accordance with plans and specifications approved by the commission and with sections 153.01 and 153.04 to 153.20 of the Revised Code, except that the commission may act in all instances where the ~~department of administrative services~~ Ohio facilities construction commission is mentioned in such sections.

**Sec. 3356.10.** During the five-year period after the effective date of this section, the governor may execute deeds in the name of the state conveying to one or more purchasers and the purchasers' heirs and assigns or successors and assigns all of the state's right, title, and interest in any or all parcels of real estate held for the use and benefit of Youngstown state university and located in the city of Youngstown, Mahoning county, in an area known as "smokey hollow" and bounded on the north by the east-bound service road of the Madison avenue expressway, on the east by Andrews avenue, on the south by Rayen avenue, and on the west by Wick avenue. The parcel or parcels of real estate may be transferred individually or as a group or multiple groups to a



single purchaser or to multiple purchasers. 27406

The consideration for conveyance of the parcel or parcels of 27407  
real estate shall be a purchase price and any terms and conditions 27408  
acceptable to the board of trustees of Youngstown state 27409  
university. The consideration may include in whole or in part the 27410  
benefit that will inure to the university and the students 27411  
attending the university from development of a mixed-use urban 27412  
neighborhood that will provide convenient housing, retail outlets, 27413  
parks, and employment opportunities on a site adjacent to the 27414  
university's core campus. 27415

All costs of the conveyance of the parcel or parcels of real 27416  
estate shall be paid by the board of trustees of the Youngstown 27417  
state university unless otherwise specified in the agreement for 27418  
transfer of the property. 27419

Upon adoption of a resolution by the board of trustees of 27420  
Youngstown state university specifically describing the parcel or 27421  
parcels of real estate to be conveyed, identifying the purchaser 27422  
or purchasers of the real estate, and specifying the consideration 27423  
paid or to be paid, the auditor of state, with the assistance of 27424  
the attorney general, shall prepare a deed or deeds to the parcel 27425  
or parcels of real estate described in the resolution. The deed or 27426  
deeds shall state the consideration specified in the resolution. 27427  
The deed or deeds shall be executed by the governor in the name of 27428  
the state, countersigned by the secretary of state, sealed with 27429  
the great seal of the state, presented in the office of the 27430  
auditor of state for recording, and delivered to the purchaser or 27431  
purchasers. The purchaser or purchasers shall present the deed or 27432  
deeds for recording in the office of the Mahoning county recorder. 27433

Each deed to any property described in this section shall 27434  
contain any exceptions, reservations, or conditions and any right 27435  
of reentry or reverter clause specified in the resolution. Any 27436

exceptions, reservations, or conditions or any right of reentry or 27437  
reverter clause contained in any deed authorized by this section 27438  
may be released by the university without the necessity of further 27439  
legislation, provided the release is specifically authorized by 27440  
the board of trustees of Youngstown state university. 27441

The net proceeds of the sale of the parcel or parcels of real 27442  
estate shall be paid to Youngstown state university and deposited 27443  
in university accounts for purposes to be determined by the board 27444  
of trustees. 27445

**Sec. 3366.05.** The issuing authority, as an eligible 27446  
not-for-profit holder of federal education loans, may act as an 27447  
eligible not-for-profit servicer of certain student loans owned by 27448  
the federal government under Section 2212 of the "Health Care and 27449  
Education Reconciliation Act of 2010," Pub. L. No. 111-152. The 27450  
issuing authority is authorized to take such actions and to enter 27451  
into such contracts and to execute all instruments necessary or 27452  
appropriate to act as an eligible not-for-profit servicer. 27453  
Notwithstanding division (C) of section 3366.03 and division (B) 27454  
of section 3366.04 of the Revised Code, revenues received by the 27455  
issuing authority under this section shall be deposited in an 27456  
account in the custody of the treasurer of state that is not part 27457  
of the state treasury and shall be used to pay administrative 27458  
costs incurred by the issuing authority. Unexpended amounts shall 27459  
be deposited in the state treasury and credited to the treasurer 27460  
of state's administrative fund created under section 113.20 of the 27461  
Revised Code. 27462

**Sec. 3375.405.** (A) As used in this section, "energy 27463  
conservation measure" means the construction of, installation or 27464  
modification of an installation in, or remodeling of, a new or 27465  
existing building, to reduce energy consumption. It includes: 27466

<u>(1) Insulation of the building structure and of systems within the building;</u>	27467 27468
<u>(2) Storm windows and doors, multi-glazed windows and doors, heat-absorbing or heat-reflective glazed and coated window and door systems, additional glazing, reductions in glass area, and other window and door system modifications that reduce energy consumption;</u>	27469 27470 27471 27472 27473
<u>(3) Automatic energy control systems;</u>	27474
<u>(4) Heating, ventilating, or air conditioning system modifications or replacements;</u>	27475 27476
<u>(5) Caulking and weather-stripping;</u>	27477
<u>(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the system without increasing the overall illumination of a facility, unless such an increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;</u>	27478 27479 27480 27481 27482
<u>(7) Energy recovery systems;</u>	27483
<u>(8) Cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;</u>	27484 27485 27486
<u>(9) Acquiring, constructing, furnishing, equipping, improving the site of, or otherwise improving a central utility plant to provide heating and cooling services to a building together with distribution piping and ancillary distribution controls, equipment, and related facilities from the central utility plant to the building; and</u>	27487 27488 27489 27490 27491 27492
<u>(10) Any other construction, modification, installation, or remodeling approved by a board of library trustees as an energy conservation measure.</u>	27493 27494 27495
<u>(B) For the purpose of evaluating library buildings for</u>	27496

energy conservation measures, a board of library trustees 27497  
appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 27498  
3375.22, or 3375.30 of the Revised Code may contract with an 27499  
architect, professional engineer, energy services company, 27500  
contractor, or other person experienced in the design and 27501  
implementation of energy conservation measures for an energy 27502  
conservation report. Such a report shall include all of the 27503  
following: 27504

(1) Analyses of the energy needs of library buildings and 27505  
recommendations for building installations, modifications of 27506  
existing installations, or building remodeling that would 27507  
significantly reduce energy consumption in the buildings; 27508

(2) Estimates of all costs of the recommended installations, 27509  
modifications, or remodeling, including costs of design, 27510  
engineering, installation, maintenance, and repair; 27511

(3) Estimates of the amounts by which energy consumption 27512  
could be reduced; 27513

(4) The interest rate used to estimate the costs of any 27514  
energy conservation measures that are to be financed by the 27515  
library; 27516

(5) The average system life of the energy conservation 27517  
measures; 27518

(6) Estimates of the likely savings that will result from the 27519  
reduction in energy consumption over the average system life of 27520  
the energy conservation measures, including the methods used to 27521  
estimate the savings; and 27522

(7) A certification under the seal of a registered 27523  
professional engineer that the energy conservation report uses 27524  
reasonable methods of analysis and estimation. 27525

(C)(1) A board of library trustees appointed pursuant to 27526

section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of 27527  
the Revised Code desiring to implement energy conservation 27528  
measures may proceed under any of the following methods: 27529

(a) Procure the energy conservation measures in any manner 27530  
authorized by existing authority. 27531

(b) Advertise for bids using an energy conservation report or 27532  
any part of an energy conservation report prepared under division 27533  
(B) of this section, and, except as otherwise provided in this 27534  
section, comply with competitive bidding requirements applicable 27535  
to the board of library trustees. 27536

(c) Notwithstanding any requirement in the Revised Code that 27537  
requires competitive bidding or specifies bidding procedures, 27538  
request proposals from at least three vendors for the 27539  
implementation of energy conservation measures. A request for 27540  
proposals shall require the vendor that is awarded a contract 27541  
under division (C)(2)(b) of this section to prepare an energy 27542  
conservation report in accordance with division (B) of this 27543  
section. 27544

Prior to sending any vendor a copy of any request for 27545  
proposals, the board of library trustees shall advertise its 27546  
intent to request proposals for the installation of energy 27547  
conservation measures in a newspaper of general circulation within 27548  
the territorial boundaries of the political subdivision or 27549  
district over which it has jurisdiction of free public library 27550  
services once a week for two consecutive weeks. The notice shall 27551  
state that the board of trustees intends to request proposals for 27552  
the installation of energy conservation measures, indicate the 27553  
date on which the request for proposals will be mailed to vendors, 27554  
which shall be at least ten days after the second publication in 27555  
the newspaper, and state that any vendor interested in receiving 27556  
the request for proposals shall submit written notice to the board 27557  
of library trustees not later than noon of the day on which the 27558

request for proposals is to be mailed. 27559

(2)(a) Upon receiving bids under division (C)(1)(b) of this section, the board of library trustees shall analyze them and select the lowest and best bid or bids most likely to result in the greatest energy savings considering the cost of the project and the board of library trustees' ability to pay for the improvements with current revenues or by financing the improvements. 27560  
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(b) Upon receiving proposals under division (C)(1)(c) of this section, the board of library trustees shall analyze the proposals and the vendors' qualifications and select the most qualified vendor to prepare an energy conservation report in accordance with division (B) of this section. After receipt and review of the energy conservation report, the board of library trustees may award a contract to the selected vendor to install the energy conservation measures that are most likely to result in the greatest energy savings considering the cost of the project and the board of library trustees' ability to pay for the improvements with current revenues or by financing the improvements. 27567  
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(c) The awarding of a contract to install energy conservation measures under division (C)(2)(a) or (b) of this section shall be conditioned upon a finding by the board of library trustees that the amount of money spent on energy conservation measures is not likely to exceed the amount of money the library would save in energy, operating, maintenance, and avoided capital costs over the average system life of the energy conservation measures as specified in the energy conservation report. In making such a finding, the board of trustees may take into account the increased costs due to inflation as shown in the energy conservation report. Nothing in this division prohibits a board of library trustees from rejecting all bids or proposals under division (C)(1)(b) or (c) of this section or from selecting more than one bid or 27578  
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proposal. 27591

(D) A board of library trustees appointed pursuant to section 27592  
3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the 27593  
Revised Code may contract for the purchase and installation of 27594  
energy conservation measures as provided in division (C) of 27595  
section 3375.40 of the Revised Code. 27596

**Sec. 3383.02.** (A) There is hereby created the Ohio cultural 27597  
facilities commission. The commission shall engage in and provide 27598  
for the development, performance, and presentation or making 27599  
available of culture and professional sports and athletics to the 27600  
public in this state, and the provision of training or education 27601  
in culture, by the exercise of its powers under this chapter, 27602  
including the provision, operation, management, and cooperative 27603  
use of Ohio cultural facilities and Ohio sports facilities. The 27604  
commission is a body corporate and politic, an agency of state 27605  
government and an instrumentality of the state, performing 27606  
essential governmental functions of this state. The carrying out 27607  
of the purposes and the exercise by the commission of its powers 27608  
conferred by this chapter are essential public functions and 27609  
public purposes of the state and of state government. The 27610  
commission may, in its own name, sue and be sued, enter into 27611  
contracts, and perform all the powers and duties given to it by 27612  
this chapter; however, it does not have and shall not exercise the 27613  
power of eminent domain. 27614

(B) The commission shall consist of twelve members, nine of 27615  
whom shall be voting members and three of whom shall be nonvoting 27616  
members. The nine voting members shall be appointed by the 27617  
governor, with the advice and consent of the senate, from 27618  
different geographical regions of the state. In addition, one of 27619  
the voting members shall represent the ~~state architect~~ Ohio 27620  
facilities construction commission. Not more than five of the 27621

members appointed by the governor shall be affiliated with the 27622  
same political party. The nonvoting members shall be the staff 27623  
director of the Ohio arts council, a member of the senate 27624  
appointed by the president of the senate, and a member of the 27625  
house of representatives appointed by the speaker of the house. 27626

(C) Of the five initial appointments made by the governor, 27627  
one shall be for a term expiring December 31, 1989, two shall be 27628  
for terms expiring December 31, 1990, and two shall be for terms 27629  
expiring December 31, 1991. Of the initial appointments of the 27630  
sixth and seventh voting members made by the governor, one shall 27631  
be for a term expiring December 31, 2003, and one shall be for a 27632  
term expiring December 31, 2004. Of the initial appointments of 27633  
the eighth and ninth voting members made by the governor, one 27634  
shall be for a term expiring December 31, 2007, and one shall be 27635  
for a term expiring December 31, 2008. These voting members shall 27636  
be appointed within sixty days after ~~the effective date of this~~ 27637  
~~amendment~~ September 29, 2005. Thereafter, each such term shall be 27638  
for three years, commencing on the first day of January and ending 27639  
on the thirty-first day of December. Each appointment by the 27640  
president of the senate and by the speaker of the house of 27641  
representatives shall be for the balance of the then legislative 27642  
biennium. Each member shall hold office from the date of the 27643  
member's appointment until the end of the term for which the 27644  
member was appointed. Any member appointed to fill a vacancy 27645  
occurring prior to the expiration of the term for which the 27646  
member's predecessor was appointed shall hold office for the 27647  
remainder of such term. Any member shall continue in office 27648  
subsequent to the expiration date of the member's term until the 27649  
member's successor takes office, or until a period of sixty days 27650  
has elapsed, whichever occurs first. 27651

(D) Members of the commission shall serve without 27652  
compensation. 27653



(E) Organizational meetings of the commission shall be held 27654  
at the first meeting of each calendar year. At each organizational 27655  
meeting, the commission shall elect from among its voting members 27656  
a chairperson, a vice-chairperson, and a secretary-treasurer, who 27657  
shall serve until the next annual meeting. The commission shall 27658  
adopt rules pursuant to section 111.15 of the Revised Code for the 27659  
conduct of its internal business and shall keep a journal of its 27660  
proceedings. 27661

(F) Five voting members of the commission constitute a 27662  
quorum, and the affirmative vote of five members is necessary for 27663  
approval of any action taken by the commission. A vacancy in the 27664  
membership of the commission does not impair a quorum from 27665  
exercising all the rights and performing all the duties of the 27666  
commission. Meetings of the commission may be held anywhere in the 27667  
state, and shall be held in compliance with section 121.22 of the 27668  
Revised Code. 27669

(G) All expenses incurred in carrying out this chapter are 27670  
payable solely from money accrued under this chapter or 27671  
appropriated for these purposes by the general assembly, and the 27672  
commission shall incur no liability or obligation beyond such 27673  
money. 27674

(H) The commission shall file an annual report of its 27675  
activities and finances with the governor, director of budget and 27676  
management, speaker of the house of representatives, president of 27677  
the senate, and chairpersons of the house and senate finance 27678  
committees. 27679

(I) There is hereby established in the state treasury the 27680  
Ohio cultural facilities commission administration fund. All 27681  
revenues of the commission shall be credited to that fund and to 27682  
any accounts created in that fund with the commission's approval. 27683  
All expenses of the commission, including reimbursement of, or 27684  
payment to, any other fund or any governmental agency for advances 27685

made or services rendered to or on behalf of the commission, shall 27686  
be paid from that fund as determined by or pursuant to directions 27687  
of the commission. All investment earnings of that fund shall be 27688  
credited to it and shall be allocated among any accounts created 27689  
in the fund in the manner determined by the commission. 27690

(J) Title to all real property and lesser interests in real 27691  
property acquired by the commission, including leasehold and other 27692  
interests, pursuant to this chapter shall be taken in the name of 27693  
the state and shall be held for the use and benefit of the 27694  
commission. The commission shall not mortgage such real property 27695  
and interests in real property. Title to other property and 27696  
interests in it acquired by the commission pursuant to this 27697  
chapter shall be taken in its name. 27698

**Sec. 3383.07.** (A) ~~The department of administrative services~~ 27699  
Ohio facilities construction commission shall provide for the 27700  
construction of a cultural project in conformity with Chapter 153. 27701  
of the Revised Code, except as follows: 27702

(1) For a cultural project other than a state historical 27703  
facility, construction services may be provided on behalf of the 27704  
state by the Ohio cultural facilities commission, or by a 27705  
governmental agency or a cultural organization that occupies, will 27706  
occupy, or is responsible for the Ohio cultural facility, as 27707  
determined by the Ohio cultural facilities commission. For a 27708  
project receiving a state appropriation of fifty thousand dollars 27709  
or less, the Ohio cultural facilities commission may delegate to 27710  
its executive director the authority to approve the provision of 27711  
construction services by such an agency or organization, but not 27712  
the authority to disapprove that provision. Construction services 27713  
to be provided by a governmental agency or a cultural organization 27714  
shall be specified in an agreement between the Ohio cultural 27715  
facilities commission and the governmental agency or cultural 27716

organization. The agreement, or any actions taken under it, are 27717  
not subject to Chapter 123. or 153. of the Revised Code, except 27718  
for sections 123.081 and 153.011 of the Revised Code, and shall be 27719  
subject to Chapter 4115. of the Revised Code. 27720

(2) For a cultural project that is a state historical 27721  
facility, construction services may be provided by the Ohio 27722  
cultural facilities commission or by a cultural organization that 27723  
occupies, will occupy, or is responsible for the facility, as 27724  
determined by the Ohio cultural facilities commission. For a 27725  
facility receiving a state appropriation of fifty thousand dollars 27726  
or less, the Ohio cultural facilities commission may delegate to 27727  
its executive director the authority to approve the provision of 27728  
construction services by such an organization, but not the 27729  
authority to disapprove that provision. The construction services 27730  
to be provided by the cultural organization shall be specified in 27731  
an agreement between the Ohio cultural facilities commission and 27732  
the cultural organization. That agreement, and any actions taken 27733  
under it, are not subject to Chapter 123., 153., or 4115. of the 27734  
Revised Code. 27735

(B) For an Ohio sports facility that is financed in part by 27736  
obligations issued pursuant to Chapter 154. of the Revised Code, 27737  
construction services shall be provided on behalf of the state by 27738  
or at the direction of the governmental agency or nonprofit 27739  
corporation that will own or be responsible for the management of 27740  
the facility, all as determined by the Ohio cultural facilities 27741  
commission. For a facility receiving a state appropriation of 27742  
fifty thousand dollars or less, the Ohio cultural facilities 27743  
commission may delegate to its executive director the authority to 27744  
approve the provision of construction services by or at the 27745  
direction of the agency or corporation, but not the authority to 27746  
disapprove that provision. Any construction services to be 27747  
provided by a governmental agency or nonprofit corporation shall 27748

be specified in an agreement between the Ohio cultural facilities 27749  
commission and the governmental agency or nonprofit corporation. 27750  
That agreement, and any actions taken under it, are not subject to 27751  
Chapter 123. or 153. of the Revised Code, except for sections 27752  
123.081 and 153.011 of the Revised Code, and shall be subject to 27753  
Chapter 4115. of the Revised Code. 27754

(C) General building services for an Ohio cultural facility 27755  
shall be provided by the Ohio cultural facilities commission or by 27756  
a cultural organization that occupies, will occupy, or is 27757  
responsible for the facility, as determined by the Ohio cultural 27758  
facilities commission. For a facility receiving a state 27759  
appropriation of fifty thousand dollars or less, the Ohio cultural 27760  
facilities commission may delegate to its executive director the 27761  
authority to approve the provision of general building services by 27762  
such an organization, but not the authority to disapprove that 27763  
provision. Alternatively, the Ohio building authority may elect to 27764  
provide those services for Ohio cultural facilities financed with 27765  
proceeds of state bonds issued by the authority. The costs of 27766  
management and general building services shall be paid by the 27767  
cultural organization that occupies, will occupy, or is 27768  
responsible for the facility as provided in an agreement between 27769  
the Ohio cultural facilities commission and the cultural 27770  
organization, except that the state may pay for general building 27771  
services for state-owned cultural facilities constructed on 27772  
state-owned land. 27773

General building services for an Ohio sports facility shall 27774  
be provided by or at the direction of the governmental agency or 27775  
nonprofit corporation that will be responsible for the management 27776  
of the facility, all as determined by the Ohio cultural facilities 27777  
commission. For a facility receiving a state appropriation of 27778  
fifty thousand dollars or less, the Ohio cultural facilities 27779  
commission may delegate to its executive director the authority to 27780

approve the provision of general building services by or at the 27781  
direction of the agency or corporation, but not the authority to 27782  
disapprove that provision. Any general building services to be 27783  
provided by a governmental agency or nonprofit corporation for an 27784  
Ohio sports facility shall be specified in an agreement between 27785  
the Ohio cultural facilities commission and the governmental 27786  
agency or nonprofit corporation. That agreement, and any actions 27787  
taken under it, are not subject to Chapter 123. or 153. of the 27788  
Revised Code, except for sections 123.081 and 153.011 of the 27789  
Revised Code, and shall be subject to Chapter 4115. of the Revised 27790  
Code. 27791

(D) This division does not apply to a state historical 27792  
facility. No state funds, including any state bond proceeds, shall 27793  
be spent on the construction of any cultural project under this 27794  
chapter unless, with respect to the cultural project and to the 27795  
Ohio cultural facility related to the project, all of the 27796  
following apply: 27797

(1) The Ohio cultural facilities commission has determined 27798  
that there is a need for the cultural project and the Ohio 27799  
cultural facility related to the project in the region of the 27800  
state in which the Ohio cultural facility is located or for which 27801  
the facility is proposed. For a project receiving a state 27802  
appropriation of fifty thousand dollars or less, the Ohio cultural 27803  
facilities commission may delegate to its executive director the 27804  
authority to determine need but only in the affirmative. 27805

(2) The Ohio cultural facilities commission has determined 27806  
that, as an indication of substantial regional support for the 27807  
cultural project, the cultural organization has made provision 27808  
satisfactory to the Ohio cultural facilities commission, in its 27809  
sole discretion, for local contributions amounting to not less 27810  
than fifty per cent of the total state funding for the cultural 27811  
project. For a project receiving a state appropriation of fifty 27812

thousand dollars or less, the Ohio cultural facilities commission 27813  
may delegate to its executive director the authority to determine 27814  
the adequacy of the regional support but only in the affirmative. 27815

(3) The general assembly has specifically authorized the 27816  
spending of money on, or made an appropriation for, the 27817  
construction of the cultural project, or for rental payments 27818  
relating to the financing of the construction of the cultural 27819  
project. Authorization to spend money, or an appropriation, for 27820  
planning the cultural project does not constitute authorization to 27821  
spend money on, or an appropriation for, construction of the 27822  
cultural project. 27823

(E) No state funds, including any state bond proceeds, shall 27824  
be spent on the construction of any state historical facility 27825  
under this chapter unless the general assembly has specifically 27826  
authorized the spending of money on, or made an appropriation for, 27827  
the construction of the state historical project related to the 27828  
facility, or for rental payments relating to the financing of the 27829  
construction of the state historical project. Authorization to 27830  
spend money, or an appropriation, for planning the state 27831  
historical project does not constitute authorization to spend 27832  
money on, or an appropriation for, the construction of the state 27833  
historical project. 27834

(F) State funds shall not be used to pay or reimburse more 27835  
than fifteen per cent of the initial estimated construction cost 27836  
of an Ohio sports facility, excluding any site acquisition cost, 27837  
and no state funds, including any state bond proceeds, shall be 27838  
spent on any Ohio sports facility under this chapter unless, with 27839  
respect to that facility, all of the following apply: 27840

(1) The Ohio cultural facilities commission has determined 27841  
that there is a need for the facility in the region of the state 27842  
for which the facility is proposed to provide the function of an 27843  
Ohio sports facility as provided for in this chapter. For a 27844

facility receiving a state appropriation of fifty thousand dollars 27845  
or less, the Ohio cultural facilities commission may delegate to 27846  
its executive director the authority to determine need but only in 27847  
the affirmative. 27848

(2) As an indication of substantial local support for the 27849  
facility, the Ohio cultural facilities commission has received a 27850  
financial and development plan satisfactory to it, and provision 27851  
has been made, by agreement or otherwise, satisfactory to the Ohio 27852  
cultural facilities commission, for a contribution amounting to 27853  
not less than eighty-five per cent of the total estimated 27854  
construction cost of the facility, excluding any site acquisition 27855  
cost, from sources other than the state. For a facility receiving 27856  
a state appropriation of fifty thousand dollars or less, the Ohio 27857  
cultural facilities commission may delegate to its executive 27858  
director the authority to evaluate the financial and development 27859  
plan and the contribution and to determine their adequacy but only 27860  
in the affirmative. 27861

(3) The general assembly has specifically authorized the 27862  
spending of money on, or made an appropriation for, the 27863  
construction of the facility, or for rental payments relating to 27864  
state financing of all or a portion of the costs of constructing 27865  
the facility. Authorization to spend money, or an appropriation, 27866  
for planning or determining the feasibility of or need for the 27867  
facility does not constitute authorization to spend money on, or 27868  
an appropriation for, costs of constructing the facility. 27869

(4) If state bond proceeds are being used for the Ohio sports 27870  
facility, the state or a governmental agency owns or has 27871  
sufficient property interests in the facility or in the site of 27872  
the facility or in the portion or portions of the facility 27873  
financed from proceeds of state bonds, which may include, but is 27874  
not limited to, the right to use or to require the use of the 27875  
facility for the presentation of sport and athletic events to the 27876

public at the facility. 27877

(G) In addition to the requirements of division (F) of this 27878  
section, no state funds, including any state bond proceeds, shall 27879  
be spent on any Ohio sports facility that is a motorsports 27880  
complex, unless, with respect to that facility, both of the 27881  
following apply: 27882

(1) Motorsports events shall be presented at the facility 27883  
pursuant to a lease entered into with the owner of the facility. 27884  
The term of the lease shall be for a period of not less than the 27885  
greater of the useful life of the portion of the facility financed 27886  
from proceeds of state bonds as determined using the guidelines 27887  
for maximum maturities as provided under divisions (B) and (C) of 27888  
section 133.20 of the Revised Code, or the period of time 27889  
remaining to the date of payment or provision for payment of 27890  
outstanding state bonds allocable to costs of the facility, all as 27891  
determined by the director of budget and management and certified 27892  
by the director to the Ohio cultural facilities commission and to 27893  
the treasurer of state. 27894

(2) Any motorsports organization that commits to using the 27895  
facility for an established period of time shall give the 27896  
political subdivision in which the facility is located not less 27897  
than six months' advance notice if the organization intends to 27898  
cease utilizing the facility prior to the expiration of that 27899  
established period. Such a motorsports organization shall be 27900  
liable to the state for any state funds used on the construction 27901  
costs of the facility. 27902

(H) In addition to the requirements of division (F) of this 27903  
section, no state bond proceeds shall be spent on any Ohio sports 27904  
facility that is a tennis facility, unless the owner or manager of 27905  
the facility provides contractual commitments from a national or 27906  
international professional tennis organization in a form 27907  
acceptable to the cultural facilities commission that assures that 27908



one or more sanctioned professional tennis events will be 27909  
presented at the facility during each year that the bonds remain 27910  
outstanding. 27911

**Sec. 3517.20.** (A)(1) As used in this section: 27912

(a) "Political publication for or against a candidate" means 27913  
a notice, placard, advertisement, sample ballot, brochure, flyer, 27914  
direct mailer, or other form of general publication that is 27915  
designed to promote the nomination, election, or defeat of a 27916  
candidate. 27917

(b) "Political publication for or against an issue" means a 27918  
notice, placard, advertisement, sample ballot, brochure, flyer, 27919  
direct mailer, or other form of general publication that is 27920  
designed to promote the adoption or defeat of a ballot issue or 27921  
question or to influence the voters in an election. 27922

(c) "Public political advertising" means newspapers, 27923  
magazines, outdoor advertising facilities, direct mailings, or 27924  
other similar types of general public political advertising, or 27925  
flyers, handbills, or other nonperiodical printed matter. 27926

(d) "Statewide candidate" has the same meaning as in section 27927  
3517.102 of the Revised Code. 27928

(e) "Legislative candidate" means a candidate for the office 27929  
of member of the general assembly. 27930

(f) "Local candidate" means a candidate for an elective 27931  
office of a political subdivision of this state. 27932

(g) "Legislative campaign fund" has the same meaning as in 27933  
section 3517.01 of the Revised Code. 27934

(h) "Limited political action committee" means a political 27935  
action committee of fewer than ten members. 27936

(i) "Limited political contributing entity" means a political 27937

contributing entity of fewer than ten members. 27938

(j) "Designated amount" means one hundred dollars in the case 27939  
of a local candidate or a local ballot issue, two hundred fifty 27940  
dollars in the case of a legislative candidate, or five hundred 27941  
dollars in the case of a statewide candidate or a statewide ballot 27942  
issue. 27943

(k) "To issue" includes to print, post, distribute, reproduce 27944  
for distribution, or cause to be issued, printed, posted, 27945  
distributed, or reproduced for distribution. 27946

(l) "Telephone bank" means more than five hundred telephone 27947  
calls of an identical or substantially similar nature within any 27948  
thirty-day period, whether those telephone calls are made by 27949  
individual callers or by recording. 27950

(2)(a) No candidate, ~~campaign committee~~, legislative campaign 27951  
fund, political party, or other entity, except a political action 27952  
committee ~~or~~, a political contributing entity, or a campaign 27953  
committee, shall issue a form of political publication for or 27954  
against a candidate, or shall make an expenditure for the purpose 27955  
of financing political communications in support of or opposition 27956  
to a candidate through public political advertising, unless the 27957  
name and residence or business address of the candidate or the 27958  
chairperson, treasurer, or secretary of the ~~campaign committee~~, 27959  
legislative campaign fund, political party, or other entity that 27960  
issues or otherwise is responsible for that political publication 27961  
or that makes an expenditure for that political communication 27962  
appears in a conspicuous place on that political publication or is 27963  
contained within that political communication. 27964

(b) No campaign committee shall issue a form of political 27965  
publication for or against a candidate, or shall make an 27966  
expenditure for the purpose of financing political communications 27967  
in support of or opposition to a candidate through public 27968

political advertising, unless the name of the campaign committee 27969  
appears in a conspicuous place on that political publication or is 27970  
contained within that political communication. 27971

(3) No limited political action committee or limited 27972  
political contributing entity shall do either of the following 27973  
unless the name and residence or business address of the 27974  
chairperson, treasurer, or secretary of the limited political 27975  
action committee or limited political contributing entity involved 27976  
appears in a conspicuous place in the political publication for or 27977  
against a candidate described in division (A)(3)(a) of this 27978  
section or is contained within the political communication 27979  
described in division (A)(3)(b) of this section: 27980

(a) Issue a form of political publication for or against a 27981  
candidate that costs in excess of the designated amount or that is 27982  
issued in cooperation, consultation, or concert with, or at the 27983  
request or suggestion of, a candidate, a campaign committee, a 27984  
legislative campaign fund, a political party, a political action 27985  
committee with ten or more members, a political contributing 27986  
entity with ten or more members, or a limited political action 27987  
committee or limited political contributing entity that spends in 27988  
excess of the designated amount on a related or the same or 27989  
similar political publication for or against a candidate; 27990

(b) Make an expenditure in excess of the designated amount in 27991  
support of or opposition to a candidate or make an expenditure in 27992  
cooperation, consultation, or concert with, or at the request or 27993  
suggestion of, a candidate, a campaign committee, a legislative 27994  
campaign fund, a political party, a political action committee 27995  
with ten or more members, a political contributing entity with ten 27996  
or more members, or a limited political action committee or 27997  
limited political contributing entity that spends in excess of the 27998  
designated amount in support of or opposition to the same 27999  
candidate, for the purpose of financing political communications 28000

in support of or opposition to that candidate through public 28001  
political advertising. 28002

(4) No political action committee with ten or more members 28003  
and no political contributing entity with ten or more members 28004  
shall issue a form of political publication for or against a 28005  
candidate, or shall make an expenditure for the purpose of 28006  
financing political communications in support of or opposition to 28007  
a candidate through public political advertising, unless the name 28008  
and residence or business address of the chairperson, treasurer, 28009  
or secretary of the political action committee or political 28010  
contributing entity that issues or otherwise is responsible for 28011  
that political publication or that makes an expenditure for that 28012  
political communication through public political advertising 28013  
appears in a conspicuous place in that political publication or is 28014  
contained within that political communication. 28015

(5)(a) No corporation, labor organization, ~~campaign~~ 28016  
~~committee~~, legislative campaign fund, political party, or other 28017  
entity, except a political action committee or a campaign 28018  
committee, shall issue a form of political publication for or 28019  
against an issue, or shall make an expenditure for the purpose of 28020  
financing political communications in support of or opposition to 28021  
a ballot issue or question through public political advertising, 28022  
unless the name and residence or business address of the 28023  
chairperson, treasurer, or secretary of the corporation, labor 28024  
organization, ~~campaign committee~~, legislative campaign fund, 28025  
political party, or other entity that issues or otherwise is 28026  
responsible for that political publication or that makes an 28027  
expenditure for that political communication through public 28028  
political advertising appears in a conspicuous place in that 28029  
political publication or is contained within that political 28030  
communication. 28031

(b) No campaign committee shall issue a form of political 28032

publication for or against an issue, or shall make an expenditure 28033  
for the purpose of financing political communications in support 28034  
of or opposition to a ballot issue or question through public 28035  
political advertising, unless the name of the campaign committee 28036  
appears in a conspicuous place in that political publication or is 28037  
contained within that political communication. 28038

(6) No limited political action committee shall do either of 28039  
the following unless the name and residence or business address of 28040  
the chairperson, treasurer, or secretary of the limited political 28041  
action committee involved appears in a conspicuous place in the 28042  
political publication for or against a ballot issue described in 28043  
division (A)(6)(a) of this section or is contained within the 28044  
political communication described in division (A)(6)(b) of this 28045  
section: 28046

(a) Issue a form of political publication for or against a 28047  
ballot issue that costs in excess of the designated amount or that 28048  
is issued in cooperation, consultation, or concert with, or at the 28049  
request or suggestion of, a candidate, a campaign committee, a 28050  
legislative campaign fund, a political party, a political action 28051  
committee with ten or more members, or a limited political action 28052  
committee that spends in excess of the designated amount for a 28053  
related or the same or similar political publication for or 28054  
against an issue; 28055

(b) Make an expenditure in excess of the designated amount in 28056  
support of or opposition to a ballot issue or make an expenditure 28057  
in cooperation, consultation, or concert with, or at the request 28058  
or suggestion of, a candidate, a campaign committee, a legislative 28059  
campaign fund, a political party, a political action committee 28060  
with ten or more members, or a limited political action committee 28061  
that spends in excess of the designated amount in support of or 28062  
opposition to the same ballot issue, for the purpose of financing 28063  
political communications in support of or opposition to that 28064

ballot issue through public political advertising. 28065

(7) No political action committee with ten or more members 28066  
shall issue a form of political publication for or against an 28067  
issue, or shall make an expenditure for the purpose of financing 28068  
political communications in support of or opposition to a ballot 28069  
issue or question through public political advertising, unless the 28070  
name and residence or business address of the chairperson, 28071  
treasurer, or secretary of the political action committee that 28072  
issues or otherwise is responsible for that political publication 28073  
or that makes an expenditure for that political communication 28074  
appears in a conspicuous place in that political publication or is 28075  
contained within that political communication. 28076

(8) The disclaimer "paid political advertisement" is not 28077  
sufficient to meet the requirements of this section. 28078

(9) If the political publication described in division (A) of 28079  
this section is issued by the regularly constituted central or 28080  
executive committee of a political party that is organized as 28081  
provided in this chapter, it shall be sufficiently identified if 28082  
it bears the name of the committee and its chairperson or 28083  
treasurer. 28084

(10) If more than one piece of printed matter or printed 28085  
political communications are mailed as a single packet, the 28086  
requirements of division (A) of this section are met if one of the 28087  
pieces of printed matter or printed political communications in 28088  
the packet contains the name and residence or business address of 28089  
the chairperson, treasurer, or secretary of the organization or 28090  
entity that issues or is responsible for the printed matter or 28091  
other printed political communications, except that if a campaign 28092  
committee mails more than one piece of printed matter or printed 28093  
political communications as a single packet, the requirements of 28094  
division (A) of this section are met if one of the pieces of 28095  
printed matter or printed political communications in the packet 28096

contains the name of the campaign committee. 28097

(11) This section does not apply to the transmittal of 28098  
personal correspondence that is not reproduced by machine for 28099  
general distribution. 28100

(12) The secretary of state, by rule, may exempt from the 28101  
requirements of this section, printed matter and certain other 28102  
kinds of printed communications such as campaign buttons, 28103  
balloons, pencils, or similar items, the size or nature of which 28104  
makes it unreasonable to add an identification or disclaimer. 28105

(13) The disclaimer or identification described in division 28106  
(A) of this section, when paid for by a campaign committee, shall 28107  
be identified by the words "paid for by" followed by the name ~~and~~ 28108  
~~address~~ of the campaign committee and the appropriate officer of 28109  
the committee, identified by name and title. The identification or 28110  
disclaimer may use reasonable abbreviations for common terms such 28111  
as "treasurer" or "committee". 28112

(B)(1) No candidate, campaign committee, legislative campaign 28113  
fund, political party, political action committee, limited 28114  
political action committee, political contributing entity, limited 28115  
political contributing entity, or other entity shall utter or 28116  
cause to be uttered, over the broadcasting facilities of any radio 28117  
or television station within this state, any communication that is 28118  
designed to promote the nomination, election, or defeat of a 28119  
candidate, or the adoption or defeat of an issue or to influence 28120  
the voters in an election, unless the speaker identifies the 28121  
speaker with the speaker's name and residence address or unless 28122  
the communication identifies the chairperson, treasurer, or 28123  
secretary of the organization responsible for the communication 28124  
with the name and residence or business address of that officer, 28125  
except that communications by radio need not broadcast the 28126  
residence or business address of the officer. However, a radio 28127  
station, for a period of at least six months, shall keep the 28128

residence or business address on file and divulge it to any person 28129  
upon request. 28130

No person operating a broadcast station or an organ of 28131  
printed media shall broadcast or print a paid political 28132  
communication that does not contain the identification required by 28133  
this section. 28134

(2) Division (B) of this section does not apply to any 28135  
communications made on behalf of a radio or television station or 28136  
network by any employee of such radio or television station or 28137  
network while acting in the course of the employee's employment. 28138

(3) No candidate or entity described in division (B)(1) of 28139  
this section shall use or cause to be used a false, fictitious, or 28140  
fraudulent name or address in the making or issuing of a 28141  
publication or communication included within the provisions of 28142  
this section. 28143

(C) No candidate, campaign committee, legislative campaign 28144  
fund, political party, political action committee, limited 28145  
political action committee, political contributing entity, limited 28146  
political contributing entity, or other person or entity shall 28147  
conduct a telephone bank for the purpose of promoting the 28148  
nomination, election, or defeat of a candidate or the adoption or 28149  
defeat of an issue or to influence the voters in an election, 28150  
unless the call includes a disclaimer that identifies the name of 28151  
the candidate, campaign committee, legislative campaign fund, 28152  
political party, political action committee, limited political 28153  
action committee, political contributing entity, limited political 28154  
contributing entity, or other person or entity paying for the 28155  
telephone bank. 28156

(D) Before a prosecution may commence under this section, a 28157  
complaint shall be filed with the Ohio elections commission under 28158  
section 3517.153 of the Revised Code. After the complaint is 28159



filed, the commission shall proceed in accordance with sections 28160  
3517.154 to 3517.157 of the Revised Code. 28161

**Sec. 3701.021.** (A) The ~~public director of health council~~ 28162  
shall adopt, in accordance with Chapter 119. of the Revised Code, 28163  
such rules as are necessary to carry out sections 3701.021 to 28164  
3701.0210 of the Revised Code, including, but not limited to, 28165  
rules to establish the following: 28166

(1) Medical and financial eligibility requirements for the 28167  
program for medically handicapped children; 28168

(2) Eligibility requirements for providers of services for 28169  
medically handicapped children; 28170

(3) Procedures to be followed by the department of health in 28171  
disqualifying providers for violating requirements adopted under 28172  
division (A)(2) of this section; 28173

(4) Procedures to be used by the department regarding 28174  
application for diagnostic services under division (B) of section 28175  
3701.023 of the Revised Code and payment for those services under 28176  
division (E) of that section; 28177

(5) Standards for the provision of service coordination by 28178  
the department of health and city and general health districts; 28179

(6) Procedures for the department to use to determine the 28180  
amount to be paid annually by each county for services for 28181  
medically handicapped children and to allow counties to retain 28182  
funds under divisions (A)(2) and (3) of section 3701.024 of the 28183  
Revised Code; 28184

(7) Financial eligibility requirements for services for Ohio 28185  
residents twenty-one years of age or older who have cystic 28186  
fibrosis; 28187

(8) Criteria for payment of approved providers who provide 28188  
services for medically handicapped children; 28189

(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;	28190 28191 28192
(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;	28193 28194 28195
(11) Terms of appointment for members of the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code;	28196 28197 28198
(12) Eligibility requirements for the hemophilia program, including income and hardship requirements;	28199 28200
(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.	28201 28202 28203 28204 28205
(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.	28206 28207 28208 28209
<b>Sec. 3701.023.</b> (A) The department of health shall review applications for eligibility for the program for medically handicapped children that are submitted to the department by city and general health districts and physician providers approved in accordance with division (C) of this section. The department shall determine whether the applicants meet the medical and financial eligibility requirements established by the <u>public director of health council</u> pursuant to division (A)(1) of section 3701.021 of the Revised Code, and by the department in the manual of operational procedures and guidelines for the program for	28210 28211 28212 28213 28214 28215 28216 28217 28218 28219

medically handicapped children developed pursuant to division (B) 28220  
of that section. Referrals of potentially eligible children for 28221  
the program may be submitted to the department on behalf of the 28222  
child by parents, guardians, public health nurses, or any other 28223  
interested person. The department of health may designate other 28224  
agencies to refer applicants to the department of health. 28225

(B) In accordance with the procedures established in rules 28226  
adopted under division (A)(4) of section 3701.021 of the Revised 28227  
Code, the department of health shall authorize a provider or 28228  
providers to provide to any Ohio resident under twenty-one years 28229  
of age, without charge to the resident or the resident's family 28230  
and without restriction as to the economic status of the resident 28231  
or the resident's family, diagnostic services necessary to 28232  
determine whether the resident has a medically handicapping or 28233  
potentially medically handicapping condition. 28234

(C) The department of health shall review the applications of 28235  
health professionals, hospitals, medical equipment suppliers, and 28236  
other individuals, groups, or agencies that apply to become 28237  
providers. The department shall enter into a written agreement 28238  
with each applicant who is determined, pursuant to the 28239  
requirements set forth in rules adopted under division (A)(2) of 28240  
section 3701.021 of the Revised Code, to be eligible to be a 28241  
provider in accordance with the provider agreement required by the 28242  
medical assistance program established under section 5111.01 of 28243  
the Revised Code. No provider shall charge a medically handicapped 28244  
child or the child's parent or guardian for services authorized by 28245  
the department under division (B) or (D) of this section. 28246

The department, in accordance with rules adopted under 28247  
division (A)(3) of section 3701.021 of the Revised Code, may 28248  
disqualify any provider from further participation in the program 28249  
for violating any requirement set forth in rules adopted under 28250  
division (A)(2) of that section. The disqualification shall not 28251

take effect until a written notice, specifying the requirement 28252  
violated and describing the nature of the violation, has been 28253  
delivered to the provider and the department has afforded the 28254  
provider an opportunity to appeal the disqualification under 28255  
division (H) of this section. 28256

(D) The department of health shall evaluate applications from 28257  
city and general health districts and approved physician providers 28258  
for authorization to provide treatment services, service 28259  
coordination, and related goods to children determined to be 28260  
eligible for the program for medically handicapped children 28261  
pursuant to division (A) of this section. The department shall 28262  
authorize necessary treatment services, service coordination, and 28263  
related goods for each eligible child in accordance with an 28264  
individual plan of treatment for the child. As an alternative, the 28265  
department may authorize payment of health insurance premiums on 28266  
behalf of eligible children when the department determines, in 28267  
accordance with criteria set forth in rules adopted under division 28268  
(A)(9) of section 3701.021 of the Revised Code, that payment of 28269  
the premiums is cost-effective. 28270

(E) The department of health shall pay, from appropriations 28271  
to the department, any necessary expenses, including but not 28272  
limited to, expenses for diagnosis, treatment, service 28273  
coordination, supportive services, transportation, and accessories 28274  
and their upkeep, provided to medically handicapped children, 28275  
provided that the provision of the goods or services is authorized 28276  
by the department under division (B) or (D) of this section. Money 28277  
appropriated to the department of health may also be expended for 28278  
reasonable administrative costs incurred by the program. The 28279  
department of health also may purchase liability insurance 28280  
covering the provision of services under the program for medically 28281  
handicapped children by physicians and other health care 28282  
professionals. 28283

Payments made to providers by the department of health 28284  
pursuant to this division for inpatient hospital care, outpatient 28285  
care, and all other medical assistance furnished to eligible 28286  
recipients shall be made in accordance with rules adopted by the 28287  
~~public director of health council~~ pursuant to division (A) of 28288  
section 3701.021 of the Revised Code. 28289

The departments of health and job and family services shall 28290  
jointly implement procedures to ensure that duplicate payments are 28291  
not made under the program for medically handicapped children and 28292  
the medical assistance program established under section 5111.01 28293  
of the Revised Code and to identify and recover duplicate 28294  
payments. 28295

(F) At the time of applying for participation in the program 28296  
for medically handicapped children, a medically handicapped child 28297  
or the child's parent or guardian shall disclose the identity of 28298  
any third party against whom the child or the child's parent or 28299  
guardian has or may have a right of recovery for goods and 28300  
services provided under division (B) or (D) of this section. The 28301  
department of health shall require a medically handicapped child 28302  
who receives services from the program or the child's parent or 28303  
guardian to apply for all third-party benefits for which the child 28304  
may be eligible and require the child, parent, or guardian to 28305  
apply all third-party benefits received to the amount determined 28306  
under division (E) of this section as the amount payable for goods 28307  
and services authorized under division (B) or (D) of this section. 28308  
The department is the payer of last resort and shall pay for 28309  
authorized goods or services, up to the amount determined under 28310  
division (E) of this section for the authorized goods or services, 28311  
only to the extent that payment for the authorized goods or 28312  
services is not made through third-party benefits. When a third 28313  
party fails to act on an application or claim for benefits by a 28314  
medically handicapped child or the child's parent or guardian, the 28315

department shall pay for the goods or services only after ninety 28316  
days have elapsed since the date the child, parents, or guardians 28317  
made an application or claim for all third-party benefits. 28318  
Third-party benefits received shall be applied to the amount 28319  
determined under division (E) of this section. Third-party 28320  
payments for goods and services not authorized under division (B) 28321  
or (D) of this section shall not be applied to payment amounts 28322  
determined under division (E) of this section. Payment made by the 28323  
department shall be considered payment in full of the amount 28324  
determined under division (E) of this section. Medicaid payments 28325  
for persons eligible for the medical assistance program 28326  
established under section 5111.01 of the Revised Code shall be 28327  
considered payment in full of the amount determined under division 28328  
(E) of this section. 28329

(G) The department of health shall administer a program to 28330  
provide services to Ohio residents who are twenty-one or more 28331  
years of age who have cystic fibrosis and who meet the eligibility 28332  
requirements established ~~by the~~ in rules ~~of~~ adopted by the ~~public~~ 28333  
director of health council pursuant to division (A)(7) of section 28334  
3701.021 of the Revised Code, subject to all provisions of this 28335  
section, but not subject to section 3701.024 of the Revised Code. 28336

(H) The department of health shall provide for appeals, in 28337  
accordance with rules adopted under section 3701.021 of the 28338  
Revised Code, of denials of applications for the program for 28339  
medically handicapped children under division (A) or (D) of this 28340  
section, disqualification of providers, or amounts paid under 28341  
division (E) of this section. Appeals under this division are not 28342  
subject to Chapter 119. of the Revised Code. 28343

The department may designate ombudspersons to assist 28344  
medically handicapped children or their parents or guardians, upon 28345  
the request of the children, parents, or guardians, in filing 28346  
appeals under this division and to serve as children's, parents', 28347

or guardians' advocates in matters pertaining to the 28348  
administration of the program for medically handicapped children 28349  
and eligibility for program services. The ombudspersons shall 28350  
receive no compensation but shall be reimbursed by the department, 28351  
in accordance with rules of the office of budget and management, 28352  
for their actual and necessary travel expenses incurred in the 28353  
performance of their duties. 28354

(I) The department of health, and city and general health 28355  
districts providing service coordination pursuant to division 28356  
(A)(2) of section 3701.024 of the Revised Code, shall provide 28357  
service coordination in accordance with the standards set forth in 28358  
the rules adopted under section 3701.021 of the Revised Code, 28359  
without charge, and without restriction as to economic status. 28360

(J)(1) The department of health may establish a manufacturer 28361  
discount program under which a manufacturer of a drug or 28362  
nutritional formula is permitted to enter into an agreement with 28363  
the department to provide a discount on the price of the drug or 28364  
nutritional formula distributed to medically handicapped children 28365  
participating in the program for medically handicapped children. 28366  
The program shall be administered in accordance with rules adopted 28367  
under section 3701.021 of the Revised Code. 28368

(2) If a manufacturer enters into an agreement with the 28369  
department as described in division (J)(1) of this section, the 28370  
manufacturer and the department may negotiate the amount and terms 28371  
of the discount. 28372

(3) In lieu of establishing a discount program as described 28373  
in division (J)(1) of this section, the department and a 28374  
manufacturer of a drug or nutritional formula may discuss a 28375  
donation of drugs, nutritional formulas, or money by the 28376  
manufacturer to the department. 28377

**Sec. 3701.024.** (A)(1) Under a procedure established in rules 28378

adopted under section 3701.021 of the Revised Code, the department 28379  
of health shall determine the amount each county shall provide 28380  
annually for the program for medically handicapped children, based 28381  
on a proportion of the county's total general property tax 28382  
duplicate, not to exceed one-tenth of a mill, and charge the 28383  
county for any part of expenses incurred under the program for 28384  
treatment services on behalf of medically handicapped children 28385  
having legal settlement in the county that is not paid from 28386  
federal funds or through the medical assistance program 28387  
established under section 5111.01 of the Revised Code. The 28388  
department shall not charge the county for expenses exceeding the 28389  
difference between the amount determined under division (A)(1) of 28390  
this section and any amounts retained under divisions (A)(2) and 28391  
(3) of this section. 28392

All amounts collected by the department under division (A)(1) 28393  
of this section shall be deposited into the state treasury to the 28394  
credit of the medically handicapped children-county assessment 28395  
fund, which is hereby created. The fund shall be used by the 28396  
department to comply with sections 3701.021 to 3701.028 of the 28397  
Revised Code. 28398

(2) The department, in accordance with rules adopted under 28399  
section 3701.021 of the Revised Code, may allow each county to 28400  
retain up to ten per cent of the amount determined under division 28401  
(A)(1) of this section to provide funds to city or general health 28402  
districts of the county with which the districts shall provide 28403  
service coordination, public health nursing, or transportation 28404  
services for medically handicapped children. 28405

(3) In addition to any amount retained under division (A)(2) 28406  
of this section, the department, in accordance with rules adopted 28407  
under section 3701.021 of the Revised Code, may allow counties 28408  
that it determines have significant numbers of potentially 28409  
eligible medically handicapped children to retain an amount equal 28410



to the difference between: 28411

(a) Twenty-five per cent of the amount determined under 28412  
division (A)(1) of this section; 28413

(b) Any amount retained under division (A)(2) of this 28414  
section. 28415

Counties shall use amounts retained under division (A)(3) of 28416  
this section to provide funds to city or general health districts 28417  
of the county with which the districts shall conduct outreach 28418  
activities to increase participation in the program for medically 28419  
handicapped children. 28420

(4) Prior to any increase in the millage charged to a county, 28421  
the ~~public director of health council~~ shall hold a public hearing 28422  
on the proposed increase and shall give notice of the hearing to 28423  
each board of county commissioners that would be affected by the 28424  
increase at least thirty days prior to the date set for the 28425  
hearing. Any county commissioner may appear and give testimony at 28426  
the hearing. Any increase in the millage any county is required to 28427  
provide for the program for medically handicapped children shall 28428  
be determined, and notice of the amount of the increase shall be 28429  
provided to each affected board of county commissioners, no later 28430  
than the first day of June of the fiscal year next preceding the 28431  
fiscal year in which the increase will take effect. 28432

(B) Each board of county commissioners shall establish a 28433  
medically handicapped children's fund and shall appropriate 28434  
thereto an amount, determined in accordance with division (A)(1) 28435  
of this section, for the county's share in providing medical, 28436  
surgical, and other aid to medically handicapped children residing 28437  
in such county and for the purposes specified in divisions (A)(2) 28438  
and (3) of this section. Each county shall use money retained 28439  
under divisions (A)(2) and (3) of this section only for the 28440  
purposes specified in those divisions. 28441

**Sec. 3701.025.** There is hereby created the medically 28442  
handicapped children's medical advisory council consisting of 28443  
twenty-one members to be appointed by the director of health for 28444  
terms set in accordance with rules adopted by the ~~public health~~ 28445  
~~council~~ director under division (A)(11) of section 3701.021 of the 28446  
Revised Code. The medically handicapped children's medical 28447  
advisory council shall advise the director regarding the 28448  
administration of the program for medically handicapped children, 28449  
the suitable quality of medical practice for providers, and the 28450  
requirements for medical eligibility for the program. 28451

All members of the council shall be licensed physicians, 28452  
surgeons, dentists, and other professionals in the field of 28453  
medicine, representative of the various disciplines involved in 28454  
the treatment of children with medically handicapping conditions, 28455  
and representative of the treatment facilities involved, such as 28456  
hospitals, private and public health clinics, and private 28457  
physicians' offices, and shall be eligible for the program. 28458

Members of the council shall receive no compensation, but 28459  
shall receive their actual and necessary travel expenses incurred 28460  
in the performance of their official duties in accordance with the 28461  
rules of the office of budget and management. 28462

**Sec. 3701.03.** (A) The director of health shall perform duties 28463  
that are incident to the director's position as chief executive 28464  
officer of the department of health. The director shall administer 28465  
the laws relating to health and sanitation and the rules of the 28466  
department of health. The director may designate employees of the 28467  
department and, during a public health emergency, other persons to 28468  
administer the laws and rules on the director's behalf. 28469

(B) Nothing in this section authorizes any action that 28470  
28471

prevents the fulfillment of duties or impairs the exercise of 28472  
authority established by law for any other person or entity. 28473

~~(C) The director shall prepare sanitary and public health 28474  
rules for consideration by the public health council and submit to 28475  
the council recommendations for new legislation. The director 28476  
shall sit at meetings of the council but shall have no vote. 28477~~

**Sec. 3701.05.** The director of health shall keep ~~the public 28478  
health council,~~ health officials, and the general public fully 28479  
informed in a printed annual report in regard to the work of the 28480  
department of health and on the progress that is being made in 28481  
studying the cause and prevention of disease and such kindred 28482  
subjects as may contribute to the welfare of the people of the 28483  
state. 28484

**Sec. 3701.07.** (A) The ~~public~~ director of health council shall 28485  
adopt rules in accordance with Chapter 119. of the Revised Code 28486  
defining and classifying hospitals and dispensaries and providing 28487  
for the reporting of information by hospitals and dispensaries. 28488  
Except as otherwise provided in the Revised Code, the rules 28489  
providing for the reporting of information shall not require 28490  
inclusion of any confidential patient data or any information 28491  
concerning the financial condition, income, expenses, or net worth 28492  
of the facilities other than that financial information already 28493  
contained in those portions of the medicare or medicaid cost 28494  
report that is necessary for the department of health to certify 28495  
the per diem cost under section 3701.62 of the Revised Code. The 28496  
rules may require the reporting of information in the following 28497  
categories: 28498

(1) Information needed to identify and classify the 28499  
institution; 28500

(2) Information on facilities and type and volume of services 28501

provided by the institution;	28502
(3) The number of beds listed by category of care provided;	28503
(4) The number of licensed or certified professional employees by classification;	28504 28505
(5) The number of births that occurred at the institution the previous calendar year;	28506 28507
(6) Any other information that the <del>council</del> <u>director</u> considers relevant to the safety of patients served by the institution.	28508 28509
Every hospital and dispensary, public or private, annually shall register with and report to the department of health. Reports shall be submitted in the manner prescribed in rules adopted under this division.	28510 28511 28512 28513
(B) Every governmental entity or private nonprofit corporation or association whose employees or representatives are defined as residents' rights advocates under divisions (E)(1) and (2) of section 3721.10 of the Revised Code shall register with the department of health on forms furnished by the director of health and shall provide such reasonable identifying information as the director may prescribe.	28514 28515 28516 28517 28518 28519 28520
The department shall compile a list of the governmental entities, corporations, or associations registering under this division and shall update the list annually. Copies of the list shall be made available to nursing home administrators as defined in division (C) of section 3721.10 of the Revised Code <del>and to adult care facility managers as defined in section 5119.70 of the Revised Code.</del>	28521 28522 28523 28524 28525 28526 28527
<b>Sec. 3701.072.</b> (A) As used in this chapter:	28528
(1) "Bioterrorism" has the same meaning as in section 3701.232 of the Revised Code.	28529 28530

(2) "Surveillance" in the public health service means the systematic collection, analysis, interpretation, and dissemination of health data on an ongoing basis, to gain knowledge of the pattern of disease occurrence and potential in a community in order to control and prevent disease in the community.

(3) "Trauma center" has the same meaning as in section 4765.01 of the Revised Code.

(B) The ~~public~~ director of health ~~council~~ shall adopt rules in accordance with Chapter 119. of the Revised Code that require a trauma center to report information to the director of health describing the trauma center's preparedness and capacity to respond to disasters, mass casualties, and bioterrorism. The ~~council's~~ director's rules may require the reporting of any information the ~~council~~ director considers necessary for an accurate description of a trauma center's preparedness and capacity to respond to disasters, mass casualties, and bioterrorism. Information reported pursuant to this division is not a public record under section 149.43 of the Revised Code.

(C) Upon request, the department of health shall provide a summary report of the ~~public health council's~~ rules adopted pursuant to this section.

(D) The director shall review all information received pursuant to this section. After reviewing the information, the director may conduct an evaluation of a trauma center's preparedness and capacity to respond to disasters, mass casualties, and bioterrorism. An evaluation conducted pursuant to this division is not a public record under section 149.43 of the Revised Code.

**Sec. 3701.11.** The director of health ~~and the secretary of the public health council~~ shall have power to administer oaths in all parts of the state so far as the exercise of such power is

incidental to the performance of the duties of the director ~~or of~~ 28562  
~~the council.~~ 28563

**Sec. 3701.132.** The department of health is hereby designated 28564  
as the state agency to administer the "special supplemental 28565  
nutrition program for women, infants, and children" established 28566  
under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 28567  
1786, as amended. The ~~public director of health council~~ may adopt 28568  
rules pursuant to Chapter 119. of the Revised Code as necessary 28569  
for administering the program. The rules may include civil money 28570  
penalties for violations of the rules. 28571

In determining eligibility for services provided under the 28572  
program, the department may use the application form established 28573  
under section 5111.013 of the Revised Code for the healthy start 28574  
program. The department may require applicants to furnish their 28575  
social security numbers. 28576

If the department determines that a vendor has committed an 28577  
act with respect to the program that federal statutes or 28578  
regulations or state statutes or rules prohibit, the department 28579  
shall take action against the vendor in the manner required by 7 28580  
C.F.R. part 246, including imposition of a civil money penalty in 28581  
accordance with 7 C.F.R. 246.12, or rules adopted under this 28582  
section. 28583

**Sec. 3701.146.** (A) In taking actions regarding tuberculosis, 28584  
the director of health has all of the following duties and powers: 28585

(1) The director shall maintain registries of hospitals, 28586  
clinics, physicians, or other care providers to whom the director 28587  
shall refer persons who make inquiries to the department of health 28588  
regarding possible exposure to tuberculosis. 28589

(2) The director shall engage in tuberculosis surveillance 28590  
activities, including the collection and analysis of 28591

epidemiological information relative to the frequency of 28592  
tuberculosis infection, demographic and geographic distribution of 28593  
tuberculosis cases, and trends pertaining to tuberculosis. 28594

(3) The director shall maintain a tuberculosis registry to 28595  
record the incidence of tuberculosis in this state. 28596

(4) The director may appoint physicians to serve as 28597  
tuberculosis consultants for geographic regions of the state 28598  
specified by the director. Each tuberculosis consultant shall act 28599  
in accordance with rules the director establishes and shall be 28600  
responsible for advising and assisting physicians and other health 28601  
care practitioners who participate in tuberculosis control 28602  
activities and for reviewing medical records pertaining to the 28603  
treatment provided to individuals with tuberculosis. 28604

(B)(1) The ~~public health council~~ director shall adopt rules 28605  
establishing standards for the following: 28606

(a) Performing tuberculosis screenings; 28607

(b) Performing examinations of individuals who have been 28608  
exposed to tuberculosis and individuals who are suspected of 28609  
having tuberculosis; 28610

(c) Providing treatment to individuals with tuberculosis; 28611

(d) Preventing individuals with communicable tuberculosis 28612  
from infecting other individuals; 28613

(e) Performing laboratory tests for tuberculosis and studies 28614  
of the resistance of tuberculosis to one or more drugs; 28615

(f) Selecting laboratories that provide in a timely fashion 28616  
the results of a laboratory test for tuberculosis. The standards 28617  
shall include a requirement that first consideration be given to 28618  
laboratories located in this state. 28619

(2) Rules adopted pursuant to this section shall be adopted 28620  
in accordance with Chapter 119. of the Revised Code and may be 28621

consistent with any recommendations or guidelines on tuberculosis 28622  
issued by the United States centers for disease control and 28623  
prevention or by the American thoracic society. The rules shall 28624  
apply to county or district tuberculosis control units, physicians 28625  
who examine and treat individuals for tuberculosis, and 28626  
laboratories that perform tests for tuberculosis. 28627

**Sec. 3701.161.** The director of health shall make necessary 28628  
arrangements for the production and distribution of diphtheria 28629  
antitoxin. Such antitoxin shall in all respects be equal in purity 28630  
and potency to the standard of requirements of the United States 28631  
public health service for antitoxin for interstate commerce. 28632  
Diphtheria antitoxin shall be distributed in accordance with rules 28633  
the ~~public health council~~ director adopts pursuant to Chapter 119. 28634  
of the Revised Code. 28635

**Sec. 3701.20.** (A) In accordance with rules adopted ~~by the~~ 28636  
~~public health council~~, under division (C) of this section, the 28637  
director of health shall establish, promote, and maintain the Ohio 28638  
poison control network; designate regions within the network; and 28639  
designate poison prevention and treatment centers within each 28640  
region. The purposes of the network are to: 28641

(1) Reduce the mortality resulting from and the expenditures 28642  
incurred because of accidental, homicidal, suicidal, occupational, 28643  
or environmental poisoning; 28644

(2) Educate the public and health care professionals 28645  
concerning the prevention and treatment of exposure to poison; 28646

(3) Organize poison prevention and treatment activities on a 28647  
regional basis to avoid duplication and waste. 28648

(B) To be eligible for designation as a poison prevention and 28649  
treatment center and to retain the designation, a center must 28650  
maintain compliance with the standards established by the ~~public~~ 28651



~~health council~~ director pursuant to division (C) of this section. 28652  
A poison prevention and treatment center may be operated by an 28653  
individual, hospital, institution of higher education, political 28654  
subdivision, association, corporation, or public or private 28655  
agency. 28656

(C) In accordance with Chapter 119. of the Revised Code, the 28657  
~~public health council~~ director shall adopt rules that do the 28658  
following: 28659

(1) Establish guidelines, based on population density and 28660  
other relevant factors, and procedures to be followed ~~by the~~ 28661  
~~director of health~~ in designating poison control network regions 28662  
and centers; 28663

(2) Establish standards for the operation of poison 28664  
prevention and treatment centers; 28665

(3) Establish standards and procedures to be followed ~~by the~~ 28666  
~~director of health~~ in making grants to poison prevention and 28667  
treatment centers; 28668

(4) Establish procedures, other than those prescribed by 28669  
Chapter 119. of the Revised Code, for reconsideration, at the 28670  
request of the entity affected, of the denial or revocation of a 28671  
designation as a poison prevention and treatment center. 28672

(D) In accordance with rules adopted ~~by the public health~~ 28673  
~~council~~ under division (C) of this section, the director of health 28674  
shall make grants to poison prevention and treatment centers. A 28675  
center is not eligible for a grant unless, prior to receiving the 28676  
grant, the entity that operates the center agrees in writing that 28677  
the level of the total funds, labor, and services devoted by the 28678  
entity to the center during the period of the grant will 28679  
approximate, as determined by the director of health, the level of 28680  
the total funds, labor, and services devoted to the center by that 28681  
entity in the fiscal year preceding the fiscal year in which the 28682

grant begins. 28683

(E) Each poison prevention and treatment center shall do all 28684  
of the following: 28685

(1) Maintain and staff a twenty-four-hour per day, toll-free, 28686  
telephone line to respond to inquiries and provide information 28687  
about poison prevention and treatment and available services; 28688

(2) Provide specialized treatment, consultation, information, 28689  
and educational programs to health care professionals and the 28690  
public; 28691

(3) Compile information on the types and frequency of 28692  
treatment it provides. 28693

A center may provide the services described in divisions 28694  
(E)(1) and (2) of this section either directly or through contract 28695  
with other facilities, as the director of health considers 28696  
appropriate. Each center shall take measures to ensure the 28697  
confidentiality of information about individuals to whom treatment 28698  
or services are provided. 28699

(F) The director of health may revoke the designation of a 28700  
poison treatment and control center, or deny an application for 28701  
designation, if the center or applicant fails to meet or maintain 28702  
the standards established ~~by rule of the public health council in~~ 28703  
rules adopted under division (C) of this section. The entity 28704  
seeking the designation may have the revocation or denial 28705  
reconsidered in accordance with rules adopted ~~by the public health~~ 28706  
~~council~~ under division (C) of this section. 28707

(G)(1) A poison prevention and treatment center, its 28708  
officers, employees, volunteers, or other persons associated with 28709  
the center, and a person, organization, or institution that 28710  
advises or assists a poison prevention and treatment center are 28711  
not liable in damages in a tort action for harm that allegedly 28712  
arises from advice or assistance rendered to any person unless the 28713

advice or assistance is given in a manner that constitutes willful or wanton misconduct or intentionally tortious conduct.

(2) This section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a poison prevention and treatment center, its officers, employees, volunteers, or other persons associated with the center, or a person, organization, or institution that advises or assists a poison prevention and treatment center.

(3) This section does not affect, and shall not be construed as affecting, any immunities from civil liability or defenses conferred by any other section of the Revised Code or available at common law, to which a poison prevention and treatment center, its officers, employees, volunteers, or other persons associated with the center or a person, organization, or institution that advises or assists a poison prevention and treatment center may be entitled under circumstances not specified by this section.

(H) The director shall annually report to the general assembly findings and recommendations concerning the effectiveness, impact, and benefits of the poison prevention and treatment centers.

**Sec. 3701.201.** (A) As used in this section, "bioterrorism" has the same meaning as in section 3701.232 of the Revised Code.

(B) The ~~public director of health council~~ shall adopt rules in accordance with Chapter 119. of the Revised Code under which a poison prevention and treatment center or other health-related entity is required to report events that may be caused by bioterrorism, epidemic or pandemic disease, or established or novel infectious agents or biological or chemical toxins posing a risk of human fatality or disability. Rules adopted under this section may require a report of any of the following:

(1) An unexpected pattern or increase in the number of 28744  
telephone inquiries or requests to provide information about 28745  
poison prevention and treatment and available services; 28746

(2) An unexpected pattern or increase in the number of 28747  
requests to provide specialized treatment, consultation, 28748  
information, and educational programs to health care professionals 28749  
and the public; 28750

(3) An unexpected pattern or increase in the number of 28751  
requests for information on established or novel infectious agents 28752  
or biological or chemical toxins posing a risk of human fatality 28753  
or disability that is relatively uncommon and may have been caused 28754  
by bioterrorism. 28755

(C) Each poison prevention and treatment center and other 28756  
health-related entity shall comply with any reporting requirement 28757  
established in rules adopted under division (B) of this section. 28758

(D) Information reported under this section that is protected 28759  
health information pursuant to section 3701.17 of the Revised Code 28760  
shall be released only in accordance with that section. 28761  
Information that does not identify an individual may be released 28762  
in summary, statistical, or aggregate form. 28763

**Sec. 3701.21.** (A) As used in this section: 28764

(1) "Amblyopia" means reduced vision in an eye that has not 28765  
received adequate use during early childhood. 28766

(2) "501(c) organization" means an organization exempt from 28767  
federal income taxation pursuant to 26 U.S.C.A. 501(a) and (c). 28768

(B) There is hereby created in the state treasury the save 28769  
our sight fund. The fund shall consist of voluntary contributions 28770  
deposited as provided in section 4503.104 of the Revised Code. All 28771  
investment earnings from the fund shall be credited to the fund. 28772

(C) The director of health shall use the money in the save 28773

our sight fund as follows: 28774

(1) To provide support to 501(c) organizations that offer 28775  
vision services in all counties of the state and have demonstrated 28776  
experience in the delivery of vision services to do one or more of 28777  
the following: 28778

(a) Implement a voluntary children's vision screening 28779  
training and certification program for volunteers, child care 28780  
providers, nurses, teachers, health care professionals practicing 28781  
in primary care settings, and others serving children; 28782

(b) Provide materials for the program implemented under 28783  
division (C)(1)(a) of this section; 28784

(c) Develop and implement a registry and targeted voluntary 28785  
case management system to determine whether children with 28786  
amblyopia are receiving professional eye care and to provide their 28787  
parents with information and support regarding their child's 28788  
vision care; 28789

(d) Establish a matching grant program for the purchase and 28790  
distribution of protective eyewear to children; 28791

(e) Provide vision health and safety programs and materials 28792  
for classrooms. 28793

(2) For the purpose of section 4503.104 of the Revised Code, 28794  
to develop and distribute informational materials on the 28795  
importance of eye care and safety to the registrar of motor 28796  
vehicles and each deputy registrar; 28797

(3) To pay costs incurred by the director in administering 28798  
the fund; 28799

(4) To reimburse the bureau of motor vehicles for the 28800  
administrative costs incurred in performing its duties under 28801  
section 4503.104 of the Revised Code. 28802

(D) A 501(c) organization seeking funding from the save our 28803

sight fund for any of the projects specified in division (C) of 28804  
this section shall submit a request for the funding to the 28805  
director in accordance with rules adopted under division (E) of 28806  
this section. The director shall determine the appropriateness of 28807  
and approve or disapprove projects for funding and approve or 28808  
disapprove the disbursement of money from the save our sight fund. 28809

(E) The ~~public health council~~ director shall adopt rules in 28810  
accordance with Chapter 119. of the Revised Code to implement this 28811  
section. The rules shall include the parameters of the projects 28812  
specified in division (C)(1) of this section that may be funded 28813  
with money in the save our sight fund and procedures for 501(c) 28814  
organizations to request funding from the fund. 28815

**Sec. 3701.221.** (A) The director of health shall have charge 28816  
of the public health laboratory authorized by section 3701.22 of 28817  
the Revised Code. The director may employ an assistant for the 28818  
laboratory who shall be a person skilled in chemistry and 28819  
bacteriology, and receive compensation as the director determines. 28820  
All expenses of the laboratory shall be paid from appropriations 28821  
made for the department of health. 28822

(B) The ~~public health council~~ director, in accordance with 28823  
Chapter 119. of the Revised Code, shall adopt, and may amend or 28824  
rescind, rules establishing reasonable fees for services the 28825  
laboratory performs. The ~~council~~ director need not prescribe fees 28826  
where the ~~council~~ director believes that charging fees would 28827  
significantly and adversely affect the public health. All fees 28828  
collected for services the laboratory performs shall be deposited 28829  
into the state treasury to the credit of the "laboratory handling 28830  
fee fund," which is hereby created for the purpose of defraying 28831  
expenses of operating the laboratory. 28832

**Sec. 3701.23.** (A) As used in this section, "health care 28833

provider" means any person or government entity that provides 28834  
health care services to individuals. "Health care provider" 28835  
includes, but is not limited to, hospitals, medical clinics and 28836  
offices, special care facilities, medical laboratories, 28837  
physicians, pharmacists, dentists, physician assistants, 28838  
registered and licensed practical nurses, laboratory technicians, 28839  
emergency medical service organization personnel, and ambulance 28840  
service organization personnel. 28841

(B) Boards of health, health authorities or officials, health 28842  
care providers in localities in which there are no health 28843  
authorities or officials, and coroners or medical examiners shall 28844  
report promptly to the department of health the existence of any 28845  
of the following: 28846

(1) Asiatic cholera; 28847

(2) Yellow fever; 28848

(3) Diphtheria; 28849

(4) Typhus or typhoid fever; 28850

(5) As specified by the ~~public director of health council~~, 28851  
other contagious or infectious diseases, illnesses, health 28852  
conditions, or unusual infectious agents or biological toxins 28853  
posing a risk of human fatality or disability. 28854

(C) No person shall fail to comply with the reporting 28855  
requirements established under division (B) of this section. 28856

(D) The reports required by this section shall be submitted 28857  
on forms, as required by statute or rule, and in the manner the 28858  
director of health prescribes. 28859

(E) Information reported under this section that is protected 28860  
health information pursuant to section 3701.17 of the Revised Code 28861  
shall be released only in accordance with that section. 28862  
Information that does not identify an individual may be released 28863

in summary, statistical, or aggregate form. 28864

**Sec. 3701.232.** (A) As used in this section: 28865

(1) "Bioterrorism" means the intentional use of any 28866  
microorganism, virus, infectious substance, or biological product 28867  
that may be engineered as a result of biotechnology, or any 28868  
naturally occurring or bioengineered component of a microorganism, 28869  
virus, infectious substance, or biological product, to cause 28870  
death, disease, or other biological malfunction in a human, 28871  
animal, plant, or other living organism as a means of influencing 28872  
the conduct of government or intimidating or coercing a 28873  
population. 28874

(2) "Pharmacist" means an individual licensed under Chapter 28875  
4729. of the Revised Code to engage in the practice of pharmacy as 28876  
a pharmacist. 28877

(3) "Pharmacy" and "prescription" have the same meanings as 28878  
in section 4729.01 of the Revised Code. 28879

(B) The ~~public~~ director of health council shall adopt rules 28880  
in accordance with Chapter 119. of the Revised Code under which a 28881  
pharmacy or pharmacist is required to report significant changes 28882  
in medication usage that may be caused by bioterrorism, epidemic 28883  
or pandemic disease, or established or novel infectious agents or 28884  
biological toxins posing a risk of human fatality or disability. 28885  
Rules adopted under this section may require a report of any of 28886  
the following: 28887

(1) An unexpected increase in the number of prescriptions for 28888  
antibiotics; 28889

(2) An unexpected increase in the number of prescriptions for 28890  
medication to treat fever or respiratory or gastrointestinal 28891  
complaints; 28892

(3) An unexpected increase in sales of, or the number of 28893



requests for information on, over-the-counter medication to treat	28894
fever or respiratory or gastrointestinal complaints;	28895
(4) Any prescription for medication used to treat a disease	28896
that is relatively uncommon and may have been caused by	28897
bioterrorism.	28898
(C) No person shall fail to comply with any reporting	28899
requirement established in rules adopted under division (B) of	28900
this section.	28901
(D) Information reported under this section that is protected	28902
health information pursuant to section 3701.17 of the Revised Code	28903
shall be released only in accordance with that section.	28904
Information that does not identify an individual may be released	28905
in summary, statistical, or aggregate form.	28906
<b>Sec. 3701.24.</b> (A) As used in this section and sections	28907
3701.241 to 3701.249 of the Revised Code:	28908
(1) "AIDS" means the illness designated as acquired	28909
immunodeficiency syndrome.	28910
(2) "HIV" means the human immunodeficiency virus identified	28911
as the causative agent of AIDS.	28912
(3) "AIDS-related condition" means symptoms of illness	28913
related to HIV infection, including AIDS-related complex, that are	28914
confirmed by a positive HIV test.	28915
(4) "HIV test" means any test for the antibody or antigen to	28916
HIV that has been approved by the director of health under	28917
division (B) of section 3701.241 of the Revised Code.	28918
(5) "Health care facility" has the same meaning as in section	28919
1751.01 of the Revised Code.	28920
(6) "Director" means the director of health or any employee	28921
of the department of health acting on the director's behalf.	28922

(7) "Physician" means a person who holds a current, valid certificate issued under Chapter 4731. of the Revised Code authorizing the practice of medicine or surgery and osteopathic medicine and surgery.

(8) "Nurse" means a registered nurse or licensed practical nurse who holds a license or certificate issued under Chapter 4723. of the Revised Code.

(9) "Anonymous test" means an HIV test administered so that the individual to be tested can give informed consent to the test and receive the results by means of a code system that does not link the identity of the individual tested to the request for the test or the test results.

(10) "Confidential test" means an HIV test administered so that the identity of the individual tested is linked to the test but is held in confidence to the extent provided by sections 3701.24 to 3701.248 of the Revised Code.

(11) "Health care provider" means an individual who provides diagnostic, evaluative, or treatment services. Pursuant to Chapter 119. of the Revised Code, the ~~public health council~~ director may adopt rules further defining the scope of the term "health care provider."

(12) "Significant exposure to body fluids" means a percutaneous or mucous membrane exposure of an individual to the blood, semen, vaginal secretions, or spinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid of another individual.

(13) "Emergency medical services worker" means all of the following:

(a) A peace officer;

(b) An employee of an emergency medical service organization as defined in section 4765.01 of the Revised Code;

(c) A firefighter employed by a political subdivision;	28953
(d) A volunteer firefighter, emergency operator, or rescue operator;	28954 28955
(e) An employee of a private organization that renders rescue services, emergency medical services, or emergency medical transportation to accident victims and persons suffering serious illness or injury.	28956 28957 28958 28959
(14) "Peace officer" has the same meaning as in division (A) of section 109.71 of the Revised Code, except that it also includes a sheriff and the superintendent and troopers of the state highway patrol.	28960 28961 28962 28963
(B) Persons designated by rule adopted by the <del>public health council</del> <u>director</u> under section 3701.241 of the Revised Code shall report promptly every case of AIDS, every AIDS-related condition, and every confirmed positive HIV test to the department of health on forms and in a manner prescribed by the director. In each county the director shall designate the health commissioner of a health district in the county to receive the reports.	28964 28965 28966 28967 28968 28969 28970
(C) No person shall fail to comply with the reporting requirements established under division (B) of this section.	28971 28972
(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	28973 28974 28975 28976 28977 28978 28979 28980 28981 28982 28983

an individual may be released in summary, statistical, or 28984  
aggregate form. 28985

**Sec. 3701.241.** (A) The director of health shall develop and 28986  
administer the following: 28987

(1) A surveillance system to determine the number of cases of 28988  
AIDS and the HIV infection rate in various population groups; 28989

(2) Counseling and testing programs for groups determined by 28990  
the director to be at risk of HIV infection, including procedures 28991  
for both confidential and anonymous tests, counseling training 28992  
programs for health care providers, and development of counseling 28993  
guidelines; 28994

(3) A confidential partner notification system to alert and 28995  
counsel sexual contacts of individuals with HIV infection; 28996

(4) Risk reduction and education programs for groups 28997  
determined by the director to be at risk of HIV infection, and, in 28998  
consultation with a wide range of community leaders, education 28999  
programs for the public; 29000

(5) Pilot programs for the long-term care of individuals with 29001  
AIDS or AIDS-related condition, including care in nursing homes 29002  
and in alternative settings; 29003

(6) Programs to expand regional outpatient treatment of 29004  
individuals with AIDS or AIDS-related condition; 29005

(7) A program to assist communities, including communities of 29006  
less than one hundred thousand population, in establishing AIDS 29007  
task forces and support groups for individuals with AIDS, 29008  
AIDS-related condition, and HIV infection. The program may include 29009  
the award of grants if they are matched by local funds. 29010

Information obtained or maintained under the partner 29011  
notification system is not a public record under section 149.43 of 29012  
the Revised Code and may be released only in accordance with 29013

division (C) of section 3701.243 of the Revised Code. 29014

(B) The director shall: 29015

(1) Approve a test or tests to be used to determine whether 29016  
an individual has HIV infection, define a confirmed positive test 29017  
result, and develop guidelines for interpreting test results; 29018

(2) Establish sites for confidential and anonymous HIV tests, 29019  
and prepare a list of sites where an individual may obtain an 29020  
anonymous test; 29021

(3) Prepare a list of counseling services; 29022

(4) Make available a copy of the list of anonymous testing 29023  
sites or a copy of the list of counseling services to anyone who 29024  
requests it. 29025

(C) The director of health shall require the director or 29026  
administrator of each site where anonymous or confidential HIV 29027  
tests are given to submit a report every three months evaluating 29028  
from an epidemiologic perspective the effectiveness of the HIV 29029  
testing program at that site. Not later than January 31, 1991, and 29030  
each year thereafter, the director of health shall make a report 29031  
evaluating the anonymous and confidential testing programs 29032  
throughout the state with regard to their effectiveness as 29033  
epidemiologic programs. The report shall be submitted to the 29034  
speaker of the house of representatives and the president of the 29035  
senate and shall be made available to the public. 29036

The ~~public~~ director of health council shall adopt rules 29037  
pursuant to Chapter 119. of the Revised Code for the 29038  
implementation of the requirements of division (B)(1) of this 29039  
section and division (D) of section 3701.24 of the Revised Code. 29040

(D) The director of health shall administer funds received 29041  
under Title XXVI of the "Public Health Services Act," 104 Stat. 29042  
576 (1990), 42 U.S.C.A. 2601, as amended, for programs to improve 29043

the quality and availability of care for individuals with AIDS, 29044  
AIDS-related condition, and HIV infection. In administering these 29045  
funds, the director may enter into contracts with any person or 29046  
entity for the purpose of administering the programs, including 29047  
contracts with the department of job and family services for 29048  
establishment of a program of reimbursement of drugs used for 29049  
treatment and care of such individuals. The director of health may 29050  
adopt rules in accordance with Chapter 119. of the Revised Code 29051  
and issue orders as necessary for administration of the funds. If 29052  
the department of job and family services enters into a contract 29053  
under this division, the director of job and family services may 29054  
adopt rules in accordance with Chapter 119. of the Revised Code as 29055  
necessary for carrying out the department's duties under the 29056  
contract. 29057

**Sec. 3701.242.** (A) An HIV test may be performed by or on the 29058  
order of a health care provider who, in the exercise of the 29059  
provider's professional judgment, determines the test to be 29060  
necessary for providing diagnosis and treatment to the individual 29061  
to be tested, if the individual or the individual's parent or 29062  
guardian has given consent to the provider for medical or other 29063  
health care treatment. The health care provider shall inform the 29064  
individual of the individual's right under division (D) of this 29065  
section to an anonymous test. 29066

(B) A minor may consent to be given an HIV test. The consent 29067  
is not subject to disaffirmance because of minority. The parents 29068  
or guardian of a minor giving consent under this division are not 29069  
liable for payment and shall not be charged for an HIV test given 29070  
to the minor without the consent of a parent or the guardian. 29071

(C) The health care provider ordering an HIV test shall 29072  
provide post-test counseling for an individual who receives an 29073  
HIV-positive test result. The ~~public director of health council~~ 29074

may adopt rules, ~~pursuant to recommendations from the director of~~ 29075  
~~health and~~ in accordance with Chapter 119. of the Revised Code, 29076  
specifying the information to be provided in post-test counseling. 29077

(D) An individual shall have the right to an anonymous test. 29078  
A health care facility or health care provider that does not 29079  
provide anonymous testing shall refer an individual requesting an 29080  
anonymous test to a site where it is available. 29081

(E) Divisions (B) to (D) of this section do not apply to the 29082  
performance of an HIV test in any of the following circumstances: 29083

(1) When the test is performed in a medical emergency by a 29084  
nurse or physician and the test results are medically necessary to 29085  
avoid or minimize an immediate danger to the health or safety of 29086  
the individual to be tested or another individual, except that 29087  
post-test counseling shall be given to the individual if the 29088  
individual receives an HIV-positive test result; 29089

(2) When the test is performed for the purpose of research if 29090  
the researcher does not know and cannot determine the identity of 29091  
the individual tested; 29092

(3) When the test is performed by a person who procures, 29093  
processes, distributes, or uses a human body part from a deceased 29094  
person donated for a purpose specified in Chapter 2108. of the 29095  
Revised Code, if the test is medically necessary to ensure that 29096  
the body part is acceptable for its intended purpose; 29097

(4) When the test is performed on a person incarcerated in a 29098  
correctional institution under the control of the department of 29099  
rehabilitation and correction if the head of the institution has 29100  
determined, based on good cause, that a test is necessary; 29101

(5) When the test is performed in accordance with section 29102  
2907.27 of the Revised Code; 29103

(6) When the test is performed on an individual after the 29104

infection control committee of a health care facility, or other 29105  
body of a health care facility performing a similar function 29106  
determines that a health care provider, emergency medical services 29107  
worker, or peace officer, while rendering health or emergency care 29108  
to an individual, has sustained a significant exposure to the body 29109  
fluids of that individual, and the individual has refused to give 29110  
consent for testing. 29111

**Sec. 3701.248.** (A) As used in this section: 29112

(1) "Contagious or infectious disease" means a disease 29113  
specified ~~by rule~~ in rules adopted by the ~~public director of~~ 29114  
health ~~council~~ pursuant to division (F) of this section. 29115

(2) "Patient" means either of the following: 29116

(a) A person, whether alive or dead, who has been treated, or 29117  
handled, or transported for medical care by an emergency medical 29118  
services worker; 29119

(b) A deceased person whose body is handled by a funeral 29120  
services worker. 29121

(3) "Significant exposure" means: 29122

(a) A percutaneous or mucous membrane exposure of an 29123  
individual to the blood, semen, vaginal secretions, or spinal, 29124  
synovial, pleural, peritoneal, pericardial, or amniotic fluid of 29125  
another person; 29126

(b) Exposure to a contagious or infectious disease. 29127

(4) "Funeral services worker" means a person licensed as a 29128  
funeral director or embalmer under Chapter 4717. of the Revised 29129  
Code or an individual responsible for the direct final disposition 29130  
of a deceased person. 29131

(B)(1) An emergency medical services worker or funeral 29132  
services worker who believes that significant exposure has 29133



occurred through the worker's contact with a patient may submit to 29134  
the health care facility or coroner that received the patient a 29135  
written request to be notified of the results of any test 29136  
performed on the patient to determine the presence of a contagious 29137  
or infectious disease. The request shall include: 29138

(a) The name, address, and telephone number of the individual 29139  
submitting the request; 29140

(b) The name of the individual's employer, or, in the case of 29141  
a volunteer emergency medical services worker, the entity for 29142  
which the worker volunteers, and the individual's supervisor; 29143

(c) The date, time, location, and manner of the exposure. 29144

(2) The request for notification that is submitted by an 29145  
emergency medical services worker pursuant to division (B)(1) of 29146  
this section is valid for ten days after it is made. If at the end 29147  
of that ten-day period no test has been performed to determine the 29148  
presence of a contagious or infectious disease, no diagnosis has 29149  
been made, or the result of the test is negative, the health care 29150  
facility or coroner shall notify the emergency medical services 29151  
worker. The notification shall not include the name of the 29152  
patient. If necessary, the request may be renewed in accordance 29153  
with the same procedures and requirements as the original request. 29154

(3) A health care facility or coroner shall respond 29155  
immediately to a request for notification submitted pursuant to 29156  
division (B)(1) of this section by a funeral services worker. If 29157  
no test has been performed to determine the presence of a 29158  
contagious or infectious disease, no diagnosis has been made, or 29159  
the result of a test that was performed is negative, the health 29160  
care facility or coroner shall immediately notify the funeral 29161  
services worker. The notification shall not include the name of 29162  
the patient. 29163

On receipt of notification that no test has been performed to 29164

determine the presence of a contagious or infectious disease in a 29165  
patient, the funeral services worker may have a test performed on 29166  
the patient. The test shall be performed in accordance with rules 29167  
adopted by the department of health pursuant to division (G) of 29168  
this section. 29169

The consent of the patient's family is not required for 29170  
performance of a test pursuant to division (B)(3) of this section. 29171

(C) The health care facility or coroner that receives a 29172  
written request for notification shall give an oral notification 29173  
of the presence of a contagious or infectious disease, or of a 29174  
confirmed positive test result, if known, to the person who made 29175  
the request and the person's supervisor and to the infection 29176  
control committee or other body described in division (E)(6) of 29177  
section 3701.242 of the Revised Code within two days after 29178  
determining the presence of a contagious or infectious disease or 29179  
after a confirmed positive test result. A written notification 29180  
shall follow oral notification within three days. If a contagious 29181  
or infectious disease is present, or the test results are 29182  
confirmed positive, both the oral and written notification shall 29183  
include the name of the disease, its signs and symptoms, the date 29184  
of exposure, the incubation period, the mode of transmission of 29185  
the disease, the medical precautions necessary to prevent 29186  
transmission to other persons, and the appropriate prophylaxis, 29187  
treatment, and counseling for the disease. The notification shall 29188  
not include the name of the patient. 29189

If the request is made by an emergency medical services 29190  
worker and the information is not available from the health care 29191  
facility to which the request is made because the patient has been 29192  
transferred from that health care facility, the facility shall 29193  
assist the emergency medical services worker in locating the 29194  
patient and securing the requested information from the health 29195  
care facility that treated or is treating the patient. If the 29196

patient has died, the health care facility shall give the 29197  
emergency medical services worker the name and address of the 29198  
coroner who received the patient. 29199

(D) Each health care facility and coroner shall develop 29200  
written procedures to implement the notification procedures 29201  
required by this section. A health care facility or coroner may 29202  
take measures in addition to those required in this section to 29203  
notify emergency medical services workers and funeral services 29204  
workers of possible exposure to a contagious or infectious disease 29205  
as long as the confidentiality of the information is maintained. 29206

(E) No person shall knowingly fail to comply with division 29207  
(C) of this section. 29208

(F) The ~~public~~ director of health council shall adopt rules 29209  
in accordance with Chapter 119. of the Revised Code that specify 29210  
the diseases that are reasonably likely to be transmitted by air 29211  
or blood during the normal course of duties performed by an 29212  
emergency medical services worker or funeral services worker. In 29213  
adopting such rules, the ~~council~~ director shall consider the types 29214  
of contact that typically occur between patients and emergency 29215  
medical services workers and funeral services workers. 29216

(G) The department of health shall adopt rules in accordance 29217  
with Chapter 119. of the Revised Code specifying the procedures a 29218  
funeral services worker must follow when having a test performed 29219  
on a patient pursuant to division (B)(3) of this section. The 29220  
rules shall specify how and by whom the test is to be performed. 29221  
The rules shall require the funeral services worker or the funeral 29222  
services worker's employer to pay the cost of the test. No health 29223  
care facility shall be required to perform the test. 29224

Sec. 3701.33. (A) There is hereby created the Ohio public 29225  
health advisory board. The board shall consist of the following 29226  
members: 29227

(1) The following members appointed by the director of health 29228  
from among individuals who are not employed by the state and are 29229  
recommended by statewide trade or professional organizations that 29230  
represent interests in public health: 29231

(a) One individual authorized under Chapter 4731. of the 29232  
Revised Code to practice medicine and surgery or osteopathic 29233  
medicine and surgery; 29234

(b) One individual authorized under Chapter 4723. of the 29235  
Revised Code to practice nursing as a registered nurse; 29236

(c) Three members of the public, two of whom are 29237  
representatives of entities licensed by the department of health 29238  
or boards of health. 29239

(2) One representative of the association of Ohio health 29240  
commissioners, appointed by the association; 29241

(3) One representative of the Ohio public health association, 29242  
appointed by the association; 29243

(4) One representative of the Ohio environmental health 29244  
association, appointed by the association, who is registered as a 29245  
sanitarian under Chapter 4736. of the Revised Code; 29246

(5) One representative of the Ohio association of boards of 29247  
health, appointed by the association; 29248

(6) One representative of the Ohio society for public health 29249  
education, appointed by the society; 29250

(7) One representative of the Ohio hospital association, 29251  
appointed by the association. 29252

The director of health or the director's designee shall serve 29253  
as an ex officio, nonvoting member of the board. 29254

(B) Not later than thirty days after the effective date of 29255  
this section, initial appointments shall be made to the board. Of 29256  
the initial appointments, the members specified in divisions 29257

(A)(5), (6), and (7) and division (A)(1)(c) of this section 29258  
representing entities licensed by the department of health or 29259  
boards of health shall serve terms ending June 30, 2014, and the 29260  
members specified in divisions (A)(1)(a) and (b), divisions 29261  
(A)(2), (3), and (4), and division (A)(1)(c) of this section not 29262  
representing entities licensed by the department or boards of 29263  
health shall serve terms ending June 30, 2015. Thereafter, terms 29264  
of office for all members shall be three years, with each term 29265  
ending on the same day of the same month as the term it succeeds. 29266  
Each member shall hold office from the date of appointment until 29267  
the end of the term for which the member was appointed. Members 29268  
may be reappointed, except that no member who has served two 29269  
consecutive terms may be reappointed until three years have 29270  
elapsed since the member's last term ended. 29271

Each member shall hold office from the date of appointment 29272  
until the end of the term for which the member was appointed. 29273  
Vacancies shall be filled in the same manner as original 29274  
appointments. 29275

Any member appointed to fill a vacancy occurring prior to the 29276  
expiration of the term for which the member's predecessor was 29277  
appointed shall hold office for the remainder of that term. A 29278  
member shall continue in office subsequent to the expiration date 29279  
of the member's term until the member's successor takes office or 29280  
until a period of ninety days has elapsed, whichever occurs first. 29281

(C) The board shall annually select from among its members a 29282  
chairperson and vice-chairperson. The director shall designate an 29283  
officer or employee of the department to act as the board's 29284  
secretary. The secretary shall be a nonvoting board member. 29285

The board may adopt by laws governing its operation. The 29286  
chairperson may appoint subcommittees as the chairperson considers 29287  
necessary. 29288

(D) The board shall meet at the call of the chairperson, but not less than four times per year. A majority of the members of the board constitutes a quorum. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the director. In a request for a special meeting, the director shall specify the purpose of the meeting and the date and place the meeting is to be held. No other business shall be considered at a special meeting except by a unanimous vote of members present at the meeting. 29289  
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In conducting any meeting, the board and its subcommittees may use an interactive video teleconferencing system. If provisions are made that allow public attendance at a designated location with respect to a meeting using such a system, the board members who attend the meeting by video teleconference shall be counted for purposes of determining whether a quorum is present and shall be permitted to vote. 29298  
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Members shall be expected to attend a majority of meetings of the board. Unexcused absence from three consecutive meetings shall be considered notice of a member's intent to resign from the board. 29305  
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(E)(1) The department shall provide meeting space and staff and other administrative support for the board to carry out its duties. 29309  
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(2) To facilitate the board's review of proposed rules under division (A)(1) of section 3701.34 of the Revised Code, the department shall establish and maintain an electronic web-based database of board meeting agendas, board meeting minutes, proposed rules, public comments, and other documents relevant to the work of the board. 29312  
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(F) Notice of meetings shall be provided to members through the board's mailing list, the department's web site, or any other 29318  
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means available to the board. 29320

The minutes of previous meetings, the next meeting's agenda, 29321  
and information on any matters to be presented to the board at any 29322  
regular or special meeting shall be provided to the board in an 29323  
electronic format. 29324

(G) Members shall attend annual ethics training provided by 29325  
the Ohio ethics commission. 29326

(H) Members shall serve without compensation, but may be 29327  
reimbursed for actual and necessary expenses incurred in the 29328  
performance of their official duties. 29329

(I) Sections 101.82 to 101.87 of the Revised Code do not 29330  
apply to the Ohio public health advisory board. 29331

**Sec. 3701.34.** (A) The Ohio public health advisory board shall 29332  
review and make recommendations to the director of health on all 29333  
of the following: 29334

(1) Developing and adopting proposed rules under Chapters 29335  
3701 and 3717 of the Administrative Code; 29336

(2) Prescribing proposed fees for services provided by the 29337  
office of vital statistics and the bureau of environmental health; 29338

(3) Issues to improve public health and increase awareness of 29339  
public health issues at the state level, local level, or both; 29340

(4) Any other public health issues that the director requests 29341  
the board to consider. 29342

(B) In making recommendations to the director under division 29343  
(A)(1) of this section, all of the following apply: 29344

(1) Prior to filing a proposed rule with the joint committee 29345  
on agency rule review, the department of health shall provide each 29346  
board member with a copy of the proposed rule, copies of public 29347  
comments received by the department during the public comment 29348

period, and written evidence of stakeholder involvement. 29349

(2) Prior to board meetings, copies of proposed rules shall 29350  
be provided to members. On request of a member, the department 29351  
shall ensure that appropriate department employees attend board 29352  
meetings to answer questions concerning proposed rules. 29353

(3)(a) Not later than sixty days after receiving a copy of a 29354  
proposed rule, the board shall recommend approval or disapproval 29355  
of the rule and submit its recommendation by board action to the 29356  
director. In making its recommendation, the board may consider 29357  
public comments provided to the department or the board. 29358

(b) If the board fails to make a recommendation within sixty 29359  
days of receiving a copy of the proposed rule, the director may 29360  
file the proposed rule. 29361

(4) Except as provided in division (B)(3)(b) of this section, 29362  
the director shall consider the board's recommendation before 29363  
filing a proposed rule. On request of the board, the director 29364  
shall meet with the board to discuss the board's recommendation. 29365

(5) If the director disagrees with the board's 29366  
recommendation, the director shall inform the board in writing of 29367  
the director's decision and the reason for the decision prior to 29368  
the next quarterly meeting. The director or the director's 29369  
designee may meet with the board at the next quarterly meeting to 29370  
answer questions regarding why the director disagreed with the 29371  
board's recommendation. 29372

(C) To the extent the board believes that a proposed rule 29373  
does not comply with requirements established by the joint 29374  
committee on agency rule review or the common sense initiative 29375  
office, nothing in this section prohibits the board, in carrying 29376  
out its duties under division (A)(1) of this section, from 29377  
contacting the joint committee on agency rule review or the common 29378  
sense initiative office. 29379



(D) In making recommendations under division (A)(2) of this section for prescribing proposed fees for services provided by the bureau of environmental health, the board and the department shall develop a cost methodology subject to approval by the director. 29380  
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(E) This section does not apply to the following: 29384

(1) A proposed rule that is to be refiled with the joint committee on agency rule review solely because of technical or other nonsubstantive revisions; 29385  
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(2) The emergency adoption, amendment, or rescission of a rule under division (F) of section 119.03 of the Revised Code. 29388  
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**Sec. 3701.341.** (A) The ~~public director of health council~~, 29390  
pursuant to Chapter 119. and consistent with section 2317.56 of 29391  
the Revised Code, shall adopt rules relating to abortions and the 29392  
following subjects: 29393

(1) Post-abortion procedures to protect the health of the 29394  
pregnant woman; 29395

(2) Pathological reports; 29396

(3) Humane disposition of the product of human conception; 29397

(4) Counseling. 29398

(B) The director of health shall implement the rules and 29399  
shall apply to the court of common pleas for temporary or 29400  
permanent injunctions restraining a violation or threatened 29401  
violation of the rules. This action is an additional remedy not 29402  
dependent on the adequacy of the remedy at law. 29403

**Sec. 3701.342.** After consultation with the public health 29404  
standards task force established under section 3701.343 of the 29405  
Revised Code, the ~~public director of health council~~ shall adopt 29406  
rules establishing minimum standards and optimum achievable 29407  
standards for boards of health and local health departments. The 29408

minimum standards shall assure that boards of health and local health departments provide for:

- (A) Analysis and prevention of communicable disease;
- (B) Analysis of the causes of, and appropriate treatment for, the leading causes of morbidity and mortality;
- (C) The administration and management of the local health department;
- (D) Access to primary health care by medically underserved individuals;
- (E) Environmental health management programs;
- (F) Health promotion services designed to encourage individual and community wellness.

The ~~public health council~~ director shall adopt rules establishing a formula for distribution of state health district subsidy funds to boards of health and local health departments. The formula shall provide no subsidy funds to a board or department unless it meets minimum standards and shall provide higher funding levels for boards and districts that meet optimum achievable standards.

Notwithstanding section 119.03 of the Revised Code, rules adopted under this section shall not take effect unless approved by concurrent resolution of the general assembly.

**Sec. 3701.343.** The ~~chairman~~ director of the ~~public health council~~ shall, with the advice of the association of Ohio health commissioners ~~and the director of health~~, appoint a public health standards task force to assist and advise the ~~public health council~~ director in formulating and evaluating the standards established under section 3701.342 of the Revised Code for the provision of public health services. ~~The task force shall recommend its standards for all categories mentioned in section~~

<del>3701.342 of the Revised Code on or before March 1, 1983.</del>	29439
The task force shall have nine members, consisting of:	29440
(A) A sanitarian registered in accordance with Chapter 4736.	29441
of the Revised Code;	29442
(B) A registered nurse licensed in accordance with Chapter	29443
4723. of the Revised Code;	29444
(C) A physician <del>licensed in accordance with</del> <u>who is authorized</u>	29445
<u>under</u> Chapter 4731. of the Revised Code <u>to practice medicine and</u>	29446
<u>surgery or osteopathic medicine and surgery;</u>	29447
(D) Three health commissioners;	29448
(E) Two representatives of the department of health;	29449
(F) One individual with recognized ability in public health	29450
law, public health laboratories, epidemiology, nutrition, or	29451
health education.	29452
<del>The public health standards task force shall complete its</del>	29453
<del>work within three years after the effective date of this section</del>	29454
<del>and shall cease to exist upon completion of its work, provided,</del>	29455
<del>that the public health council may reconstitute the public health</del>	29456
<del>standards task force, for the purpose of reviewing, evaluating,</del>	29457
<del>and revising the standards mandated in section 3701.342 of the</del>	29458
<del>Revised Code.</del>	29459
Members of the task force shall elect a <del>chairman</del> <u>chairperson</u> .	29460
Five members of the task force constitute a quorum and six votes	29461
are necessary to validate an action.	29462
<del>Within ninety days of the effective date of this section, the</del>	29463
<del>chairman of the public health council shall make the appointments</del>	29464
<del>to the task force. Within sixty days of their appointment, the</del>	29465
<del>task force members shall meet, organize, and begin their work.</del>	29466
Vacancies occurring on the task force shall be filled in the same	29467
manner as the initial appointments.	29468

Members of the task force shall serve without compensation, 29469  
but may be reimbursed for necessary expenses. 29470

**Sec. 3701.344.** As used in this section and sections 3701.345, 29471  
3701.346, and 3701.347 of the Revised Code: 29472

(A) "Private water system" means any water system for the 29473  
provision of water for human consumption, if such system has fewer 29474  
than fifteen service connections and does not regularly serve an 29475  
average of at least twenty-five individuals daily at least sixty 29476  
days out of the year. A private water system includes any well, 29477  
spring, cistern, pond, or hauled water and any equipment for the 29478  
collection, transportation, filtration, disinfection, treatment, 29479  
or storage of such water extending from and including the source 29480  
of the water to the point of discharge from any pressure tank or 29481  
other storage vessel; to the point of discharge from the water 29482  
pump where no pressure tank or other storage vessel is present; 29483  
or, in the case of multiple service connections serving more than 29484  
one dwelling, to the point of discharge from each service 29485  
connection. "Private water system" does not include the water 29486  
service line extending from the point of discharge to a structure. 29487

(B) Notwithstanding section 3701.347 of the Revised Code and 29488  
subject to division (C) of this section, rules adopted by the 29489  
~~public director of health council~~ regarding private water systems 29490  
shall provide for the following: 29491

(1) Except as otherwise provided in this division, boards of 29492  
health of city or general health districts shall be given the 29493  
exclusive power to establish fees in accordance with section 29494  
3709.09 of the Revised Code for administering and enforcing such 29495  
rules. Such fees shall establish a different rate for 29496  
administering and enforcing the rules relative to private water 29497  
systems serving single-family dwelling houses and nonsingle-family 29498  
dwelling houses. Except for an amount established by the ~~public~~ 29499

~~health council~~ director, pursuant to division (B)(5) of this 29500  
section, for each new private water system installation, no 29501  
portion of any fee for administering and enforcing such rules 29502  
shall be returned to the department of health. If the director of 29503  
health determines that a board of health of a city or general 29504  
health district is unable to administer and enforce a private 29505  
water system program in the district, the director shall 29506  
administer and enforce such a program in the district and 29507  
establish fees for such administration and enforcement. 29508

(2) Boards of health of city or general health districts 29509  
shall be given the exclusive power to determine the number of 29510  
inspections necessary for determining the safe drinking 29511  
characteristics of a private water system. 29512

(3) Private water systems contractors, as a condition of 29513  
doing business in this state, shall annually register with, and 29514  
comply with surety bonding requirements of, the department of 29515  
health. No such contractor shall be permitted to register if the 29516  
contractor fails to comply with all applicable rules adopted by 29517  
the ~~public health council~~ director and the board of health of the 29518  
city or general health district. The annual registration fee for 29519  
private water systems contractors shall be sixty-five dollars. The 29520  
~~public health council~~ director, by rule adopted in accordance with 29521  
Chapter 119. of the Revised Code, may increase the annual 29522  
registration fee. ~~Before January 1, 1993, the fee shall not be~~ 29523  
~~increased by more than fifty per cent of the amount prescribed by~~ 29524  
~~this section.~~ 29525

(4) ~~Boards~~ Subject to rules adopted by the director, boards 29526  
of health of city or general health districts ~~subject to such~~ 29527  
~~rules of the public health council~~ shall have the option of 29528  
determining whether bacteriological examinations shall be 29529  
performed at approved laboratories of the state or at approved 29530  
private laboratories. 29531

(5) The ~~public health council~~ director may establish fees for 29532  
each new private water system installation, which shall be 29533  
collected by the appropriate board of health and transmitted to 29534  
the director ~~of health~~ pursuant to section 3709.092 of the Revised 29535  
Code. 29536

(6) All fees received by the director of health under 29537  
divisions (B)(1), (3), and (5) of this section shall be deposited 29538  
in the state treasury to the credit of the general operations fund 29539  
created in section 3701.83 of the Revised Code for use in the 29540  
administration and enforcement of sections 3701.344 to 3701.347 of 29541  
the Revised Code and the rules pertaining to private water systems 29542  
adopted under those sections ~~or section 3701.34 of the Revised~~ 29543  
Code. 29544

(C) To the extent that rules adopted under division (B) of 29545  
this section require health districts to follow specific 29546  
procedures or use prescribed forms, no such procedure or form 29547  
shall be implemented until it is approved by majority vote of an 29548  
approval board of health commissioners, hereby created. Members of 29549  
the board shall be the officers of the association of Ohio health 29550  
commissioners, or any successor organization, and membership on 29551  
the board shall be coterminous with holding an office of the 29552  
association. No health district is required to follow a procedure 29553  
or use a form required by a rule adopted under division (B) of 29554  
this section without the approval of the board. 29555

(D) A board of health shall collect well log filing fees on 29556  
behalf of the division of soil and water resources in the 29557  
department of natural resources in accordance with section 1521.05 29558  
of the Revised Code and rules adopted under it. The fees shall be 29559  
submitted to the division quarterly as provided in those rules. 29560

**Sec. 3701.345.** Any applicant for a permit to construct, 29561  
develop, install, or modify a private water system required by 29562

rules adopted by the ~~public director of health council~~ under 29563  
~~sections 3701.34 and section~~ 3701.347 of the Revised Code may 29564  
apply to the board of health of the city or general health 29565  
district administering and enforcing the private water supply 29566  
program in the health district in which the private water system 29567  
is or is to be located or, if the health district is not 29568  
administering and enforcing the program, may apply to the 29569  
department of health for a variance from such rules governing the 29570  
design, construction, development, installation, or modification 29571  
of private water systems. The application for a variance shall be 29572  
made in writing and shall include a statement of the particular 29573  
rule or rules from which a variance is sought, a description of 29574  
the proposed system or modification, and the necessity for the 29575  
variance. The board of health or the department of health shall 29576  
not grant a variance unless the applicant demonstrates that: 29577

(A) There will be an unusual and unnecessary hardship in 29578  
complying with the rules from which the variance is sought; 29579

(B) Contamination of the private water system will not occur 29580  
as a result of construction and operation of the system as 29581  
proposed by the variance application; 29582

(C) The health of persons using water from the private water 29583  
system will not be endangered as a result of construction and 29584  
operation of the system as proposed by the variance application; 29585  
and 29586

(D) No other technically feasible and economically reasonable 29587  
means exist for obtaining water from the proposed type of water 29588  
source. 29589

**Sec. 3701.347.** Notwithstanding division (E) of section 29590  
6111.42 of the Revised Code, rules adopted under such division and 29591  
in effect on December 14, 1978, shall continue in effect until 29592  
repealed by the environmental protection agency or superseded by 29593

rules ~~of~~ adopted by the public director of health council as 29594  
hereinafter provided, as fully as if such section had not been 29595  
amended by Amended Substitute Senate Bill No. 445 of the 112th 29596  
general assembly on such date. Insofar as these rules affect wells 29597  
for the provision of water for human consumption not used or for 29598  
use by a public water system, they shall remain in effect 29599  
notwithstanding repeal by the environmental protection agency 29600  
until the ~~public health council~~ director adopts rules superseding 29601  
them which prescribe uniform standards and procedures for the 29602  
design, construction, inspection, installation, development, 29603  
maintenance, and abandonment of private water systems, to protect 29604  
the health of the persons served by such water systems and to 29605  
establish fees at a level calculated to pay the cost of 29606  
administering and enforcing such rules by the director ~~health~~ or 29607  
by boards of health of city and general health districts approved 29608  
by the director of health. For purposes of this section "public 29609  
water system" has the meaning ascribed to it in section 6109.01 of 29610  
the Revised Code. 29611

**Sec. 3701.352.** No person shall violate any rule the ~~public~~ 29612  
~~health council~~, director of health, or department of health adopts 29613  
or any order the director or department of health issues under 29614  
this chapter to prevent a threat to the public caused by a 29615  
pandemic, epidemic, or bioterrorism event. 29616

**Sec. 3701.40.** The ~~public~~ director of health council shall by 29617  
rule prescribe minimum standards for the maintenance and operation 29618  
of hospitals and medical facilities which shall receive federal 29619  
aid for construction under the state plan provided for by section 29620  
3701.39 of the Revised Code. 29621

Boards of trustees or directors of institutions required to 29622  
comply with sections 3701.01, 3701.04, 3701.08, 3701.09, and 29623  
3701.37 to 3701.45 of the Revised Code shall have the right to 29624



select the professional staff members of such institutions and to 29625  
select and employ interns, nurses, and other personnel, and no 29626  
rules, regulations, or standards of the director of health ~~or the~~ 29627  
~~public health council~~ adopted or promulgated severally or jointly 29628  
shall be valid which, if enforced, would interfere in such 29629  
selection or employment. 29630

The director of health may petition the common pleas court of 29631  
the county in which any hospital or medical facility is located 29632  
for an order enjoining any person, firm, partnership, association, 29633  
corporation, or other entity, private or public, from operating a 29634  
hospital or medical facility in violation of any rules adopted 29635  
under this section. Irrespective of any other remedy the director 29636  
may have in law or equity the court has jurisdiction to grant such 29637  
injunctive relief upon a showing that the respondent named in the 29638  
petition is operating in violation of such rules. 29639

**Sec. 3701.503.** As used in sections 3701.504 to 3701.509 of 29640  
the Revised Code: 29641

(A) "Parent" means either parent, unless the parents are 29642  
separated or divorced or their marriage has been dissolved or 29643  
annulled, in which case "parent" means the parent who is the 29644  
residential parent and legal custodian. 29645

(B) "Guardian" has the same meaning as in section 2111.01 of 29646  
the Revised Code. 29647

(C) "Custodian" means, except as used in division (A) of this 29648  
section, a government agency or an individual, other than the 29649  
parent or guardian, with legal or permanent custody of a child as 29650  
defined in section 2151.011 of the Revised Code. 29651

(D) "Hearing screening" means the identification of newborns 29652  
and infants who may have a hearing impairment, through the use of 29653  
a physiologic test. 29654

(E) "Hearing evaluation" means evaluation through the use of audiological procedures by an audiologist or physician. 29655  
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(F) "Hearing impairment" means a loss of hearing in one or both ears in the frequency region important for speech recognition and comprehension. 29657  
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(G) "Newborn" means a child who is less than thirty days old. 29660

(H) "Infant" means a child who is at least thirty days but less than twenty-four months old. 29661  
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(I) "Freestanding birthing center" has the same meaning as in section ~~3702.51~~ 3702.141 of the Revised Code. 29663  
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(J) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery. 29665  
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(K) "Audiologist" means an individual authorized under section 4753.07 of the Revised Code to practice audiology. 29668  
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(L) "Hospital" means a hospital that has a maternity unit or newborn nursery. 29670  
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(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. 29672  
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(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. 29677  
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**Sec. 3701.507.** (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 29680  
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hearing screening subcommittee. The subcommittee shall consist of	29684
the following members:	29685
(1) One otolaryngologist;	29686
(2) One neonatologist;	29687
(3) One pediatrician;	29688
(4) One neurologist;	29689
(5) One hospital administrator;	29690
(6) Two or more audiologists who are experienced in infant hearing screening and evaluation;	29691 29692
(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code;	29693 29694
(8) Two persons who are each a parent of a hearing-impaired child;	29695 29696
(9) One geneticist;	29697
(10) One epidemiologist;	29698
(11) One adult who is deaf or hearing impaired;	29699
(12) One representative from an organization for the deaf or hearing impaired;	29700 29701
(13) One family advocate;	29702
(14) One nurse from a well-baby neonatal nursery;	29703
(15) One nurse from a special care neonatal nursery;	29704
(16) One teacher of the deaf who works with infants and toddlers;	29705 29706
(17) One representative of the health insurance industry;	29707
(18) One representative of the bureau for children with medical handicaps;	29708 29709
(19) One representative of the department of education;	29710

(20) One representative of the Ohio department of job and family services who has responsibilities regarding medicaid;	29711 29712
(21) Any other person the advisory council appoints.	29713
(B) The infant hearing subcommittee shall:	29714
(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	29715 29716 29717
(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;	29718 29719 29720
(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:	29721 29722 29723 29724
(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;	29725 29726 29727 29728
(b) Identification of locations where hearing evaluations may be conducted;	29729 29730
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	29731 29732
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	29733 29734
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	29735 29736
(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>	29737 29738 29739

Sec. 3701.508. (A) The ~~public director of health council~~ 29740  
shall adopt rules governing the statewide hearing screening, 29741  
tracking, and early intervention program established under section 29742  
3701.504 of the Revised Code, including rules that do all of the 29743  
following: 29744

(1) Specify how hospitals and freestanding birthing centers 29745  
are to comply with the requirements of section 3701.505 of the 29746  
Revised Code, including methods to be used for hearing screening, 29747  
except that with regard to the physiologic equipment to be used 29748  
for hearing screening, the rules may require only that the 29749  
equipment be capable of giving reliable results and may not 29750  
specify particular equipment or a particular type of equipment; 29751

(2) Provide that no newborn or infant shall be required to 29752  
undergo a hearing screening if the parent, guardian, or custodian 29753  
of the newborn or infant objects on the grounds that the screening 29754  
conflicts with the parent's, guardian's, or custodian's religious 29755  
tenets and practices; 29756

(3) Provide for situations in which the parent, guardian, or 29757  
custodian of a newborn or infant objects to a hearing screening 29758  
for reasons other than religious tenets and practices; 29759

(4) Specify how the department of health will determine 29760  
whether a person is financially unable to pay for a hearing 29761  
screening and define "third-party payer" for the purpose of 29762  
reimbursement of hearing screening by the department under section 29763  
3701.505 of the Revised Code; 29764

(5) Specify an inexpensive and efficient format and 29765  
procedures for the submission of hearing screening information 29766  
from hospitals and freestanding birthing centers to the department 29767  
of health; 29768

(6) Specify a procedure whereby the department may conduct 29769

timely reviews of hearing screening information submissions for 29770  
purposes of quality assurance, training, and disease prevention 29771  
and control; 29772

(7) Specify any additional information that hospitals and 29773  
freestanding birthing centers are to provide to the medically 29774  
handicapped children's medical advisory council's infant hearing 29775  
screening subcommittee under section 3701.509 of the Revised Code. 29776

(B) In addition to the rules adopted under division (A) of 29777  
this section, the ~~council~~ director shall adopt rules that specify 29778  
the training that must be completed by persons who will conduct 29779  
hearing screenings. In adopting these rules, the ~~council~~ director 29780  
shall consider incorporating cost-saving training methods, 29781  
including computer-assisted learning and on-site training. Neither 29782  
the rules nor the director of health may establish a minimum 29783  
educational level for persons conducting hearing screenings. 29784

(C) All rules adopted under this section shall be adopted in 29785  
accordance with Chapter 119. of the Revised Code and shall be 29786  
adopted so as to take effect not later than six months after ~~the~~ 29787  
~~effective date of this section~~ August 1, 2002. 29788

**Sec. 3701.509.** (A) The department of health shall develop a 29789  
mechanism to analyze and interpret the hearing screening 29790  
information to be reported under division (B) of this section. The 29791  
department shall notify all hospitals and freestanding birthing 29792  
centers subject to the reporting requirements of the date the 29793  
department anticipates that the mechanism will be complete. After 29794  
the mechanism is complete, the department shall notify each 29795  
hospital and freestanding birthing center subject to the reporting 29796  
requirement of the date by which the hospital or center must 29797  
submit its first report. 29798

(B) Subject to division (A) of this section and in accordance 29799  
with rules adopted by the ~~public~~ director of health ~~council~~ under 29800

section 3701.508 of the Revised Code, each hospital and 29801  
freestanding birthing center that has conducted a hearing 29802  
screening required by section 3701.505 of the Revised Code shall 29803  
provide to the department of health for use by the medically 29804  
handicapped children's medical advisory council's infant hearing 29805  
screening subcommittee information specifying all of the 29806  
following: 29807

(1) The number of newborns born in the hospital or 29808  
freestanding birthing center and the number of newborns and 29809  
infants not screened because they were transferred to another 29810  
hospital; 29811

(2) The number of newborns and infants referred to the 29812  
hospital or freestanding birthing center for a hearing screening 29813  
and the number of those newborns and infants who received a 29814  
hearing screening; 29815

(3) The number of newborns and infants who did not pass the 29816  
hearing screenings conducted by the hospital or freestanding 29817  
birthing center; 29818

(4) Any other information concerning the program established 29819  
under section 3701.504 of the Revised Code. 29820

(C) The department of health shall conduct a timely review of 29821  
the information submitted by hospitals and freestanding birthing 29822  
centers in accordance with rules adopted by the ~~public health~~ 29823  
~~council~~ director under section 3701.508 of the Revised Code. 29824

(D) The infant hearing screening subcommittee, with the 29825  
support of the department of health, shall compile and summarize 29826  
the information submitted to the department by hospitals and 29827  
freestanding birthing centers under division (B) of this section. 29828  
Beginning with the first year after the mechanism developed under 29829  
division (A) of this section is complete, the subcommittee shall 29830  
annually prepare and transmit a report to the director of health, 29831

the speaker of the house of representatives, and the president of 29832  
the senate. The council shall make the report available to the 29833  
public. 29834

(E) The department and all members of the subcommittee shall 29835  
maintain the confidentiality of patient-identifying information 29836  
submitted under division (B) of this section and section 3701.505 29837  
of the Revised Code. The information is not a public record under 29838  
section 149.43 of the Revised Code, except to the extent that the 29839  
information is used in preparing reports under this section. 29840

Nothing in this division prohibits the department from 29841  
providing patient-identifying information to other entities as it 29842  
considers necessary to implement the statewide tracking and early 29843  
intervention components of the program established under section 29844  
3701.504 of the Revised Code. Any entity that receives 29845  
patient-identifying information from the department shall maintain 29846  
the confidentiality of the information. 29847

**Sec. 3701.57.** All prosecutions and proceedings by the 29848  
department of health for the violation of sections 3701.01 to 29849  
3701.56, 3705.01 to 3705.29, 3707.06, 3709.01 to 3709.04, 3709.07 29850  
to 3709.11, 3709.13, 3709.17, 3709.18, and 3709.21 to 3709.36 of 29851  
the Revised Code, or for the violation of any of the orders or 29852  
rules of the department, shall be instituted by the director of 29853  
health. Except as provided in division (C) of section 3701.571 of 29854  
the Revised Code, all fines or judgments the department collects 29855  
shall be paid into the state treasury to the credit of the general 29856  
revenue fund. 29857

The director of health, the board of health of a general or 29858  
city health district, or any person charged with enforcing the 29859  
rules of the department of health as provided in section 3701.56 29860  
of the Revised Code may petition the court of common pleas for 29861  
injunctive or other appropriate relief requiring any person 29862



violating a rule adopted by ~~the public health council under~~ 29863  
~~section 3701.34 of the Revised Code~~ or any order issued by the 29864  
director of health under this chapter to comply with such rule or 29865  
order. The court of common pleas of the county in which the 29866  
offense is alleged to be occurring may grant such injunctive or 29867  
other appropriate relief as the equities of the case require. 29868

**Sec. 3701.63.** (A) As used in this section and section 3701.64 29869  
of the Revised Code: 29870

(1) "Child day-care center," "type A family day-care home," 29871  
and "certified type B family day-care home" have the same meanings 29872  
as in section 5104.01 of the Revised Code. 29873

(2) "Child care facility" means a child day-care center, a 29874  
type A family day-care home, or a certified type B family day-care 29875  
home. 29876

(3) "Freestanding birthing center" has the same meaning as in 29877  
section ~~3702.51~~ 3702.141 of the Revised Code. 29878

(4) "Hospital" means a hospital classified pursuant to rules 29879  
adopted under section 3701.07 of the Revised Code as a general 29880  
hospital or children's hospital. 29881

(5) "Maternity unit" means any unit or place in a hospital 29882  
where women are regularly received and provided care during all or 29883  
part of the maternity cycle, except that "maternity unit" does not 29884  
include an emergency department or similar place dedicated to 29885  
providing emergency health care. 29886

(6) "Parent" means either parent, unless the parents are 29887  
separated or divorced or their marriage has been dissolved or 29888  
annulled, in which case "parent" means the parent who is the 29889  
residential parent and legal custodian of the child. "Parent" also 29890  
means a prospective adoptive parent with whom a child is placed. 29891

(7) "Shaken Baby Syndrome" means signs and symptoms, 29892

including, but not limited to, retinal hemorrhages in one or both 29893  
eyes, subdural hematoma, or brain swelling, resulting from the 29894  
violent shaking or the shaking and impacting of the head of an 29895  
infant or small child. 29896

(B) The director of health shall establish the shaken baby 29897  
syndrome education program by doing all of the following: 29898

(1) By not later than one year after February 29, 2008, 29899  
developing educational materials that present readily 29900  
comprehensible information on shaken baby syndrome; 29901

(2) Making available on the department of health web site in 29902  
an easily accessible format the educational materials developed 29903  
under division (B)(1) of this section; 29904

(3) Beginning in 2009, annually assessing the effectiveness 29905  
of the shaken baby syndrome education program by evaluating the 29906  
reports received pursuant to section 5101.135 of the Revised Code. 29907

(C) In meeting the requirements under division (B) of this 29908  
section, the director shall not develop educational materials that 29909  
will impose an administrative or financial burden on any of the 29910  
entities or persons listed in section 3701.64 of the Revised Code. 29911

**Sec. 3701.74.** (A) As used in this section and section 29912  
3701.741 of the Revised Code: 29913

(1) "Ambulatory care facility" means a facility that provides 29914  
medical, diagnostic, or surgical treatment to patients who do not 29915  
require hospitalization, including a dialysis center, ambulatory 29916  
surgical facility, cardiac catheterization facility, diagnostic 29917  
imaging center, extracorporeal shock wave lithotripsy center, home 29918  
health agency, inpatient hospice, birthing center, radiation 29919  
therapy center, emergency facility, and an urgent care center. 29920  
"Ambulatory care facility" does not include the private office of 29921  
a physician or dentist, whether the office is for an individual or 29922

group practice.	29923
(2) "Chiropractor" means an individual licensed under Chapter 4734. of the Revised Code to practice chiropractic.	29924 29925
(3) "Emergency facility" means a hospital emergency department or any other facility that provides emergency medical services.	29926 29927 29928
(4) "Health care practitioner" means all of the following:	29929
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	29930 29931
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	29932 29933
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	29934 29935
(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;	29936 29937 29938 29939
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	29940 29941
(f) A physician;	29942
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	29943 29944
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	29945 29946
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	29947 29948
(j) A chiropractor;	29949
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	29950 29951

(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	29952 29953
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	29954 29955
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	29956 29957
(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;	29958 29959 29960 29961
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	29962 29963
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	29964 29965
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code.	29966 29967 29968
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	29969 29970 29971
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	29972 29973
(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 of the Revised Code 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	29974 29975 29976 29977 29978 29979 29980 29981

5111.20 of the Revised Code; a facility or portion of a facility 29982  
certified as a skilled nursing facility under Title XVIII of the 29983  
"Social Security Act," 49 Stat. 286 (1965), 42 U.S.C.A. 1395, as 29984  
amended. 29985

(8) "Medical record" means data in any form that pertains to 29986  
a patient's medical history, diagnosis, prognosis, or medical 29987  
condition and that is generated and maintained by a health care 29988  
provider in the process of the patient's health care treatment. 29989

(9) "Medical records company" means a person who stores, 29990  
locates, or copies medical records for a health care provider, or 29991  
is compensated for doing so by a health care provider, and charges 29992  
a fee for providing medical records to a patient or patient's 29993  
representative. 29994

(10) "Patient" means either of the following: 29995

(a) An individual who received health care treatment from a 29996  
health care provider; 29997

(b) A guardian, as defined in section 1337.11 of the Revised 29998  
Code, of an individual described in division (A)(10)(a) of this 29999  
section. 30000

(11) "Patient's personal representative" means a minor 30001  
patient's parent or other person acting in loco parentis, a 30002  
court-appointed guardian, or a person with durable power of 30003  
attorney for health care for a patient, the executor or 30004  
administrator of the patient's estate, or the person responsible 30005  
for the patient's estate if it is not to be probated. "Patient's 30006  
personal representative" does not include an insurer authorized 30007  
under Title XXXIX of the Revised Code to do the business of 30008  
sickness and accident insurance in this state, a health insuring 30009  
corporation holding a certificate of authority under Chapter 1751. 30010  
of the Revised Code, or any other person not named in this 30011  
division. 30012

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code. 30013  
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(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery. 30015  
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(14) "Authorized person" means a person to whom a patient has given written authorization to act on the patient's behalf regarding the patient's medical record. 30019  
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(B) A patient, a patient's personal representative or an authorized person who wishes to examine or obtain a copy of part or all of a medical record shall submit to the health care provider a written request signed by the patient, personal representative, or authorized person dated not more than one year before the date on which it is submitted. The request shall indicate whether the copy is to be sent to the requestor, physician or chiropractor, or held for the requestor at the office of the health care provider. Within a reasonable time after receiving a request that meets the requirements of this division and includes sufficient information to identify the record requested, a health care provider that has the patient's medical records shall permit the patient to examine the record during regular business hours without charge or, on request, shall provide a copy of the record in accordance with section 3701.741 of the Revised Code, except that if a physician or chiropractor who has treated the patient determines for clearly stated treatment reasons that disclosure of the requested record is likely to have an adverse effect on the patient, the health care provider shall provide the record to a physician or chiropractor designated by the patient. The health care provider shall take reasonable steps to establish the identity of the person making the request to examine or obtain a copy of the patient's record. 30022  
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(C) If a health care provider fails to furnish a medical record as required by division (B) of this section, the patient, personal representative, or authorized person who requested the record may bring a civil action to enforce the patient's right of access to the record.

(D)(1) This section does not apply to medical records whose release is covered by section 173.20 or 3721.13 of the Revised Code, by Chapter 1347. or 5122. of the Revised Code, by 42 C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient Records," or by 42 C.F.R. 483.10.

(2) Nothing in this section is intended to supersede the confidentiality provisions of sections 2305.24, 2305.25, 2305.251, and 2305.252 of the Revised Code.

Sec. 3701.77. (A) The department of health may establish, promote, and maintain a lupus education and awareness program with an emphasis on at-risk communities to raise public awareness, educate consumers, and educate and train health professionals, human services providers, and other audiences.

(B) The department, in creating and implementing the program, may do all of the following:

(1) Provide sufficient staff and appropriate training to implement the program;

(2) Establish a grant program to support nonprofit voluntary health organizations with expertise in lupus to increase public awareness and enhance health professional education and understanding of the symptoms and consequences of lupus and the populations most at risk;

(3) Establish an intergovernmental council and advisory panel to oversee the implementation of the program;

(4) Identify the appropriate entities to carry out the

<u>program;</u>	30075
<u>(5) Base the program on the most current scientific</u>	30076
<u>information and findings;</u>	30077
<u>(6) Work with government entities, community and business</u>	30078
<u>leaders, community organizations, health and human services</u>	30079
<u>providers, and national, state, and local lupus organizations,</u>	30080
<u>such as the lupus foundation of America, inc., to coordinate</u>	30081
<u>efforts to maximize state resources in the areas of lupus</u>	30082
<u>education and awareness;</u>	30083
<u>(7) Identify and use other successful lupus education and</u>	30084
<u>awareness programs and procure related materials and services from</u>	30085
<u>organizations with appropriate expertise and knowledge of lupus.</u>	30086
<u>(C) The department may accept gifts, grants, and donations</u>	30087
<u>from the federal government, foundations, organizations, medical</u>	30088
<u>schools, and other entities for fulfilling the obligations of the</u>	30089
<u>program.</u>	30090
<u>(D) The department may seek any federal waiver that may be</u>	30091
<u>necessary to maximize funds from the federal government to</u>	30092
<u>implement the program.</u>	30093
<b><u>Sec. 3701.771. (A)(1) The department of health may conduct a</u></b>	30094
<b><u>needs assessment to identify all of the following:</u></b>	30095
<u>(a) The level of statewide health professional and public</u>	30096
<u>awareness about lupus;</u>	30097
<u>(b) The existence of lupus education, awareness, and</u>	30098
<u>treatment programs and related technical assistance available in</u>	30099
<u>the state and nationwide;</u>	30100
<u>(c) The lupus-related educational and support service needs</u>	30101
<u>of health care providers in the state, including physicians,</u>	30102
<u>nurses, health plans, and other health professionals and health</u>	30103
<u>care entities;</u>	30104



(d) The needs of people with lupus, their families, and caregivers, including health care providers, physicians, nurses, health plans, and other health professionals and health care entities; 30105  
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(e) The services available to individuals with lupus, including the existence and availability of lupus treatment and specialty care, lupus support groups, and other related care and management services. 30109  
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(2) Based on the needs assessment, the department may develop and maintain a directory of lupus-related services and health care providers with specialization in services to diagnose and treat lupus. The department may disseminate the directory to all stakeholders, including individuals with lupus, families, representatives from voluntary organizations, health professionals, health plans, and state and local health agencies. 30113  
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(B) The department may undertake activities to raise public awareness about the symptoms of lupus, personal risk factors, and options for diagnosing and treating the disease with a particular focus on populations at elevated risk for lupus. Such activities may include, but are not limited to, the following: 30120  
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(1) Implementing a statewide campaign to educate the general public about lupus by utilizing print, radio, and television public service announcements, advertisements, posters, and other materials; 30125  
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(2) Disseminating health information and conducting individual risk assessments at public events, such as health fairs and community forums sponsored by the department; 30129  
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(3) Distributing information through local health departments; schools; area agencies on aging; employer wellness programs; physicians and other health professionals; hospitals and health plans; health, nonprofit, and community-based 30132  
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organizations; and regional offices of the department. 30136

Sec. 3701.772. (A) The department of health may establish a 30137  
program to award grants to educate and train physicians, health 30138  
professionals, and other service providers on the most current, 30139  
accurate scientific and medical information on lupus diagnosis, 30140  
treatment, and therapeutic decision-making, including medical best 30141  
practices for detecting and treating the disease in special 30142  
populations, risks and benefits of medications, and research 30143  
advances. If a program to award grants is established, the 30144  
department shall allocate the total amount available for the 30145  
grants in amounts that are proportionate to the populations of the 30146  
areas served by the Ohio chapters of the lupus foundation of 30147  
America, inc. 30148

To be eligible for a grant, an applicant must be affiliated 30149  
with the foundation. 30150

(B) Each grant recipient shall do all of the following: 30151

(1) Develop health professional educational materials that 30152  
identify the latest scientific and medical information and 30153  
clinical applications; 30154

(2) Work to increase knowledge among physicians, nurses, and 30155  
other health and human services professionals about the importance 30156  
of lupus diagnosis, treatment, and rehabilitation; 30157

(3) Use available curricula for training of health and human 30158  
services providers and community leaders on lupus detection and 30159  
treatment; 30160

(4) Support continuing medical education programs in all 30161  
geographical areas of the state presented by the leading state 30162  
academic institutions by providing the most current information; 30163

(5) Provide workshops and seminars for in-depth professional 30164  
development in the field of care and management of lupus patients 30165

<u>to bring the latest information on clinical advances to health care providers;</u>	30166
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<u>(6) Conduct statewide conferences on lupus at appropriate intervals;</u>	30168
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<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>	30170
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<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>	30173
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<u>(B) The council shall do all of the following:</u>	30182
<u>(1) Provide oversight to the lupus education and awareness program, as well as other lupus programs conducted by the department;</u>	30183
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<u>(2) Develop and issue grant applications and policies and procedures for programs aimed at health professionals and the public;</u>	30186
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<u>(3) Establish a mechanism for sharing information on lupus among all officials and employees involved in carrying out lupus-related programs;</u>	30189
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<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>	30192
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(5) Prepare an annual report that describes educational initiatives on lupus sponsored by the state and make recommendations for new educational initiatives on lupus. The report shall be transmitted to the general assembly and be made available to the public. 30196  
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**Sec. 3701.774.** (A) If the department of health establishes the advisory panel as permitted by division (B)(3) of section 3701.77 of the Revised Code, the department shall coordinate the panel to provide input and counsel regarding the lupus education and awareness program. 30201  
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(B) If the panel is established, all of the following apply: 30206

(1) Individuals and organizations may submit to the department nominations for appointments to the panel. Each panel member shall have familiarity with lupus and issues that surround lupus. 30207  
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(2) The panel shall be comprised of the following members to be appointed by the director of health: 30211  
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(a) At least three individuals with lupus; 30213

(b) Not more than two representatives from the department; 30214

(c) At least five individuals from lupus nonprofit health organizations, with preference given to individuals from the lupus foundation of America, inc.; 30215  
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(d) At least five scientists or clinicians with experience in lupus who participate in various fields of scientific endeavor, including the fields of biomedical research, social, translational, behavioral and epidemiological research, and public health. 30218  
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(3) The department shall select from among the panel members one member to serve as chairperson of the panel. 30223  
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Members of the panel shall serve terms of two years each. 30225  
Members may be named to serve a total of two terms and terms may 30226  
be consecutive. 30227

A majority of the members of the panel constitutes a quorum. 30228  
A majority vote of a quorum is required for any official action of 30229  
the panel. 30230

The panel shall meet at the call of the panel chairperson, 30231  
but not fewer than four times per year. 30232

All members shall serve without compensation, but may be 30233  
reimbursed for actual, necessary expenses incurred in the 30234  
performance of their duties. 30235

(4) The panel shall be responsible for advising the 30236  
department and the intergovernmental council with respect to the 30237  
implementation of the lupus education and awareness program. The 30238  
department shall consult with the advisory panel on a regular 30239  
basis. 30240

**Sec. 3701.775.** There is hereby created in the state treasury 30241  
the lupus education and awareness program fund. If the department 30242  
of health establishes the lupus education and awareness program, 30243  
as authorized under section 3701.77 of the Revised Code, all 30244  
moneys accepted under division (C) of that section shall be 30245  
credited to the fund. Money in the fund shall be used solely to 30246  
administer the lupus education and awareness program. 30247

**Sec. 3701.87.** The governor may authorize the department of 30248  
health to enter into an agreement on behalf of the state with the 30249  
United States secretary of health, ~~education,~~ and ~~welfare~~ human 30250  
services whereby the department may serve as the agency for review 30251  
of proposed capital expenditures by health care facilities 30252  
pursuant to section 1122 of the "Social Security Act" as amended 30253  
by Public Law 92-603, 42 U.S.C. 1320a-1, and the regulations 30254

adopted thereunder. Such agreement shall be subject to and include 30255  
the following terms and conditions: 30256

(A) All applications, notices, requests for information, and 30257  
other official communications shall be on written forms prescribed 30258  
by ~~and approved by~~ the director of health ~~and approved by the~~ 30259  
~~public health council.~~ 30260

(B) The ~~council~~ director, subject to Chapter 119. of the 30261  
Revised Code, shall propose, modify, amend, and adopt rules, 30262  
standards, guidelines, and official policies which are consistent 30263  
with federal law, as it deems necessary to implement the capital 30264  
expenditures review program. 30265

(C) The director shall make all findings and recommendations 30266  
required by federal law and shall give due consideration to the 30267  
findings, reviews, and comments of areawide health planning 30268  
agencies performing reviews pursuant to section 314 (b)(2) of the 30269  
"Public Health Service Act," 42 U.S.C. 246, or the appropriate 30270  
health systems agency. 30271

(D) The findings and recommendations of the director shall be 30272  
in writing and shall clearly specify the provisions of the state 30273  
health facilities plan with which any application is found to be 30274  
inconsistent. Any applicant adversely affected by the findings and 30275  
recommendations of the director may request a hearing before the 30276  
~~council~~ director pursuant to Chapter 119. of the Revised Code. The 30277  
findings and recommendations of the ~~council~~ director are an 30278  
adjudication as defined in Chapter 119. of the Revised Code and 30279  
may be appealed as provided in that chapter. 30280

**Sec. 3701.881.** (A) As used in this section: 30281

(1) "Applicant" means ~~both of the following:~~ 30282

~~(a) A~~ a person who is under final consideration for 30283  
~~appointment to or~~ employment with a home health agency in a 30284

~~position as a person responsible for the care, custody, or control of a child;~~ 30285  
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~~(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 older 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.~~ 30287  
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(2) "Criminal records check" and "older adult" have has the same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 30296  
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(3) "Direct care" means any of the following: 30298

(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; 30299  
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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; 30302  
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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. 30306  
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(4) "Disqualifying offense" means any of the following: 30309

(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, 30310  
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<u>2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321,</u>	30315
<u>2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22,</u>	30316
<u>2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13,</u>	30317
<u>2913.02, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32,</u>	30318
<u>2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45,</u>	30319
<u>2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02,</u>	30320
<u>2917.03, 2917.12, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22,</u>	30321
<u>2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21,</u>	30322
<u>2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,</u>	30323
<u>2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32,</u>	30324
<u>2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06,</u>	30325
<u>2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	30326
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	30327
<u>(b) One or more violations of felonious sexual penetration</u>	30328
<u>under former section 2907.12 of the Revised Code;</u>	30329
<u>(c) One or more violations of section 2905.04 of the Revised</u>	30330
<u>Code as it existed prior to July 1, 1996;</u>	30331
<u>(d) One violation of section 2925.11 of the Revised Code when</u>	30332
<u>the violation is not a minor drug possession offense;</u>	30333
<u>(e) Two or more violations of section 2925.11 of the Revised</u>	30334
<u>Code, regardless of whether any of the violations are a minor drug</u>	30335
<u>possession offense;</u>	30336
<u>(f) One or more violations of section 2923.01, 2923.02, or</u>	30337
<u>2923.03 of the Revised Code when the underlying offense that is</u>	30338
<u>the object of the conspiracy, attempt, or complicity is one of the</u>	30339
<u>offenses listed in divisions (A)(3)(a) to (e) of this section;</u>	30340
<u>(g) One or more violations of an existing or former municipal</u>	30341
<u>ordinance or law of this state, any other state, or the United</u>	30342
<u>States that is substantially equivalent to any of the offenses</u>	30343
<u>listed in divisions (A)(3)(a) to (f) of this section.</u>	30344
<u>(5) "Employee" means a person employed by a home health</u>	30345



agency in a full-time, part-time, or temporary position that 30346  
involves providing direct care to an individual and a person who 30347  
works in such a position due to being referred to a home health 30348  
agency by an employment service. 30349

(6) "Home health agency" means a person or government entity, 30350  
other than a nursing home, residential care facility, or hospice 30351  
care program, that has the primary function of providing any of 30352  
the following services to a patient at a place of residence used 30353  
as the patient's home: 30354

- (a) Skilled nursing care; 30355
- (b) Physical therapy; 30356
- (c) Speech-language pathology; 30357
- (d) Occupational therapy; 30358
- (e) Medical social services; 30359
- (f) Home health aide services. 30360

~~(4)~~(7) "Home health aide services" means any of the following 30361  
services provided by an ~~individual employed with or contracted for~~ 30362  
~~by~~ employee of a home health agency: 30363

- (a) Hands-on bathing or assistance with a tub bath or shower; 30364
- (b) Assistance with dressing, ambulation, and toileting; 30365
- (c) Catheter care but not insertion; 30366
- (d) Meal preparation and feeding. 30367

~~(5)~~(8) "Hospice care program" has the same meaning as in 30368  
section 3712.01 of the Revised Code. 30369

~~(6)~~(9) "Medical social services" means services provided by a 30370  
social worker under the direction of a patient's attending 30371  
physician. 30372

~~(7)~~(10) "Minor drug possession offense" has the same meaning 30373

as in section 2925.01 of the Revised Code. 30374

~~(8)~~(11) "Nursing home," "residential care facility," and 30375  
"skilled nursing care" have the same meanings as in section 30376  
3721.01 of the Revised Code. 30377

~~(9)~~(12) "Occupational therapy" has the same meaning as in 30378  
section 4755.04 of the Revised Code. 30379

~~(10)~~(13) "Physical therapy" has the same meaning as in 30380  
section 4755.40 of the Revised Code. 30381

~~(11)~~(14) "Social worker" means a person licensed under 30382  
Chapter 4757. of the Revised Code to practice as a social worker 30383  
or independent social worker. 30384

~~(12)~~(15) "Speech-language pathology" has the same meaning as 30385  
in section 4753.01 of the Revised Code. 30386

(B) No home health agency shall employ an applicant or 30387  
continue to employ an employee in a position that involves 30388  
providing direct care to an individual if any of the following 30389  
apply: 30390

(1) A review of the databases listed in division (D) of this 30391  
section reveals any of the following: 30392

(a) That the applicant or employee is included in one or more 30393  
of the databases listed in divisions (D)(1) to (5) of this 30394  
section; 30395

(b) That there is in the state nurse aide registry 30396  
established under section 3721.32 of the Revised Code a statement 30397  
detailing findings by the director of health that the applicant or 30398  
employee neglected or abused a long-term care facility or 30399  
residential care facility resident or misappropriated property of 30400  
such a resident; 30401

(c) That the applicant or employee is included in one or more 30402  
of the databases, if any, specified in rules adopted under this 30403

section and the rules prohibit the home health agency from 30404  
employing an applicant or continuing to employ an employee 30405  
included in such a database in a position that involves providing 30406  
direct care to an individual. 30407

(2) After the applicant or employee is provided, pursuant to 30408  
division (E)(2)(a) of this section, a copy of the form prescribed 30409  
pursuant to division (C)(1) of section 109.572 of the Revised Code 30410  
and the standard impression sheet prescribed pursuant to division 30411  
(C)(2) of that section, the applicant or employee fails to 30412  
complete the form or provide the applicant's or employee's 30413  
fingerprint impressions on the standard impression sheet. 30414

(3) Except as provided in rules adopted under this section, 30415  
the applicant or employee is found by a criminal records check 30416  
required by this section to have been convicted of, pleaded guilty 30417  
to, or been found eligible for intervention in lieu of conviction 30418  
for a disqualifying offense. 30419

(C) Except as provided by division (F) of this section, the 30420  
chief administrator of a home health agency shall inform each 30421  
applicant of both of the following at the time of the applicant's 30422  
initial application for employment or referral to the home health 30423  
agency by an employment service for a position that involves 30424  
providing direct care to an individual: 30425

(1) That a review of the databases listed in division (D) of 30426  
this section will be conducted to determine whether the home 30427  
health agency is prohibited by division (B)(1) of this section 30428  
from employing the applicant in the position; 30429

(2) That, unless the database review reveals that the 30430  
applicant may not be employed in the position, a criminal records 30431  
check of the applicant will be conducted and the applicant is 30432  
required to provide a set of the applicant's fingerprint 30433  
impressions as part of the criminal records check. 30434

(D) As a condition of employing any applicant in a position 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: 30435  
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(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation; 30448  
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(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; 30451  
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(3) The registry of MR/DD employees established under section 5123.52 of the Revised Code; 30457  
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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; 30459  
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 30462  
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 30464  
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(7) Any other database, if any, specified in rules adopted 30466  
under this section. 30467

(E)(1) Except as provided in division (I) of this section As 30468  
a condition of employing any applicant in a position that involves 30469  
providing direct care to an individual, the chief administrator of 30470  
a home health agency shall request the superintendent of the 30471  
bureau of criminal identification and investigation to conduct a 30472  
criminal records check ~~with respect to each of the~~ applicant. ~~If~~ 30473  
~~the position may involve both responsibility for the care,~~ 30474  
~~eustody, or control of a child and provision of direct care to an~~ 30475  
~~elder adult, the chief administrator shall request that the~~ 30476  
~~superintendent conduct a single criminal records check for the~~ 30477  
~~applicant. If rules adopted under this section so require, the~~ 30478  
chief administrator of a home health agency shall request the 30479  
superintendent to conduct a criminal records check of an employee 30480  
at times specified in the rules as a condition of continuing to 30481  
employ the employee in a position that involves providing direct 30482  
care to an individual. However, the chief administrator is not 30483  
required to request the criminal records check of the applicant or 30484  
the employee if division (F) of this section applies or the home 30485  
health agency is prohibited by division (B)(1) of this section 30486  
from employing the applicant or continuing to employ the employee 30487  
in a position that involves providing direct care to an 30488  
individual. If an applicant or employee for whom a criminal 30489  
records check request is required under by this division section 30490  
does not present proof of having been a resident of this state for 30491  
the five-year period immediately prior to the date upon which the 30492  
criminal records check is requested or does not provide evidence 30493  
that within that five-year period the superintendent has requested 30494  
information about the applicant from the federal bureau of 30495  
investigation in a criminal records check, the chief administrator 30496  
shall request that the superintendent obtain information from the 30497  
federal bureau of investigation as a part of the criminal records 30498

check ~~for the applicant~~. Even if an applicant or employee for whom 30499  
a criminal records check request is required ~~under~~ by this 30500  
~~division~~ section presents proof that the applicant or employee has 30501  
been a resident of this state for that five-year period, the chief 30502  
administrator may request that the superintendent include 30503  
information from the federal bureau of investigation in the 30504  
criminal records check. 30505

(2) ~~Any person required by division (B)(1) of this section to~~ 30506  
~~request a criminal records check~~ The chief administrator shall 30507  
~~provide~~ do all of the following: 30508

(a) Provide to each applicant and employee for whom a 30509  
criminal records check request is required ~~under that division~~ by 30510  
this section a copy of the form prescribed pursuant to division 30511  
(C)(1) of section 109.572 of the Revised Code and a standard 30512  
impression sheet prescribed pursuant to division (C)(2) of that 30513  
~~section 109.572 of the Revised Code, obtain;~~ 30514

(b) Obtain the completed form and standard impression sheet 30515  
from each applicant, ~~and~~ forward employee; 30516

(c) Forward the completed form and standard impression sheet 30517  
to the superintendent ~~of the bureau of criminal identification and~~ 30518  
~~investigation~~ at the time the chief administrator requests a the 30519  
criminal records check ~~pursuant to division (B)(1) of this~~ 30520  
~~section.~~ 30521

(3) ~~An applicant who receives pursuant to division (B)(2) of~~ 30522  
~~this section a copy of the form prescribed pursuant to division~~ 30523  
~~(C)(1) of section 109.572 of the Revised Code and a copy of an~~ 30524  
~~impression sheet prescribed pursuant to division (C)(2) of that~~ 30525  
~~section and who is requested to complete the form and provide a~~ 30526  
~~set of fingerprint impressions shall complete the form or provide~~ 30527  
~~all the information necessary to complete the form and shall~~ 30528  
~~provide the impression sheets with the impressions of the~~ 30529

~~applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide fingerprint impressions, the home health agency shall not employ that applicant for any position for which a criminal records check is required by division (B)(1) of this section.~~

~~(C)(1) Except as provided in rules adopted by the department of health in accordance with division (F) of this section and subject to division (C)(3) of this section, no home health agency shall employ a person as a person responsible for the care, custody, or control of a child if the person previously 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, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 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, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;~~

~~(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.~~

~~(2) Except as provided in rules adopted by the department of~~

~~health in accordance with division (F) of this section and subject 30562  
to division (C)(3) of this section, no home health agency shall 30563  
employ a person in a position that involves providing direct care 30564  
to an older adult if the person previously has been convicted of 30565  
or pleaded guilty to any of the following: 30566~~

~~(a) A violation of section 2903.01, 2903.02, 2903.03, 30567  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 30568  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 30569  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 30570  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 30571  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 30572  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 30573  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 30574  
2925.22, 2925.23, or 3716.11 of the Revised Code. 30575~~

~~(b) A violation of an existing or former law of this state, 30576  
any other state, or the United States that is substantially 30577  
equivalent to any of the offenses listed in division (C)(2)(a) of 30578  
this section. 30579~~

~~(3)(a) A home health agency shall pay to the bureau of 30580  
criminal identification and investigation the fee prescribed 30581  
pursuant to division (C)(3) of section 109.572 of the Revised Code 30582  
for each criminal records check the agency requests under this 30583  
section. A home health agency may charge an applicant a fee not 30584  
exceeding the amount the agency pays to the bureau under this 30585  
section if both of the following apply: 30586~~

~~(a) The home health agency notifies the applicant at the time 30587  
of initial application for employment of the amount of the fee and 30588  
that, unless the fee is paid, the applicant will not be considered 30589  
for employment. 30590~~

~~(b) The medicaid program established under Chapter 5111. of 30591  
the Revised Code does not reimburse the home health agency for the 30592~~



fee it pays to the bureau under this section. 30593

(F) Divisions (C) to (E) of this section do not apply with 30594  
regard to an applicant or employee if the applicant or employee is 30595  
referred to a home health agency by an employment service that 30596  
supplies full-time, part-time, or temporary staff for positions 30597  
that involve providing direct care to an individual and both of 30598  
the following apply: 30599

(1) The chief administrator of the home health agency 30600  
receives from the employment service confirmation that a review of 30601  
the databases listed in division (D) of this section was conducted 30602  
with regard to the applicant or employee. 30603

(2) The chief administrator of the home health agency 30604  
receives from the employment service, applicant, or employee a 30605  
report of the results of a criminal records check of the applicant 30606  
or employee that has been conducted by the superintendent within 30607  
the one-year period immediately preceding the following: 30608

(a) In the case of an applicant, the date of the applicant's 30609  
referral by the employment service to the home health agency; 30610

(b) In the case of an employee, the date by which the home 30611  
health agency would otherwise have to request a criminal records 30612  
check of the employee under division (E) of this section. 30613

(G)(1) A home health agency may employ conditionally an 30614  
applicant for whom a criminal records check request is required 30615  
under ~~division (B) of~~ by this section as a person responsible for 30616  
the care, custody, or control of a child until the criminal 30617  
records check regarding the applicant required by this section is 30618  
completed and the agency receives before obtaining the results of 30619  
the criminal records check if the agency is not prohibited by 30620  
division (B) of this section from employing the applicant in a 30621  
position that involves providing direct care to an individual and 30622  
either of the following applies: 30623

(a) The chief administrator of the home health agency 30624  
requests the criminal records check in accordance with division 30625  
(E) of this section not later than five business days after the 30626  
applicant begins conditional employment. 30627

(b) The applicant is referred to the home health agency by an 30628  
employment service, the employment service or the applicant 30629  
provides the chief administrator of the agency a letter that is on 30630  
the letterhead of the employment service, the letter is dated and 30631  
signed by a supervisor or another designated official of the 30632  
employment service, and the letter states all of the following: 30633

(i) That the employment service has requested the 30634  
superintendent to conduct a criminal records check regarding the 30635  
applicant; 30636

(ii) That the requested criminal records check is to include 30637  
a determination of whether the applicant has been convicted of, 30638  
pleaded guilty to, or been found eligible for intervention in lieu 30639  
of conviction for a disqualifying offense; 30640

(iii) That the employment service has not received the 30641  
results of the criminal records check as of the date set forth on 30642  
the letter; 30643

(iv) That the employment service promptly will send a copy of 30644  
the results of the criminal records check to the chief 30645  
administrator of the home health agency when the employment 30646  
service receives the results. 30647

(2) If a home health agency employs an applicant 30648  
conditionally pursuant to division (G)(1)(b) of this section, the 30649  
employment service, on its receipt of the results of the criminal 30650  
records check, promptly shall send a copy of the results to the 30651  
chief administrator of the agency. If the results of the criminal 30652  
records check indicate that, pursuant to division (C)(1) of this 30653  
section, the applicant does not qualify for employment, the agency 30654

shall release the applicant from employment unless the agency 30655  
chooses to employ the applicant pursuant to division (F) of this 30656  
section. 30657

~~(b)(i) A home health agency may employ conditionally an 30658  
applicant for whom a criminal records check request is required 30659  
under division (B) of this section in a position that involves 30660  
providing direct care to an older adult or in a position that 30661  
involves both responsibility for the care, custody, and control of 30662  
a child and the provision of direct care to older adults prior to 30663  
obtaining the results of a criminal records check regarding the 30664  
individual, provided that the agency shall request a criminal 30665  
records check regarding the individual in accordance with division 30666  
(B)(1) of this section not later than five business days after the 30667  
individual begins conditional employment. In the circumstances 30668  
described in division (I)(2) of this section, a home health agency 30669  
may employ conditionally in a position that involves providing 30670  
direct care to an older adult an applicant who has been referred 30671  
to the home health agency by an employment service that supplies 30672  
full time, part time, or temporary staff for positions involving 30673  
the direct care of older adults and for whom, pursuant to that 30674  
division, a criminal records check is not required under division 30675  
(B) of this section. In the circumstances described in division 30676  
(I)(4) of this section, a home health agency may employ 30677  
conditionally in a position that involves both responsibility for 30678  
the care, custody, and control of a child and the provision of 30679  
direct care to older adults an applicant who has been referred to 30680  
the home health agency by an employment service that supplies 30681  
full time, part time, or temporary staff for positions involving 30682  
both responsibility for the care, custody, and control of a child 30683  
and the provision of direct care to older adults and for whom, 30684  
pursuant to that division, a criminal records check is not 30685  
required under division (B) of this section. 30686~~

~~(ii)(3)~~ A home health agency that employs an individual applicant conditionally ~~under authority of~~ pursuant to division ~~(C)(3)(b)(i)(G)(1)(a) or (b)~~ of this section shall terminate the individual's applicant's employment if the results of the criminal records check requested under division ~~(B)(1) of this section or described in division (I)(2) or (4) 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 thirty 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 ~~individual was employed conditionally in a position that involves the provision of direct care to older adults and 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)(2) of this section, or if the individual was employed 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 and the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) or (2) of this section, or been found eligible for intervention in lieu of conviction for a disqualifying offense,~~ the home health 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 section 4141.29 of the Revised Code if the individual applicant makes any attempt to deceive the home health agency about the individual's applicant's criminal record.

~~(D)(1) Each home health agency shall pay to the bureau of~~ 30719

~~criminal identification and investigation the fee prescribed 30720  
pursuant to division (C)(3) of section 109.572 of the Revised Code 30721  
for each criminal records check conducted in accordance with that 30722  
section upon the request pursuant to division (B)(1) of this 30723  
section of the chief administrator of the home health agency. 30724~~

~~(2) A home health agency may charge an applicant a fee for 30725  
the costs it incurs in obtaining a criminal records check under 30726  
this section, unless the medical assistance program established 30727  
under Chapter 5111. of the Revised Code reimburses the agency for 30728  
the costs. A fee charged under division (D)(2) of this section 30729  
shall not exceed the amount of fees the agency pays under division 30730  
(D)(1) of this section. If a fee is charged under division (D)(2) 30731  
of this section, the agency shall notify the applicant at the time 30732  
of the applicant's initial application for employment of the 30733  
amount of the fee and that, unless the fee is paid, the agency 30734  
will not consider the applicant for employment. 30735~~

~~(E)(H) The report of any criminal records check conducted by 30736  
the bureau of criminal identification and investigation in 30737  
accordance with section 109.572 of the Revised Code and pursuant 30738  
to a request made under ~~division (B)(1)~~ of this section is not a 30739  
public record for the purposes of section 149.43 of the Revised 30740  
Code and shall not be made available to any person other than the 30741  
following: 30742~~

~~(1) The ~~individual~~ applicant or employee who is the subject 30743  
of the criminal records check or the ~~individual's~~ applicant's or 30744  
employee's representative; 30745~~

~~(2) The home health agency requesting the criminal records 30746  
check or its representative; 30747~~

~~(3) The administrator of any other facility, agency, or 30748  
program that provides direct care to ~~elder adults~~ individuals that 30749  
is owned or operated by the same entity that owns or operates the 30750~~

home health agency that requested the criminal records check; 30751

(4) The employment service that requested the criminal records check; 30752  
30753

(5) Any court, hearing officer, or other necessary individual 30754  
involved in a case dealing with a any of the following: 30755

(a) A denial of employment of the applicant or dealing with employment employee; 30756  
30757

(b) Employment or unemployment benefits of the applicant or employee; 30758  
30759

~~(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~~ 30760  
30761  
(c) A civil or criminal action regarding the medicaid program. 30762  
30763

~~(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.~~ 30764  
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(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~~ 30774  
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~~position.~~ 30782

~~(H)(I)~~ In a tort or other civil action for damages that is 30783  
brought as the result of an injury, death, or loss to person or 30784  
property caused by an ~~individual applicant or employee~~ who a home 30785  
health agency employs in a position that involves providing direct 30786  
care to ~~elder adults~~ an individual, all of the following shall 30787  
apply: 30788

(1) If the home health agency employed the ~~individual~~ 30789  
applicant or employee in good faith and reasonable reliance on the 30790  
report of a criminal records check requested under this section, 30791  
the agency shall not be found negligent solely because of its 30792  
reliance on the report, even if the information in the report is 30793  
determined later to have been incomplete or inaccurate~~+~~. 30794

(2) If the home health agency employed the ~~individual~~ 30795  
applicant in good faith on a conditional basis pursuant to 30796  
division ~~(C)(3)(b)(G)~~ of this section, the agency shall not be 30797  
found negligent solely because it employed the ~~individual~~ 30798  
applicant prior to receiving the report of a criminal records 30799  
check requested under this section~~+~~. 30800

(3) If the home health agency in good faith employed the 30801  
~~individual applicant or employee~~ according to the personal 30802  
character standards established in rules adopted under ~~division~~ 30803  
~~(F)~~ of this section, the agency shall not be found negligent 30804  
solely because the ~~individual prior to being employed applicant or~~ 30805  
employee had been convicted of ~~ex~~, pleaded guilty to ~~an~~, or been 30806  
found eligible for intervention in lieu of conviction for a 30807  
disqualifying offense listed or described in division (C)(1) or 30808  
~~(2) of this section.~~ 30809

~~(I)(1)~~ The chief administrator of a home health agency is not 30810  
required to request that the superintendent of the bureau of 30811  
criminal identification and investigation conduct a criminal 30812

~~records check of an applicant for a position that involves the~~ 30813  
~~provision of direct care to older adults if the applicant has been~~ 30814  
~~referred to the agency by an employment service that supplies~~ 30815  
~~full time, part time, or temporary staff for positions involving~~ 30816  
~~the direct care of older adults and both of the following apply:~~ 30817

~~(a) The chief administrator receives from the employment~~ 30818  
~~service or the applicant a report of the results of a criminal~~ 30819  
~~records check regarding the applicant that has been conducted by~~ 30820  
~~the superintendent within the one year period immediately~~ 30821  
~~preceding the applicant's referral;~~ 30822

~~(b) The report of the criminal records check demonstrates~~ 30823  
~~that the person has not been convicted of or pleaded guilty to an~~ 30824  
~~offense listed or described in division (C)(2) of this section, or~~ 30825  
~~the report demonstrates that the person has been convicted of or~~ 30826  
~~pleaded guilty to one or more of those offenses, but the home~~ 30827  
~~health agency chooses to employ the individual pursuant to~~ 30828  
~~division (F) of this section.~~ 30829

~~(2) The chief administrator of a home health agency is not~~ 30830  
~~required to request that the superintendent of the bureau of~~ 30831  
~~criminal identification and investigation conduct a criminal~~ 30832  
~~records check of an applicant for a position that involves~~ 30833  
~~providing direct care to older adults and may employ the applicant~~ 30834  
~~conditionally in a position of that nature as described in this~~ 30835  
~~division, if the applicant has been referred to the agency by an~~ 30836  
~~employment service that supplies full time, part time, or~~ 30837  
~~temporary staff for positions involving the direct care of older~~ 30838  
~~adults and if the chief administrator receives from the employment~~ 30839  
~~service or the applicant a letter from the employment service that~~ 30840  
~~is on the letterhead of the employment service, dated, and signed~~ 30841  
~~by a supervisor or another designated official of the employment~~ 30842  
~~service and that states that the employment service has requested~~ 30843  
~~the superintendent to conduct a criminal records check regarding~~ 30844



~~the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(2) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the home health agency. If a home health agency employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home health agency, and division (C)(3)(b) of this section applies regarding the conditional employment.~~

~~(3) 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 both responsibility for the care, custody, and control of a child and the provision of direct care to older adults 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 both responsibility for the care, custody, and control of a child and the provision of direct care to older adults and both of the following apply:~~

~~(a) The chief administrator receives from the employment service or applicant a report of a criminal records check of the type described in division (I)(1)(a) of this section;~~

~~(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) or (2) of this section, or the report demonstrates that the person has been~~

~~convicted of or pleaded guilty to one or more of those offenses, 30877  
but the home health agency chooses to employ the individual 30878  
pursuant to division (F) of this section. 30879~~

~~(4) The chief administrator of a home health agency is not 30880  
required to request that the superintendent of the bureau of 30881  
criminal identification and investigation conduct a criminal 30882  
records check of an applicant for a position that involves both 30883  
responsibility for the care, custody, and control of a child and 30884  
the provision of direct care to older adults and may employ the 30885  
applicant conditionally in a position of that nature as described 30886  
in this division, if the applicant has been referred to the agency 30887  
by an employment service that supplies full time, part time, or 30888  
temporary staff for positions involving both responsibility for 30889  
the care, custody, and control of a child and the direct care of 30890  
older adults and if the chief administrator receives from the 30891  
employment service or the applicant a letter from the employment 30892  
service that is on the letterhead of the employment service, 30893  
dated, and signed by a supervisor or another designated official 30894  
of the employment service and that states that the employment 30895  
service has requested the superintendent to conduct a criminal 30896  
records check regarding the applicant, that the requested criminal 30897  
records check will include a determination of whether the 30898  
applicant has been convicted of or pleaded guilty to any offense 30899  
listed or described in division (C)(1) or (2) of this section, 30900  
that, as of the date set forth on the letter, the employment 30901  
service had not received the results of the criminal records 30902  
check, and that, when the employment service receives the results 30903  
of the criminal records check, it promptly will send a copy of the 30904  
results to the home health agency. If a home health agency employs 30905  
an applicant conditionally in accordance with this division, the 30906  
employment service, upon its receipt of the results of the 30907  
criminal records check, promptly shall send a copy of the results 30908  
to the home health agency, and division (C)(3)(b) of this section 30909~~

~~applies regarding the conditional employment.~~ 30910

(J) The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 30911  
30912

(1) The rules may do the following: 30913

(a) Require employees to undergo database reviews and criminal records checks under this section; 30914  
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(b) If the rules require employees to undergo database reviews and criminal records checks under this section, exempt one or more classes of employees from the requirements; 30916  
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(c) For the purpose of division (D)(7) of this section, specify other databases that are to be checked as part of a database review conducted under this section. 30919  
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(2) The rules shall specify all of the following: 30922

(a) The procedures for conducting database reviews under this section; 30923  
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(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; 30925  
30926  
30927  
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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 home health 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; 30929  
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(d) Circumstances under which a home health 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. 30934  
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<u>Sec. <del>185.01</del> 3701.92.</u> As used in <del>this chapter</del> <u>sections</u>	30940
<u>3701.921 to 3701.929 of the Revised Code:</u>	30941
(A) "Advanced practice nurse" has the same meaning as in section 4723.01 of the Revised Code.	30942 30943
(B) <del>"Collaboration" has the same meaning as in section 4723.01 of the Revised Code.</del>	30944 30945
<del>(C) "Patient centered medical home education advisory group" means the entity established under section <del>185.03</del> 3701.924 of the Revised Code to implement and administer the patient centered medical home education pilot project.</del>	30946 30947 30948 30949
(D) <u>"Patient centered medical home education program" means the program established under section 3701.921 of the Revised Code and any pilot projects operated pursuant to that section.</u>	30950 30951 30952
<u>(E) "Patient centered medical home education pilot project" means the pilot project established under section <del>185.02</del> 3701.923 of the Revised Code.</u>	30953 30954 30955
<u>(F) "Physician assistant" has the same meaning as in section 4730.01 of the Revised Code.</u>	30956 30957
<u>Sec. 3701.921.</u> There is hereby established the patient centered medical home education program in the department of health. For the purpose of advancing education in the patient centered medical home model of care, the director of health may implement and administer the program pursuant to sections 3701.922 to 3701.929 of the Revised Code. The patient centered medical home model of care is an enhanced model of primary care in which care teams attend to the multifaceted needs of patients, providing whole person comprehensive and coordinate patient centered care.	30958 30959 30960 30961 30962 30963 30964 30965 30966
<u>To the extent that funds are available, the program shall include the patient centered medical home education pilot project</u>	30967 30968

and may include any other pilot projects the director establishes 30969  
pursuant to division (A)(3) of section 3701.922 of the Revised 30970  
Code. 30971

Sec. 3701.922. (A) The director of health may do any of the 30972  
following to implement and administer the patient centered medical 30973  
home education program: 30974

(1) Develop and implement programs of education or training 30975  
on the patient centered medical home model of care or other 30976  
similar enhanced models of coordinated patient centered care that 30977  
are intended to address the multifaceted needs of patients and 30978  
provide whole person comprehensive and coordinated patient 30979  
centered care; 30980

(2) Advise, consult, cooperate with, and assist, by contract 30981  
or other arrangement, government agencies or institutions or 30982  
private organizations, corporations, or associations in the 30983  
development and promotion of programs pertaining to the evaluation 30984  
and implementation of the patient centered medical home model of 30985  
care or other similar enhanced models of coordinated patient 30986  
centered care; 30987

(3) Establish pilot projects that do any of the following: 30988

(a) Evaluate or implement the patient centered medical home 30989  
model of care or other similar enhanced models of coordinated 30990  
patient centered care; 30991

(b) Provide education or training on the patient centered 30992  
medical home model of care or other similar enhanced models of 30993  
coordinated patient centered care. 30994

(4) Seek and administer state funds or grants from other 30995  
sources to carry out any functions of the patient centered medical 30996  
home education program. 30997

Any funds or grants received by the director for purposes of 30998

the program shall be used for the program. 30999

(B) The director may adopt rules as necessary to implement 31000  
and administer the patient centered medical home education 31001  
program, including rules that define what constitutes a "patient 31002  
centered medical home" for purposes of an entity authorized to 31003  
provide care coordination services. The rules shall be adopted in 31004  
accordance with Chapter 119. of the Revised Code. 31005

~~Sec. 185.02 3701.923. (A) There is hereby established the~~ 31006  
~~patient centered medical home education pilot project. The pilot~~ 31007  
~~project shall be implemented and administered by the patient~~ 31008  
~~centered medical home education advisory group.~~ 31009

~~(B) The pilot project shall be operated to advance medical~~ 31010  
~~education in the patient centered medical home model of care. The~~ 31011  
~~patient centered medical home model of care is an enhanced model~~ 31012  
~~of primary care in which care teams attend to the multifaceted~~ 31013  
~~needs of patients, providing whole person comprehensive and~~ 31014  
~~coordinated patient centered care.~~ 31015

~~(C) To the extent that funds are available, the director of~~ 31016  
~~health shall establish the patient centered medical home education~~ 31017  
~~pilot project. If the director establishes the project, all of the~~ 31018  
~~following apply:~~ 31019

~~(1) The director shall select practices led by physicians and~~ 31020  
~~primary care practices led by advanced practice nurses to~~ 31021  
~~participate in the project. The director may consider the~~ 31022  
~~recommendations of the advisory group made in accordance with~~ 31023  
~~section 3701.925 of the Revised Code, but may not select a~~ 31024  
~~practice unless the practice complies with any applicable~~ 31025  
~~requirements under section 3701.926 of the Revised Code.~~ 31026

~~(2) The director shall conduct the project in a manner that~~ 31027  
~~advances education in the patient centered medical home model of~~ 31028

<u>care.</u>	31029
<u>(3) The director shall evaluate all of the following:</u>	31030
<u>(a) Learning opportunities generated by the project;</u>	31031
<u>(b) Training of physicians and advanced practice nurses under the project;</u>	31032 31033
<u>(c) Costs of the project;</u>	31034
<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>	31035 31036 31037
<u>(4) The director shall assess and review results of the project.</u>	31038 31039
<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>	31040 31041 31042 31043 31044
<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>	31045 31046 31047 31048 31049
<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>	31050 31051 31052 31053 31054 31055
<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>	31056 31057 31058

model of care. 31059

(C) The project established under this section shall begin 31060  
not later than the date the first practice enters into a contract 31061  
with the director pursuant to section 3701.927 of the Revised Code 31062  
and shall cease not later than the date the final report is 31063  
submitted pursuant to division (B)(3) of section 3701.929 of the 31064  
Revised Code. 31065

(D) The ~~pilot~~ project shall not be operated in a manner that 31066  
requires a patient, unless otherwise required by the Revised Code, 31067  
to receive a referral from a physician in a practice selected for 31068  
inclusion in the pilot project under division (A)(1) of this 31069  
section ~~185.05~~ of the Revised Code as a condition of being 31070  
authorized to receive specialized health care services from an 31071  
individual licensed or certified under Title XLVII of the Revised 31072  
Code to provide those services. 31073

**Sec. ~~185.03~~ 3701.924.** (A) The patient centered medical home 31074  
education advisory group is hereby created for the purpose of 31075  
~~implementing and administering~~ advising the director of health on 31076  
the implementation and administration of the patient centered 31077  
medical home ~~pilot project~~ education program. The advisory group 31078  
shall develop and provide to the director a set of expected 31079  
outcomes for the pilot project. The advisory group shall consider 31080  
and provide other recommendations to the director and complete 31081  
other duties as the director considers appropriate. 31082

(B) The advisory group shall consist of the following ~~voting~~ 31083  
members: 31084

(1) The following members appointed by the director of 31085  
health: 31086

~~(1)(a)~~ (a) One individual with expertise in the training and 31087  
education of primary care physicians ~~who is appointed~~ recommended 31088



by the dean of the university of Toledo college of medicine; 31089

~~(2)~~(b) One individual with expertise in the training and 31090  
education of primary care physicians ~~who is appointed~~ recommended 31091  
by the dean of the Boonshoft school of medicine at Wright state 31092  
university; 31093

~~(3)~~(c) One individual with expertise in the training and 31094  
education of primary care physicians ~~who is appointed~~ recommended 31095  
by the president and dean of the northeast Ohio medical 31096  
university; 31097

~~(4)~~(d) One individual with expertise in the training and 31098  
education of primary care physicians ~~who is appointed~~ recommended 31099  
by the dean of the Ohio university college of osteopathic 31100  
medicine; 31101

~~(5)~~(e) Two individuals ~~appointed~~ recommended by the governing 31102  
board of the Ohio academy of family physicians; 31103

~~(6)~~(f) One individual ~~appointed~~ recommended by the governing 31104  
board of the Ohio chapter of the American college of physicians; 31105

~~(7)~~(g) One individual ~~appointed~~ recommended by the governing 31106  
board of the Ohio chapter of the American academy of pediatrics; 31107

~~(8)~~(h) One individual ~~appointed~~ recommended by the governing 31108  
board of the Ohio osteopathic association; 31109

~~(9)~~(i) One individual with expertise in the training and 31110  
education of advanced practice nurses ~~who is appointed,~~ 31111  
recommended by the governing board of the Ohio council of deans 31112  
and directors of baccalaureate and higher degree programs in 31113  
nursing; 31114

~~(10)~~(j) One individual ~~appointed~~ recommended by the governing 31115  
board of the Ohio nurses association; 31116

~~(11)~~(k) One individual ~~appointed~~ recommended by the governing 31117  
board of the Ohio association of advanced practice nurses; 31118

~~(12)(1)~~ One individual ~~appointed~~ recommended by the governing board of the Ohio council for home care and hospice; 31119  
31120

~~(13)(m)~~ One individual ~~appointed~~ recommended by the superintendent of insurance; 31121  
31122

(n) An employee of the department of health; 31123

(o) Not more than five additional members who have relevant expertise that the director considers appropriate. 31124  
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~~(C)(2)~~ The advisory group shall consist of the following nonvoting, ex officio members: 31126  
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~~(1)(a)~~ The executive director of the state medical board, or the director's designee; 31128  
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~~(2)(b)~~ The executive director of the board of nursing or the director's designee; 31130  
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~~(3)(c)~~ The chancellor of the Ohio board of regents, or the chancellor's designee; 31132  
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~~(4)(d)~~ The individual within the department of job and family services who serves as the medical assistance director of Medicaid, or the director's designee; 31134  
31135  
31136

~~(5)~~ The director of health or the director's designee. 31137

~~(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. 31138  
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(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 31143  
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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. 31149  
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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. 31155  
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(3) Vacancies shall be filled in the manner provided for original appointments. 31159  
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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. 31161  
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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. 31164  
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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. 31168  
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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 31176  
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or consider recommendations to the director on the administration 31180  
of the patient centered medical home education program. 31181

(F) Sections 101.82 to 101.87 of the Revised Code do not 31182  
apply to the advisory group. 31183

**Sec. ~~185.05~~ 3701.925.** (A) The patient centered medical home 31184  
education advisory group shall accept applications for inclusion 31185  
in the patient centered medical home education pilot project from 31186  
primary care practices with educational affiliations, as 31187  
determined by the advisory group, with one or more of the 31188  
following: 31189

(1) The Boonshoft school of medicine at Wright state 31190  
university; 31191

(2) The university of Toledo college of medicine; 31192

(3) The northeast Ohio medical university; 31193

(4) The Ohio university college of osteopathic medicine; 31194

(5) The college of nursing at the university of Toledo; 31195

(6) The Wright state university college of nursing and 31196  
health; 31197

(7) The college of nursing at Kent state university; 31198

(8) The university of Akron college of nursing; 31199

(9) The school of nursing at Ohio university. 31200

(B)(1) Subject to division (C)(1) of this section, the 31201  
advisory group shall ~~select~~ recommend to the director of health 31202  
for inclusion in the pilot project not ~~more~~ less than the 31203  
following number of ~~physician~~ practices led by physicians: 31204

(a) Ten practices affiliated with the Boonshoft school of 31205  
medicine at Wright state university; 31206

(b) Ten practices affiliated with the university of Toledo 31207

college of medicine;	31208
(c) Ten practices affiliated with the northeast Ohio medical university;	31209 31210
(d) Ten practices affiliated with the centers for osteopathic research and education of the Ohio university college of osteopathic medicine.	31211 31212 31213
(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> :	31214 31215 31216 31217 31218
(a) One practice affiliated with the college of nursing at the university of Toledo;	31219 31220
(b) One practice affiliated with the Wright state university college of nursing and health;	31221 31222
(c) One practice affiliated with the college of nursing at Kent state university or the university of Akron college of nursing;	31223 31224 31225
(d) One practice affiliated with the school of nursing at Ohio university.	31226 31227
(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:	31228 31229 31230
(a) The advisory group shall strive to <del>select</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.	31231 31232 31233 31234 31235
(b) When evaluating an application, the advisory group shall consider the percentage of patients in the <del>physician</del> <u>physician-led</u>	31236 31237

practice who are part of a medically underserved population, 31238  
including medicaid recipients and individuals without health 31239  
insurance. 31240

(c) The advisory group shall ~~select~~ recommend not fewer than 31241  
six practices that serve rural areas of this state, as those areas 31242  
are determined by the advisory group. 31243

(d) A member of the advisory group shall abstain from 31244  
participating in any vote taken regarding the ~~selection~~ 31245  
recommendation of a ~~physician~~ physician-led practice if the member 31246  
would receive any financial benefit from having the practice 31247  
included in the pilot project. 31248

(2) All of the following apply with respect to the ~~selection~~ 31249  
recommendation of advanced practice ~~nurse~~ nurse-led primary care 31250  
practices under division (B) of this section: 31251

(a) When evaluating an application, the advisory group shall 31252  
consider the percentage of patients in the advanced practice ~~nurse~~ 31253  
nurse-led primary care practice who are part of a medically 31254  
underserved population, including medicaid recipients and 31255  
individuals without health insurance. 31256

(b) If the advisory group determines that it has not received 31257  
an application from a sufficiently qualified advanced practice 31258  
~~nurse~~ nurse-led primary care practice affiliated with a particular 31259  
institution specified in division (B)(2) of this section, the 31260  
advisory group shall make the ~~selections~~ recommendations required 31261  
under that division in such a manner that the greatest possible 31262  
number of those institutions are ~~represented~~ recommended to be 31263  
included in the pilot project. To be ~~selected~~ recommended in this 31264  
manner, a practice remains subject to the eligibility requirements 31265  
specified in division (B) of section ~~185.06~~ 3701.926 of the 31266  
Revised Code. As specified in division (B)(2) of this section, the 31267  
number of practices ~~selected~~ recommended for inclusion in the 31268

pilot project shall be at least four. 31269

(c) A member of the advisory group shall abstain from 31270  
participating in any vote taken regarding the ~~selection~~ 31271  
recommendation of an advanced practice ~~nurse~~ nurse-led primary 31272  
care practice if the member would receive any financial benefit 31273  
from having the practice included in the pilot project. 31274

(D) The advisory group shall provide a copy of all 31275  
applications received under this section to the director of health 31276  
after making recommendations under division (B)(1) of this 31277  
section. 31278

**Sec. ~~185.06~~ 3701.926.** (A) To be eligible for inclusion in the 31279  
patient centered medical home education pilot project, a ~~physician~~ 31280  
physician-led practice shall meet all of the following 31281  
requirements: 31282

(1) Consist of physicians who are board-certified in family 31283  
medicine, general pediatrics, or internal medicine, as those 31284  
designations are issued by a medical specialty certifying board 31285  
recognized by the American board of medical specialties or 31286  
American osteopathic association; 31287

(2) Be capable of adapting the practice during the period in 31288  
which the practice ~~receives funding from~~ participates in the 31289  
patient centered medical home education ~~advisory group~~ pilot 31290  
project in such a manner that the practice is fully compliant with 31291  
the minimum standards for operation of a patient centered medical 31292  
home, as those standards are established by the ~~advisory group~~ 31293  
director of health; 31294

(3) Have submitted an application to participate in the 31295  
project established under former section 185.05 of the Revised 31296  
Code not later than April 15, 2011. 31297

(4) Meet any other criteria established by the ~~advisory group~~ 31298

director as part of the selection process. 31299

(B) To be eligible for inclusion in the pilot project, an 31300  
advanced practice ~~nurse~~ nurse-led primary care practice shall meet 31301  
all of the following requirements: 31302

(1) Consist of advanced practice nurses ~~who meet, each of~~ 31303  
whom meets all of the following requirements: 31304

(a) ~~Hold~~ Holds a certificate to prescribe issued under 31305  
section 4723.48 of the Revised Code; 31306

(b) ~~Are~~ Is board-certified as a family nurse practitioner or 31307  
adult nurse practitioner by the American academy of nurse 31308  
practitioners or American nurses credentialing center, 31309  
board-certified as a geriatric nurse practitioner or women's 31310  
health nurse practitioner by the American nurses credentialing 31311  
center, or is board-certified as a pediatric nurse practitioner by 31312  
the American nurses credentialing center or pediatric nursing 31313  
certification board; 31314

(c) ~~Has a collaboration agreement~~ Collaborates under a 31315  
standard care arrangement with a physician with board 31316  
certification as specified in division (A)(1) of this section and 31317  
who is an active participant on the health care team. 31318

(2) Be capable of adapting the primary care practice during 31319  
the period in which the practice ~~receives funding from~~ 31320  
participates in the advisory group project in such a manner that 31321  
the practice is fully compliant with the minimum standards for 31322  
operation of a patient centered medical home, as those standards 31323  
are established by the ~~advisory group~~ director; 31324

(3) Have submitted an application to participate in the 31325  
project established under former section 185.05 of the Revised 31326  
Code not later than April 15, 2011. 31327

(4) Meet any other criteria established by the ~~advisory group~~ 31328



director as part of the selection process. 31329

**Sec. 185.07 3701.927.** The ~~patient centered medical home education advisory group~~ director of health shall enter into a contract with each primary care practice selected by the director for inclusion in the patient centered medical home education pilot project. The contract shall specify the terms and conditions for inclusion in the pilot project, including a requirement that the practice provide comprehensive, coordinated primary care services to patients and serve as the patients' medical home. The contract shall also require the practice to participate in the training of medical students, advanced practice nursing students, ~~or~~ physician assistant students, and primary care medical residents. 31330  
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The director may include as part of the contract any other requirements necessary for a practice to be included in the project, including requirements regarding the number of patients served who are medicaid recipients and individuals without health insurance. 31341  
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**Sec. 185.09 3701.928.** (A) The director of health or, at the director's request, the patient centered medical home education advisory group ~~shall jointly~~ may work with ~~all~~ medical ~~and,~~ nursing, and physician assistant schools or programs in this state to develop appropriate curricula designed to prepare primary care physicians ~~and,~~ advanced practice nurses, and physician assistants to practice within the patient centered medical home model of care. In developing the curricula, the director or advisory group, ~~medical schools, and nursing~~ and the schools or programs shall include all of the following: 31346  
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(1) Components for use at the medical student, advanced practice nursing student, physician assistant student, and primary care resident training levels; 31356  
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(2) Components that reflect, as appropriate, the special 31359  
needs of patients who are part of a medically underserved 31360  
population, including medicaid recipients, individuals without 31361  
health insurance, individuals with disabilities, individuals with 31362  
chronic health conditions, and individuals within racial or ethnic 31363  
minority groups; 31364

(3) Components that include training in interdisciplinary 31365  
cooperation between physicians ~~and~~, advanced practice nurses, and 31366  
physician assistants in the patient centered medical home model of 31367  
care, including curricula ensuring that a common conception of a 31368  
patient centered medical home model of care is provided to medical 31369  
students, advanced practice nurses, physician assistants, and 31370  
primary care residents. 31371

(B) The director or advisory group ~~shall~~ may work in 31372  
association with the medical ~~and~~, nursing, and physician assistant 31373  
schools or programs to identify funding sources to ensure that the 31374  
curricula developed under division (A) of this section are 31375  
accessible to medical students, advanced practice nursing 31376  
students, physician assistant students, and primary care 31377  
residents. The director or advisory group shall consider 31378  
scholarship options or incentives provided to students in addition 31379  
to those provided under the choose Ohio first scholarship program 31380  
operated under section 3333.61 of the Revised Code. 31381

**Sec. 185.12 3701.929.** (A) ~~The patient-centered medical home~~ 31382  
~~education advisory group~~ If the director of health establishes the 31383  
patient centered medical home education pilot project, the 31384  
director shall prepare reports of its findings and recommendations 31385  
from the ~~patient-centered medical home education~~ pilot project. 31386  
Each report shall include an evaluation of the learning 31387  
opportunities generated by the pilot project, the physicians and 31388  
advanced practice nurses trained in the pilot project, the costs 31389

of the pilot project, and the extent to which the pilot project 31390  
has met the set of expected outcomes developed under division (A) 31391  
of section ~~185.03~~ 3701.924 of the Revised Code. 31392

(B) The reports shall be completed in accordance with the 31393  
following schedule: 31394

(1) An interim report not later than six months after the 31395  
date on which the ~~first funding is released~~ last primary care 31396  
practice selected to participate in the project enters into a 31397  
contract with the department of health pursuant to section ~~185.11~~ 31398  
3701.927 of the Revised Code; 31399

(2) An update of the interim report not later than one year 31400  
after the date ~~on which the first funding is released~~ specified 31401  
under division (B)(1) of this section; 31402

(3) A final report not later than two years after the date ~~on~~ 31403  
~~which the first funding is released~~ specified under division 31404  
(B)(1) of this section. 31405

(C) The ~~advisory group~~ director shall submit each of the 31406  
reports to the governor and, in accordance with section 101.68 of 31407  
the Revised Code, to the general assembly. 31408

**Sec. 3701.93.** Subject to available funds, the director of 31409  
health shall establish the Ohio violent death reporting system to 31410  
collect and maintain information, data, and records regarding 31411  
violent deaths in Ohio. 31412

**Sec. 3701.931.** The Ohio violent death reporting system shall 31413  
do all of the following regarding violent death information, data, 31414  
and records maintained in the system: 31415

(A) Monitor the incidence and causes of the various types of 31416  
violent deaths; 31417

(B) Make appropriate epidemiologic studies of the violent deaths; 31418  
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(C) Analyze trends and patterns in, and circumstances related to, the violent deaths; 31420  
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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. 31422  
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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. 31427  
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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. 31433  
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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: 31439  
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(A) Specify the types of violent deaths that shall be included in the Ohio violent death reporting system; 31442  
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(B) Specify the information, data, and records to be collected for use by the Ohio violent death reporting system; 31444  
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(C) Specify the sources from which the information, data, and 31446

records are to be collected for use by the Ohio violent death reporting system; 31447  
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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. 31449  
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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. 31452  
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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. 31458  
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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. 31463  
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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 31473  
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individuals or families, law enforcement agency, coroner, or 31476  
public entity that provided services to an individual whose death 31477  
is the type of death specified by the director of health under 31478  
section 3701.934 of the Revised Code shall provide information, 31479  
data, records, and otherwise assist in the execution of sections 31480  
3701.93 to 3701.9314 of the Revised Code. 31481

Sec. 3701.9310. Except as otherwise provided in section 31482  
3701.9212 of the Revised Code, all of the following are not public 31483  
records under section 149.43 of the Revised Code, shall be 31484  
confidential, and shall be published only in statistical form: 31485

(A) Information, data, and records collected for use and 31486  
maintained by the Ohio violent death reporting system including, 31487  
but not limited to, medical records, law enforcement investigative 31488  
records, coroner investigative records, laboratory reports, and 31489  
other records concerning a decedent; 31490

(B) Work products created in carrying out the purposes of the 31491  
Ohio violent death reporting system. 31492

Sec. 3701.9311. Information, data, and records collected for 31493  
use and maintained by, and all work products created in carrying 31494  
out the purposes of, the Ohio violent death reporting system shall 31495  
not be subject to subpoena or discovery while in the possession of 31496  
the system or admissible in any criminal or civil proceeding if 31497  
obtained through, or from, the system. 31498

Sec. 3701.9312. The director of health, pursuant to rules 31499  
adopted in accordance with Chapter 119. of the Revised Code, shall 31500  
establish standards and procedures to make available to 31501  
researchers confidential information collected by the Ohio violent 31502  
death reporting system. Researchers complying with those standards 31503  
and procedures also shall comply with the confidentiality 31504

requirements of section 3701.9310 of the Revised Code. 31505

Sec. 3701.9314. The director of health may adopt rules in 31506  
accordance with Chapter 119. of the Revised Code necessary to 31507  
establish, maintain, and carry out the purposes of the Ohio 31508  
violent death reporting system under sections 3701.93 to 3701.9314 31509  
of the Revised Code. 31510

Sec. 3702.141. (A) As used in this section: 31511

(1) "Existing health care facility" means a health care 31512  
facility that is licensed or otherwise approved to practice in 31513  
this state, in accordance with applicable law, is staffed and 31514  
equipped to provide health care services, and actively provides 31515  
health services or has not been actively providing health services 31516  
for less than twelve consecutive months. 31517

(2) "Freestanding birthing center" means any facility in 31518  
which deliveries routinely occur, regardless of whether the 31519  
facility is located on the campus of another health care facility, 31520  
and which is not licensed under Chapter 3711. of the Revised Code 31521  
as a level one, two, or three maternity unit or a limited 31522  
maternity unit. 31523

~~(3) "Health care facility" and "health service" have the same~~ 31524  
~~meanings as in section 3702.51 of the Revised Code~~ means: 31525

(a) A hospital registered under section 3701.07 of the 31526  
Revised Code; 31527

(b) A nursing home licensed under section 3721.02 of the 31528  
Revised Code, or by a political subdivision certified under 31529  
section 3721.09 of the Revised Code; 31530

(c) A county home or a county nursing home as defined in 31531  
section 5155.31 of the Revised Code that is certified under Title 31532  
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31533

<u>U.S.C.A. 301, as amended;</u>	31534
<u>(d) A freestanding dialysis center;</u>	31535
<u>(e) A freestanding inpatient rehabilitation facility;</u>	31536
<u>(f) An ambulatory surgical facility;</u>	31537
<u>(g) A freestanding cardiac catheterization facility;</u>	31538
<u>(h) A freestanding birthing center;</u>	31539
<u>(i) A freestanding or mobile diagnostic imaging center;</u>	31540
<u>(j) A freestanding radiation therapy center.</u>	31541
<u>A health care facility does not include the offices of</u>	31542
<u>private physicians and dentists whether for individual or group</u>	31543
<u>practice, residential facilities licensed under section 5123.19 of</u>	31544
<u>the Revised Code, or an institution for the sick that is operated</u>	31545
<u>exclusively for patients who use spiritual means for healing and</u>	31546
<u>for whom the acceptance of medical care is inconsistent with their</u>	31547
<u>religious beliefs, accredited by a national accrediting</u>	31548
<u>organization, exempt from federal income taxation under section</u>	31549
<u>501 of the Internal Revenue Code of 1986, 100 Stat. 2085, 26</u>	31550
<u>U.S.C.A. 1, as amended, and providing twenty-four hour nursing</u>	31551
<u>care pursuant to the exemption in division (E) of section 4723.32</u>	31552
<u>of the Revised Code from the licensing requirements of Chapter</u>	31553
<u>4723. of the Revised Code.</u>	31554
<u>(4) "Health service" means a clinically related service, such</u>	31555
<u>as a diagnostic, treatment, rehabilitative, or preventive service.</u>	31556
(B) Section 3702.14 of the Revised Code shall not be	31557
construed to require any existing health care facility that is	31558
conducting an activity specified in section 3702.11 of the Revised	31559
Code, which activity was initiated on or before March 20, 1997, to	31560
alter, upgrade, or otherwise improve the structure or fixtures of	31561
the facility in order to comply with any rule adopted under	31562
section 3702.11 of the Revised Code relating to that activity,	31563



unless one of the following applies: 31564

(1) The facility initiates a construction, renovation, or 31565  
reconstruction project that involves a capital expenditure of at 31566  
least fifty thousand dollars, not including expenditures for 31567  
equipment or staffing or operational costs, and that directly 31568  
involves the area in which the existing service is conducted. 31569

(2) The facility initiates another activity specified in 31570  
section 3702.11 of the Revised Code. 31571

~~(3) The facility initiates a service level designation change 31572  
for obstetric and newborn care. 31573~~

~~(4) The facility proposes to add a cardiac catheterization 31574  
laboratory to an existing cardiac catheterization service. 31575~~

~~(5)~~(4) The facility proposes to add an open-heart operating 31576  
room to an existing open-heart surgery service. 31577

~~(6)~~(5) The director of health determines, by clear and 31578  
convincing evidence, that failure to comply with the rule would 31579  
create an imminent risk to the health and welfare of any patient. 31580

(C) If division (B)~~(4)~~(3) or ~~(5)~~(4) of this section applies, 31581  
any alteration, upgrade, or other improvement required shall apply 31582  
only to the proposed addition to the existing service if the cost 31583  
of the addition is less than the capital expenditure threshold set 31584  
forth in division (B)(1) of this section. 31585

(D) No person or government entity shall divide or otherwise 31586  
segment a construction, renovation, or reconstruction project in 31587  
order to evade application of the capital expenditure threshold 31588  
set forth in division (B)(1) of this section. 31589

**Sec. 3702.31.** (A) The quality monitoring and inspection fund 31590  
is hereby created in the state treasury. The director of health 31591  
shall use the fund to administer and enforce this section and 31592  
sections 3702.11 to 3702.20, 3702.30, 3702.301, ~~and~~ 3702.32, and 31593

3702.33 of the Revised Code and rules adopted pursuant to those 31594  
sections. The director shall deposit in the fund any moneys 31595  
collected pursuant to this section or section 3702.32 of the 31596  
Revised Code. All investment earnings of the fund shall be 31597  
credited to the fund. 31598

(B) The director of health shall adopt rules pursuant to 31599  
Chapter 119. of the Revised Code establishing fees for both of the 31600  
following: 31601

(1) Initial and renewal license applications submitted under 31602  
section 3702.30 of the Revised Code. The fees established under 31603  
division (B)(1) of this section shall not exceed the actual and 31604  
necessary costs of performing the activities described in division 31605  
(A) of this section. 31606

(2) Inspections conducted under section 3702.15 or 3702.30 of 31607  
the Revised Code. The fees established under division (B)(2) of 31608  
this section shall not exceed the actual and necessary costs 31609  
incurred during an inspection, including any indirect costs 31610  
incurred by the department for staff, salary, or other 31611  
administrative costs. The director of health shall provide to each 31612  
health care facility or provider inspected pursuant to section 31613  
3702.15 or 3702.30 of the Revised Code a written statement of the 31614  
fee. The statement shall itemize and total the costs incurred. 31615  
Within fifteen days after receiving a statement from the director, 31616  
the facility or provider shall forward the total amount of the fee 31617  
to the director. 31618

(3) The fees described in divisions (B)(1) and (2) of this 31619  
section shall meet both of the following requirements: 31620

(a) For each service described in section 3702.11 of the 31621  
Revised Code, the fee shall not exceed one thousand seven hundred 31622  
fifty dollars annually, except that the total fees charged to a 31623  
health care provider under this section shall not exceed five 31624

thousand dollars annually. 31625

(b) The fee shall exclude any costs reimbursable by the 31626  
United States centers for medicare and medicaid services as part 31627  
of the certification process for the medicare program established 31628  
under Title XVIII of the "Social Security Act," 79 Stat. 286 31629  
(1935), 42 U.S.C.A. 1395, as amended, and the medicaid program 31630  
established under Title XIX of the "Social Security Act," 79 Stat. 31631  
286 (1965), 42 U.S.C. 1396. 31632

(4) The director shall not establish a fee for any service 31633  
for which a licensure or inspection fee is paid by the health care 31634  
provider to a state agency for the same or similar licensure or 31635  
inspection. 31636

**Sec. 3702.51.** As used in sections 3702.51 to 3702.62 of the 31637  
Revised Code: 31638

(A) "Applicant" means any person that submits an application 31639  
for a certificate of need and who is designated in the application 31640  
as the applicant. 31641

(B) "Person" means any individual, corporation, business 31642  
trust, estate, firm, partnership, association, joint stock 31643  
company, insurance company, government unit, or other entity. 31644

(C) "Certificate of need" means a written approval granted by 31645  
the director of health to an applicant to authorize conducting a 31646  
reviewable activity. 31647

(D) "~~Health service~~ Service area" means ~~a geographic region~~ 31648  
~~designated by the director of health under section 3702.58 of the~~ 31649  
~~Revised Code~~ the current and projected primary and secondary 31650  
service areas to which the long-term care facility is, or will be, 31651  
providing long-term care services. 31652

(E) "~~Health~~ Primary service area" means ~~a clinically related~~ 31653  
~~service, such as a diagnostic, treatment, rehabilitative, or~~ 31654

~~preventive service the geographic region, usually comprised of the Ohio zip code in which the long-term care facility is located and contiguous zip codes, from which approximately seventy-five to eighty per cent of the facility's residents currently originate or are expected to originate.~~ 31655  
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(F) ~~"Health Secondary service agency area" means an agency designated to serve a health service area in accordance with section 3702.58 of the Revised Code the geographic region, usually comprised of Ohio zip codes not included in the primary service area, excluding isolated exceptions, from which the facility's remaining residents currently originate or are expected to originate.~~ 31660  
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(G) ~~"Health care facility" means:~~ 31667

~~(1) A hospital registered under section 3701.07 of the Revised Code;~~ 31668  
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~~(2) 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;~~ 31670  
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~~(3) A county home or a county nursing home as defined in section 5155.31 of the Revised Code that is certified under Title XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended;~~ 31673  
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~~(4) A freestanding dialysis center;~~ 31677

~~(5) A freestanding inpatient rehabilitation facility;~~ 31678

~~(6) An ambulatory surgical facility;~~ 31679

~~(7) A freestanding cardiac catheterization facility;~~ 31680

~~(8) A freestanding birthing center;~~ 31681

~~(9) A freestanding or mobile diagnostic imaging center;~~ 31682

~~(10) A freestanding radiation therapy center.~~ 31683

~~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 31715  
of the following: 31716

(1) A ~~health~~ long-term care facility that is licensed or 31717  
otherwise authorized to operate in this state in accordance with 31718  
applicable law, including a county home or a county nursing home 31719  
that is certified ~~as of February 1, 2008,~~ under Title XVIII or 31720  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31721  
U.S.C. 301, as amended, is staffed and equipped to provide ~~health~~ 31722  
long-term care services, and is actively providing ~~health~~ 31723  
long-term care services; 31724

(2) A ~~health~~ long-term care facility that is licensed or 31725  
otherwise authorized to operate in this state in accordance with 31726  
applicable law, including a county home or a county nursing home 31727  
that is certified ~~as of February 1, 2008,~~ under Title XVIII or 31728  
Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 31729  
U.S.C. 301, as amended, or that has beds registered under section 31730  
3701.07 of the Revised Code as skilled nursing beds or long-term 31731  
care beds and has provided long-term care services for at least 31732  
three hundred sixty-five consecutive days within the twenty-four 31733  
months immediately preceding the date a certificate of need 31734  
application is filed with the director of health. 31735

~~(M)~~(K) "State" means the state of Ohio, including, but not 31736  
limited to, the general assembly, the supreme court, the offices 31737  
of all elected state officers, and all departments, boards, 31738  
offices, commissions, agencies, institutions, and other 31739  
instrumentalities of the state of Ohio. "State" does not include 31740  
political subdivisions. 31741

~~(N)~~(L) "Political subdivision" means a municipal corporation, 31742  
township, county, school district, and all other bodies corporate 31743  
and politic responsible for governmental activities only in 31744  
geographic areas smaller than that of the state to which the 31745  
sovereign immunity of the state attaches. 31746

<del>(O)</del> (M) "Affected person" means:	31747
(1) An applicant for a certificate of need, including an applicant whose application was reviewed comparatively with the application in question;	31748 31749 31750
(2) The person that requested the reviewability ruling in question;	31751 31752
(3) Any person that resides or regularly uses <del>health</del> <u>long-term</u> care facilities within the <del>geographic service</del> 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;	31753 31754 31755 31756 31757
(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;	31758 31759 31760 31761
(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.	31762 31763 31764 31765
<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>	31766 31767 31768 31769
<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>	31770 31771 31772 31773
<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>	31774 31775 31776

<del>physician;</del>	31777
<del>(2) Maintaining an active medical staff, the majority of which is comprised of osteopathic physicians;</del>	31778
<del>(3) Maintaining a medical staff executive committee that has osteopathic physicians as a majority of its members.</del>	31780
<del>(Q) "Ambulatory surgical facility" has the same meaning as in section 3702.30 of the Revised Code.</del>	31781
<del>(R) Except as provided in division (S) of this section, "reviewable activity" means any of the following activities:</del>	31782
<del>(1) The establishment, development, or construction of a new long term care facility;</del>	31783
<del>(2) The replacement of an existing long term care facility;</del>	31784
<del>(3) The renovation of a long term care facility that involves a capital expenditure of two million dollars or more, not including expenditures for equipment, staffing, or operational costs;</del>	31785
<del>(4) Either of the following changes in long term care bed capacity:</del>	31786
<del>(a) An increase in bed capacity;</del>	31787
<del>(b) A relocation of beds from one physical facility or site to another, excluding the relocation of beds within a long term care facility or among buildings of a long term care facility at the same site.</del>	31788
<del>(5) Any change in the health services, bed capacity, or site, or any other failure to conduct the reviewable activity in substantial accordance with the approved application for which a certificate of need concerning long term care beds was granted, if the change is made within five years after the implementation of the reviewable activity for which the certificate was granted;</del>	31789
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<del>(6) The expenditure of more than one hundred ten per cent of</del>	31806
<del>the maximum expenditure specified in a certificate of need</del>	31807
<del>concerning long term care beds.</del>	31808
<del>(S) "Reviewable activity" does not include any of the</del>	31809
<del>following activities:</del>	31810
<del>(1) Acquisition of computer hardware or software;</del>	31811
<del>(2) Acquisition of a telephone system;</del>	31812
<del>(3) Construction or acquisition of parking facilities;</del>	31813
<del>(4) Correction of cited deficiencies that are in violation of</del>	31814
<del>federal, state, or local fire, building, or safety laws and rules</del>	31815
<del>and that constitute an imminent threat to public health or safety;</del>	31816
<del>(5) Acquisition of an existing health care facility that does</del>	31817
<del>not involve a change in the number of the beds, by service, or in</del>	31818
<del>the number or type of health services;</del>	31819
<del>(6) Correction of cited deficiencies identified by</del>	31820
<del>accreditation surveys of the joint commission on accreditation of</del>	31821
<del>healthcare organizations or of the American osteopathic</del>	31822
<del>association;</del>	31823
<del>(7) Acquisition of medical equipment to replace the same or</del>	31824
<del>similar equipment for which a certificate of need has been issued</del>	31825
<del>if the replaced equipment is removed from service;</del>	31826
<del>(8) Mergers, consolidations, or other corporate</del>	31827
<del>reorganizations of health care facilities that do not involve a</del>	31828
<del>change in the number of beds, by service, or in the number or type</del>	31829
<del>of health services;</del>	31830
<del>(9) Construction, repair, or renovation of bathroom</del>	31831
<del>facilities;</del>	31832
<del>(10) Construction of laundry facilities, waste disposal</del>	31833
<del>facilities, dietary department projects, heating and air</del>	31834
<del>conditioning projects, administrative offices, and portions of</del>	31835

~~medical office buildings used exclusively for physician services;~~ 31836

~~(11) Acquisition of medical equipment to conduct research 31837  
required by the United States food and drug administration or 31838  
clinical trials sponsored by the national institute of health. Use 31839  
of medical equipment that was acquired without a certificate of 31840  
need under division (S)(11) of this section and for which 31841  
premarket approval has been granted by the United States food and 31842  
drug administration to provide services for which patients or 31843  
reimbursement entities will be charged shall be a reviewable 31844  
activity. 31845~~

~~(12) Removal of asbestos from a health care facility. 31846~~

~~Only that portion of a project that meets the requirements of 31847  
this division is not a reviewable activity. 31848~~

~~(T) "Small rural hospital" means a hospital that is located 31849  
within a rural area, has fewer than one hundred beds, and to which 31850  
fewer than four thousand persons were admitted during the most 31851  
recent calendar year. 31852~~

~~(U) "Children's hospital" means any of the following: 31853~~

~~(1) A hospital registered under section 3701.07 of the 31854  
Revised Code that provides general pediatric medical and surgical 31855  
care, and in which at least seventy five per cent of annual 31856  
inpatient discharges for the preceding two calendar years were 31857  
individuals less than eighteen years of age; 31858~~

~~(2) A distinct portion of a hospital registered under section 31859  
3701.07 of the Revised Code that provides general pediatric 31860  
medical and surgical care, has a total of at least one hundred 31861  
fifty registered pediatric special care and pediatric acute care 31862  
beds, and in which at least seventy five per cent of annual 31863  
inpatient discharges for the preceding two calendar years were 31864  
individuals less than eighteen years of age; 31865~~

~~(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

<u>Revised Code as a skilled nursing bed, a long-term care bed, or a</u>	31896
<u>special skilled nursing bed;</u>	31897
<u>(4) A bed in a county home or county nursing home that has</u>	31898
<u>been certified under section 5155.38 of the Revised Code as having</u>	31899
<u>been in operation on July 1, 1993, and is eligible for licensure</u>	31900
<u>as a nursing home bed;</u>	31901
<u>(5) A bed held as an approved bed under a certificate of need</u>	31902
<u>approved by the director.</u>	31903
<u>A bed cannot simultaneously be both a bed described in</u>	31904
<u>division (0)(1), (2), (3), or (4) of this section and a bed</u>	31905
<u>described in division (0)(5) of this section.</u>	31906
<del>(X) "Freestanding birthing center" means any facility in</del>	31907
<del>which deliveries routinely occur, regardless of whether the</del>	31908
<del>facility is located on the campus of another health care facility,</del>	31909
<del>and which is not licensed under Chapter 3711. of the Revised Code</del>	31910
<del>as a level one, two, or three maternity unit or a limited</del>	31911
<del>maternity unit.</del>	31912
<del>(Y)(1)(P) "Reviewability ruling" means a ruling issued by the</del>	31913
<del>director of health under division (A) of section 3702.52 of the</del>	31914
<del>Revised Code as to whether a particular proposed project is or is</del>	31915
<del>not a reviewable activity.</del>	31916
<del>(2) "Nonreviewability ruling" means a ruling issued under</del>	31917
<del>that division that a particular proposed project is not a</del>	31918
<del>reviewable activity.</del>	31919
<del>(Z)(1) "Metropolitan statistical area" means an area of this</del>	31920
<del>state designated a metropolitan statistical area or primary</del>	31921
<del>metropolitan statistical area in United States office of</del>	31922
<del>management and budget bulletin no. 93-17, June 30, 1993, and its</del>	31923
<del>attachments.</del>	31924
<del>(2) "Rural area" means any area of this state not located</del>	31925

<del>within a metropolitan statistical area.</del>	31926
<del>(AA)</del> (O) "County nursing home" has the same meaning as in section 5155.31 of the Revised Code.	31927 31928
<del>(BB)</del> (R) "Principal participant" means both of the following:	31929
(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;	31930 31931 31932 31933 31934
(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.	31935 31936 31937 31938
<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.	31939 31940 31941 31942 31943 31944
<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.	31945 31946 31947 31948 31949
<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>	31950 31951 31952 31953 31954
<u>Sec. 3702.511. (A) Except as provided in division (B) of this</u>	31955

<u>section, the following activities are reviewable under sections</u>	31956
<u>3702.51 to 3702.62 of the Revised Code:</u>	31957
<u>(1) Establishment, development, or construction of a new</u>	31958
<u>long-term care facility;</u>	31959
<u>(2) Replacement of an existing long-term care facility;</u>	31960
<u>(3) Renovation of or addition to a long-term care facility</u>	31961
<u>that involves a capital expenditure of two million dollars or</u>	31962
<u>more, not including expenditures for equipment, staffing, or</u>	31963
<u>operational costs;</u>	31964
<u>(4) Either of the following changes in long-term care bed</u>	31965
<u>capacity:</u>	31966
<u>(a) An increase in bed capacity;</u>	31967
<u>(b) A relocation of beds from one physical facility or site</u>	31968
<u>to another, excluding relocation of beds within a long-term care</u>	31969
<u>facility or among buildings of a long-term care facility at the</u>	31970
<u>same site.</u>	31971
<u>(5) Any change in the bed capacity or site, or any other</u>	31972
<u>failure to conduct a reviewable activity in substantial accordance</u>	31973
<u>with the approved application for which a certificate of need</u>	31974
<u>concerning long-term care beds was granted, if the change is made</u>	31975
<u>within five years after the implementation of the reviewable</u>	31976
<u>activity for which the certificate was granted;</u>	31977
<u>(6) Expenditure of more than one hundred ten per cent of the</u>	31978
<u>maximum expenditure specified in a certificate of need concerning</u>	31979
<u>long-term care beds.</u>	31980
<u>(B) The following activities are not subject to review under</u>	31981
<u>sections 3702.51 to 3702.62 of the Revised Code:</u>	31982
<u>(1) Acquisition of computer hardware or software;</u>	31983
<u>(2) Acquisition of a telephone system;</u>	31984

<u>(3) Construction or acquisition of parking facilities;</u>	31985
<u>(4) Correction of cited deficiencies that constitute an imminent threat to public health or safety and are in violation of federal, state, or local fire, building, or safety statutes, ordinances, rules, or regulations;</u>	31986 31987 31988 31989
<u>(5) Acquisition of an existing long-term care facility that does not involve a change in the number of the beds;</u>	31990 31991
<u>(6) Mergers, consolidations, or other corporate reorganizations of long-term care facilities that do not involve a change in the number of beds;</u>	31992 31993 31994
<u>(7) Construction, repair, or renovation of bathroom facilities;</u>	31995 31996
<u>(8) Construction of laundry facilities, waste disposal facilities, dietary department projects, heating and air conditioning projects, administrative offices, and portions of medical office buildings used exclusively for physician services;</u>	31997 31998 31999 32000
<u>(9) Removal of asbestos from a health care facility.</u>	32001
<u>Only that portion of a project that is described in this division is not reviewable.</u>	32002 32003
<b>Sec. 3702.52.</b> The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections.	32004 32005 32006 32007
(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in that time, the project shall be considered to have been ruled not a reviewable activity.	32008 32009 32010 32011 32012 32013 32014

(B)(1) Each application for a certificate of need shall be 32015  
submitted to the director on forms and in the manner prescribed by 32016  
the director. Each application shall include a plan for obligating 32017  
the capital expenditures or implementing the proposed project on a 32018  
timely basis in accordance with section ~~3702.525~~ 3702.524 of the 32019  
Revised Code. Each application shall also include all other 32020  
information required by rules adopted under division (B) of 32021  
section 3702.57 of the Revised Code. 32022

(2) Each application shall be accompanied by the application 32023  
fee established in rules adopted under division (G) of section 32024  
3702.57 of the Revised Code. Application fees received by the 32025  
director under this division shall be deposited into the state 32026  
treasury to the credit of the certificate of need fund, which is 32027  
hereby created. The director shall use the fund only to pay the 32028  
costs of administering sections 3702.11 to 3702.20, 3702.30, and 32029  
3702.51 to 3702.62 of the Revised Code and rules adopted under 32030  
those sections. An application fee is nonrefundable unless the 32031  
director determines that the application cannot be accepted. 32032

(3) The director shall review applications for certificates 32033  
of need. As part of a review, the director shall determine whether 32034  
an application is complete. The director shall not consider an 32035  
application to be complete unless the application meets all 32036  
criteria for a complete application specified in rules adopted 32037  
under section 3702.57 of the Revised Code. The director shall mail 32038  
to the applicant a written notice that the application is 32039  
complete, or a written request for additional information, not 32040  
later than thirty days after receiving an application or a 32041  
response to an earlier request for information. Except as provided 32042  
in section ~~3702.523~~ 3702.522 of the Revised Code, the director 32043  
shall not make more than two requests for additional information. 32044  
The director's determination that an application is not complete 32045  
is final and not subject to appeal. 32046



~~The director may conduct a public informational hearing in 32047  
the course of reviewing any application for a certificate of need, 32048  
and shall conduct one if requested to do so by any affected person 32049  
not later than fifteen days after the director mails the notice 32050  
that the application is complete. The hearing shall be conducted 32051  
in the community in which the activities authorized by the 32052  
certificate of need would be carried out. Any affected person may 32053  
testify at the hearing. The director may, with the health service 32054  
agency's consent, designate a health service agency to conduct the 32055  
hearing. 32056~~

~~(4) Except during a public hearing or as necessary to comply 32057  
with a subpoena issued under division ~~(E)~~(F) of this section, 32058  
after a notice of completeness has been received, no person shall 32059  
make revisions to information that was submitted to the director 32060  
before the director mailed the notice of completeness or knowingly 32061  
discuss in person or by telephone the merits of the application 32062  
with the director. A person may supplement an application after a 32063  
notice of completeness has been received by submitting clarifying 32064  
information to the director. ~~If one or more persons request a 32065  
meeting in person or by telephone, the director shall make a 32066  
reasonable effort to invite interested parties to the meeting or 32067  
conference call. 32068~~~~

~~(C) All of the following apply to the process of granting or 32069  
denying a certificate of need: 32070~~

~~(1) If the project proposed in a certificate of need 32071  
application meets all of the applicable certificate of need 32072  
criteria for approval under sections 3702.51 to 3702.62 of the 32073  
Revised Code and the rules adopted under those sections, the 32074  
director shall grant a certificate of need for all or part of the 32075  
project that is the subject of the application by the applicable 32076  
deadline specified in division (C)(4) of this section or any 32077  
extension of it under division (C)(5) of this section. 32078~~

(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 32111  
the applicable certificate of need criteria for approval under 32112  
sections 3702.51 to 3702.62 of the Revised Code and the rules 32113  
adopted under those sections. The affected persons bear the burden 32114  
of proving by a preponderance of evidence that the project is not 32115  
needed or that granting the certificate would not be in accordance 32116  
with sections 3702.51 to 3702.62 of the Revised Code or the rules 32117  
adopted under those sections. 32118~~

(4) Except as provided in division (C)(5) of this section, 32119  
the director shall grant or deny certificate of need applications 32120  
~~for which an adjudication hearing is not conducted under division 32121  
(C)(3) of this section not later than sixty days after mailing the 32122  
notice of completeness or, in the case of an application proposing 32123  
addition of long term care beds, not later than sixty days after 32124  
such other time as is specified in rules adopted under section 32125  
3702.57 of the Revised Code. Except as provided in division (C)(5) 32126  
of this section, the director shall grant or deny certificate of 32127  
need applications for which an adjudication hearing is conducted 32128  
under division (C)(3) of this section not later than thirty days 32129  
after the expiration of the time for filing objections to the 32130  
report and recommendation of the hearing examiner under section 32131  
119.09 of the Revised Code. The director shall base decisions 32132  
concerning applications for which an adjudication hearing is 32133  
conducted under division (C)(3) of this section on the report and 32134  
recommendations of the hearing examiner. 32135~~

(5) Except as otherwise provided in division (C)(6) of this 32136  
section, the director or the applicant may extend the deadline 32137  
prescribed in division (C)(4) of this section once, for no longer 32138  
than thirty days, by written notice before the end of the deadline 32139  
prescribed by division (C)(4) of this section. An extension by the 32140  
director under division (C)(5) of this section shall apply to all 32141  
applications that are in comparative review. 32142

(6) No applicant in a comparative review may extend the deadline specified in division (C)(4) of this section.

(7) If the director does not grant or deny the certificate by the applicable deadline specified in division (C)(4) of this section or any extension of it under division (C)(5) of this section, the certificate shall be considered to have been granted.

(8) In granting a certificate of need, the director shall specify as the maximum capital expenditure the certificate holder may obligate under the certificate a figure equal to one hundred ten per cent of the approved project cost.

(9) In granting a certificate of need, the director may grant the certificate with conditions that must be met by the holder of the certificate.

(D) When a certificate of need is granted for a project under which beds are to be relocated, upon completion of the project for which the certificate of need was granted a number of beds equal to the number of beds relocated shall cease to be operated in the long-term care facility from which they are relocated, except that the beds may continue to be operated for not more than fifteen days to allow relocation of residents to the facility to which the beds have been relocated. Notwithstanding section 3721.03 of the Revised Code, if the relocated beds are in a home licensed under Chapter 3721. of the Revised Code, the facility's license is automatically reduced by the number of beds relocated effective fifteen days after the beds are relocated. If the beds are in a facility that is certified as a skilled nursing facility or nursing facility under Title XVIII or XIX of the "Social Security Act," the certification for the beds shall be surrendered. If the beds are registered under section 3701.07 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) The director shall monitor the activities of persons 32175  
granted certificates of need during the period beginning with the 32176  
granting of the certificate of need and ending five years after 32177  
implementation of the activity for which the certificate was 32178  
granted. 32179

~~(E)~~(F) When reviewing applications for certificates of need, 32180  
considering appeals under section 3702.60 of the Revised Code, or 32181  
monitoring activities of persons granted certificates of need, the 32182  
director may issue and enforce, in the manner provided in section 32183  
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 32184  
compel ~~the production of a person to testify and produce~~ documents 32185  
relevant to review of the application, consideration of the 32186  
appeal, or monitoring of the activities. In addition, the director 32187  
or the director's designee, ~~which may include a health service~~ 32188  
~~agency,~~ may visit the sites where the activities are or will be 32189  
conducted. 32190

~~(F)~~(G) The director may withdraw certificates of need. 32191

~~(G)~~ The director shall conduct, on a regular basis, health 32192  
system data collection and analysis activities and prepare 32193  
reports. The director shall make recommendations based upon these 32194  
activities to the public health council concerning the adoption of 32195  
appropriate rules under section 3702.57 of the Revised Code. (H) 32196  
All health long-term care facilities and other health care 32197  
providers shall submit to the director, upon request, any 32198  
information prescribed by rules adopted under division (H) of 32199  
section 3702.57 of the Revised Code that is necessary to conduct 32200  
reviews of certificate of need applications and to develop 32201  
~~recommendations for criteria for reviews, and that is prescribed~~ 32202  
~~by rules adopted under division (H) of section 3702.57 of the~~ 32203  
Revised Code. 32204

~~(H)~~(I) Any decision to grant or deny a certificate of need 32205  
shall consider the special needs and circumstances resulting from 32206

moral and ethical values and the free exercise of religious rights 32207  
of ~~health~~ long-term care facilities administered by religious 32208  
organizations, and the special needs and circumstances of inner 32209  
city and rural communities. 32210

**Sec. ~~3702.522~~ 3702.521.** (A) Reviews of applications for 32211  
certificates of need to recategorize hospital beds to skilled 32212  
nursing beds shall be conducted in accordance with this division 32213  
and rules adopted by the ~~public~~ director of health ~~council~~. 32214

(1) No hospital recategorizing beds shall apply for a 32215  
certificate of need for more than twenty skilled nursing beds. 32216

(2) No beds for which a certificate of need is requested 32217  
under this division shall be reviewed under or counted in any 32218  
formula developed under ~~public health council~~ rules adopted by the 32219  
director for the purpose of determining the number of long-term 32220  
care beds that may be needed within the state. 32221

(3) No beds shall be approved under this division unless the 32222  
hospital certifies and demonstrates in the application that the 32223  
beds will be dedicated to patients with a length of stay of no 32224  
more than thirty days. 32225

(4) No beds shall be approved under this division unless the 32226  
hospital can satisfactorily demonstrate in the application that it 32227  
is routinely unable to place the patients planned for the beds in 32228  
accessible skilled nursing facilities. 32229

(5) In developing rules to implement this division, the 32230  
~~public health council~~ director shall give special attention to the 32231  
required documentation of the need for such beds, including the 32232  
efforts made by the hospital to place patients in suitable skilled 32233  
nursing facilities, and special attention to the appropriate size 32234  
of units with such beds given the historical pattern of the 32235  
applicant hospital's documented difficulty in placing skilled 32236

nursing patients. 32237

(B) ~~To assist the director of health~~ For assistance in 32238  
monitoring the use of hospital beds recategorized as skilled 32239  
nursing beds after August 5, 1989, the ~~public health council~~ 32240  
director shall adopt rules specifying appropriate quarterly 32241  
procedures for reporting to the department of health. 32242

(C) A patient may stay in a hospital bed that, after August 32243  
5, 1989, has been recategorized as a skilled nursing bed for more 32244  
than thirty days if the hospital is able to demonstrate that it 32245  
made a good faith effort to place the patient in an accessible 32246  
skilled nursing facility acceptable to the patient within the 32247  
thirty-day period, but was unable to do so. 32248

(D) No hospital bed recategorized after August 5, 1989, as a 32249  
skilled nursing bed shall be covered by a provider agreement under 32250  
the medical assistance program established under Chapter 5111. of 32251  
the Revised Code. 32252

(E) Nothing in this section requires a hospital to place a 32253  
patient in any nursing home if the patient does not wish to be 32254  
placed in the nursing home. Nothing in this section limits the 32255  
ability of a hospital to file a certificate of need application 32256  
for the addition of long-term care beds that meet the definition 32257  
of "home" in section 3721.01 of the Revised Code. Nothing in this 32258  
section limits the ability of the director to grant certificates 32259  
of need necessary for hospitals to engage in demonstration 32260  
projects authorized by the federal government for the purpose of 32261  
enhancing long-term quality of care and cost containment. Nothing 32262  
in this section limits the ability of hospitals to develop swing 32263  
bed programs in accordance with federal regulations. 32264

No hospital that is granted a certificate of need after 32265  
August 5, 1989, to recategorize hospital beds as skilled nursing 32266  
beds is subject to sections 3721.01 to 3721.09 of the Revised 32267

Code. If the portion of the hospital in which the recategorized 32268  
beds are located is certified as a skilled nursing facility under 32269  
Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 32270  
U.S.C.A. 301, as amended, that portion of the hospital is subject 32271  
to sections 3721.10 to 3721.17 and sections 3721.21 to 3721.34 of 32272  
the Revised Code. If the beds are registered pursuant to section 32273  
3701.07 of the Revised Code as long-term care beds, the beds are 32274  
subject to sections 3721.50 to 3721.58 of the Revised Code. 32275

~~(F) The public health council shall adopt rules authorizing 32276  
the creation of one or more nursing home placement clearinghouses. 32277  
Any public or private agency or facility may apply to the 32278  
department of health to serve as a nursing home placement 32279  
clearinghouse, and the rules shall provide the procedure for 32280  
application and process for designation of clearinghouses. 32281~~

~~The department may approve one or more clearinghouses, but in 32282  
no event shall there be more than one nursing home placement 32283  
clearinghouse in each county. Any nursing home may list with a 32284  
nursing home placement clearinghouse the services it provides and 32285  
the types of patients it is approved for and equipped to serve. 32286  
The clearinghouse shall make reasonable efforts to update its 32287  
information at least every six months. 32288~~

~~If an appropriate clearinghouse has been designated, each 32289  
hospital granted a certificate of need after August 5, 1989, to 32290  
recategorize hospital beds as skilled nursing beds shall, and any 32291  
other hospital may, utilize the nursing home placement 32292  
clearinghouse prior to admitting a patient to a skilled nursing 32293  
bed within the hospital and prior to keeping a patient in a 32294  
skilled nursing bed within a hospital in excess of thirty days. 32295~~

~~The department shall provide at least annually to all 32296  
hospitals a list of the designated nursing home placement 32297  
clearinghouses. 32298~~



**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 32330  
(B) of this section, a certificate of need ~~granted on or after~~ 32331  
~~April 20, 1995,~~ is not transferable prior to the completion of the 32332  
reviewable activity for which it was granted. If any person 32333  
holding a certificate of need ~~issued on or after that date~~ 32334  
transfers the certificate of need to another person before the 32335  
reviewable activity is completed, or enters into an agreement that 32336  
contemplates the transfer of the certificate of need on the 32337  
completion of the reviewable activity, the certificate of need is 32338  
void. If the controlling interest in an entity that holds a 32339  
certificate of need ~~issued on or after that date~~ is transferred 32340  
prior to the completion of the reviewable activity, the 32341  
certificate of need is void. 32342

(B) Division (A) of this section does not prohibit the 32343  
transfer of a certificate of need ~~issued on or after April 20,~~ 32344  
~~1995,~~ between affiliated or related persons, as defined in rules 32345  
adopted under section 3702.57 of the Revised Code, if the transfer 32346  
does not result in a change in the person that holds the ultimate 32347  
controlling interest, as defined in the rules, in the certificate 32348  
of need. 32349

The transfer of a ~~health~~ long-term care facility after the 32350  
completion of a reviewable activity for which a certificate of 32351  
need was issued ~~on or after April 20, 1995,~~ is not a transfer of 32352  
the certificate of need, unless the facility is transferred 32353  
pursuant to an agreement entered into prior to the completion of 32354  
the reviewable activity. 32355

**Sec. ~~3702.525~~ 3702.524.** (A) Not later than twenty-four months 32356  
after the date the director of health mails the notice that the 32357  
certificate of need has been granted or, if the grant or denial of 32358  
the certificate of need is appealed under section 3702.60 of the 32359  
Revised Code, not later than twenty-four months after issuance of 32360

an order granting the certificate that is not subject to further 32361  
appeal, each person holding a certificate of need granted ~~on or~~ 32362  
~~after April 20, 1995,~~ shall: 32363

(1) If the project for which the certificate of need was 32364  
granted primarily involves construction and is to be financed 32365  
primarily through external borrowing of funds, secure financial 32366  
commitment for the stated purpose of developing the project and 32367  
commence construction that continues uninterrupted except for 32368  
interruptions or delays that are unavoidable due to reasons beyond 32369  
the person's control, including labor strikes, natural disasters, 32370  
material shortages, or comparable events; 32371

(2) If the project for which the certificate of need was 32372  
granted primarily involves construction and is to be financed 32373  
primarily internally, receive formal approval from the holder's 32374  
board of directors or trustees or other governing authority to 32375  
commit specified funds for implementation of the project and 32376  
commence construction that continues uninterrupted except for 32377  
interruptions or delays that are unavoidable due to reasons beyond 32378  
the person's control, including labor strikes, natural disasters, 32379  
material shortages, or comparable events; 32380

~~(3) If the project for which the certificate of need was 32381  
granted primarily involves acquisition of medical equipment, enter 32382  
into a contract to purchase or lease the equipment and to accept 32383  
the equipment at the site for which the certificate was granted;~~ 32384

~~(4)~~ If the project for which the certificate of need was 32385  
granted involves no capital expenditure or only minor renovations 32386  
to existing structures, provide the health long-term care service 32387  
~~or activity~~ by the means specified in the approved application for 32388  
the certificate; 32389

~~(5)~~(4) If the project for which the certificate of need was 32390  
granted primarily involves leasing a building or space that 32391

requires only minor renovations to the existing space, execute a 32392  
lease and provide the health long-term care service ~~or activity~~ by 32393  
the means specified in the approved application for the 32394  
certificate; 32395

~~(6)~~(5) If the project for which the certificate of need was 32396  
granted primarily involves leasing a building or space that has 32397  
not been constructed or requires substantial renovations to 32398  
existing space, commence construction for the purpose of 32399  
implementing the reviewable activity that continues uninterrupted 32400  
except for interruptions or delays that are unavoidable due to 32401  
reasons beyond the person's control, including labor strikes, 32402  
natural disasters, material shortages, or comparable events. 32403

(B) The twenty-four-month period specified in division (A) of 32404  
this section shall not be extended by any means, including the 32405  
granting of a subsequent or replacement certificate of need. Each 32406  
person holding a certificate of need ~~granted on or after April 20,~~ 32407  
~~1995,~~ shall provide the director of health documentation of 32408  
compliance with that division not later than the earlier of thirty 32409  
days after complying with that division or five days after the 32410  
twenty-four-month period expires. Not later than the earlier of 32411  
fifteen days after receiving the documentation or fifteen days 32412  
after the twenty-four-month period expires, the director shall 32413  
send by certified mail a notice to the holder of the certificate 32414  
of need specifying whether the holder has complied with division 32415  
(A) of this section. 32416

(C) ~~Notwithstanding division (B) of this section, the~~ 32417  
~~twenty four month period specified in division (A) of this section~~ 32418  
~~shall be extended for an additional twenty four months for any~~ 32419  
~~certificate of need granted for the purchase and relocation of~~ 32420  
~~licensed nursing home beds on February 26, 1999.~~ 32421

~~(D)~~ A certificate of need ~~granted on or after April 20, 1995,~~ 32422  
expires, regardless of whether the director sends a notice under 32423

division (B) of this section, if the holder fails to comply with 32424  
division (A) ~~or (C)~~ of this section or to provide information 32425  
under division (B) of this section as necessary for the director 32426  
to determine compliance. The determination by the director that a 32427  
certificate of need has expired is final and not appealable under 32428  
Chapter 119. of the Revised Code. 32429

**Sec. ~~3702.526~~ 3702.525.** Every six months after complying with 32430  
section ~~3702.525~~ 3702.524 of the Revised Code, the holder of the 32431  
certificate of need shall demonstrate to the director of health, 32432  
in the form and manner required by rules adopted under section 32433  
3702.57 of the Revised Code, that reasonable progress is being 32434  
made toward the completion of the reviewable activity. If the 32435  
director determines, in accordance with standards specified in the 32436  
rules, that reasonable progress is not being made, ~~he~~ the director 32437  
shall withdraw the certificate of need. 32438

**Sec. 3702.526.** (A) Except as provided in division (B) of this 32439  
section, the director of health shall accept an application for a 32440  
replacement certificate of need for an activity described in 32441  
division (A)(5) of section 3702.511 of the Revised Code to replace 32442  
an approved certificate of need for that activity if all of the 32443  
following conditions are met: 32444

(1) The applicant is the same as the applicant for the 32445  
approved certificate of need or an affiliated or related person as 32446  
described in division (B) of section 3702.523 of the Revised Code. 32447

(2) The source of any long-term care beds to be relocated is 32448  
the same as in the approved certificate of need. 32449

(3) The application for the approved certificate of need was 32450  
not subject to comparative review under section 3702.593 of the 32451  
Revised Code. 32452

(B) The director shall not accept an application for a 32453

replacement certificate that proposes to increase the number of 32454  
long-term care beds to be relocated specified in the application 32455  
for the approved certificate of need. 32456

(C) For the purpose of determining whether long-term care 32457  
beds are from an existing long-term care facility, the director 32458  
shall consider the date of filing of the application for a 32459  
replacement certificate to be the same as the date of filing of 32460  
the original application for the approved certificate of need. 32461

(D) Any long-term care beds that were approved in the 32462  
approved certificate of need remain approved in the application 32463  
for a replacement certificate. 32464

(E) The applicant shall submit with the application for a 32465  
replacement certificate a nonrefundable fee equal to the 32466  
application fee for the approved certificate of need. 32467

(F) Upon approval of the application for a replacement 32468  
certificate, the original certificate of need is automatically 32469  
voided. 32470

**Sec. 3702.527.** A bed described in division (O)(5) of section 32471  
3702.51 of the Revised Code may be converted to a bed described in 32472  
division (O)(1), (2), (3), or (4) of that section only as provided 32473  
in the certificate of need under which the beds were approved or 32474  
its replacement certificate of need. 32475

**Sec. 3702.53.** (A) No person shall carry out any reviewable 32476  
activity unless a certificate of need for such activity has been 32477  
granted under sections 3702.51 to 3702.62 of the Revised Code or 32478  
the person is exempted by division ~~(S)~~(B) of section ~~3702.51~~ 32479  
~~3702.511~~ or section ~~3702.5210~~ or 3702.62 of the Revised Code from 32480  
the requirement that a certificate of need be obtained. No person 32481  
shall carry out any reviewable activity if a certificate of need 32482  
authorizing that activity has been withdrawn by the director of 32483

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 32515  
investigate an alleged violation of section 3702.53 of the Revised 32516  
Code. 32517

Each investigation under this section shall be conducted in a 32518  
manner that protects patient confidentiality. Names or other 32519  
identifying information about any patient shall not be made public 32520  
without the written consent of the patient or ~~his~~ the patient's 32521  
guardian, or, if the patient is a minor, ~~his~~ the patient's parent 32522  
or guardian. 32523

**Sec. 3702.54.** Except as provided in section 3702.541 of the 32524  
Revised Code, divisions (A) and (B) of this section apply when the 32525  
director of health determines that a person has violated section 32526  
3702.53 of the Revised Code. 32527

(A) The director shall impose a civil penalty on the person 32528  
in an amount equal to the greatest of the following: 32529

(1) Three thousand dollars; 32530

(2) Five per cent of the operating cost of the activity that 32531  
constitutes the violation during the period of time it was 32532  
conducted in violation of section 3702.53 of the Revised Code; 32533

(3) If a certificate of need was granted, two per cent of the 32534  
total approved capital cost associated with implementation of the 32535  
activity for which the certificate of need was granted. 32536

In no event, however, shall the penalty exceed two hundred 32537  
fifty thousand dollars. 32538

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 32539  
the director shall refuse to accept for review any application for 32540  
a certificate of need filed by or on behalf of the person, or any 32541  
successor to the person or entity related to the person, for a 32542  
period of not less than one year and not more than three years 32543  
after the director mails the notice of the director's 32544



determination under section 3702.532 of the Revised Code or, if 32545  
the determination is appealed under section 3702.60 of the Revised 32546  
Code, the issuance of the order upholding the determination that 32547  
is not subject to further appeal. In determining the length of 32548  
time during which applications will not be accepted, the director 32549  
may consider any of the following: 32550

(a) The nature and magnitude of the violation; 32551

(b) The ability of the person to have averted the violation; 32552

(c) Whether the person disclosed the violation to the 32553  
director before the director commenced his investigation; 32554

(d) The person's history of compliance with sections 3702.51 32555  
to 3702.62 and the rules adopted under section 3702.57 of the 32556  
Revised Code; 32557

(e) Any community hardship that may result from refusing to 32558  
accept future applications from the person. 32559

(2) Notwithstanding the one-year minimum imposed by division 32560  
(B)(1) of this section, the director may establish a period of 32561  
less than one year during which the director will refuse to accept 32562  
certificate of need applications if, after reviewing all 32563  
information available to the director, the director determines and 32564  
expressly indicates in the notice mailed under section 3702.532 of 32565  
the Revised Code that refusing to accept applications for a longer 32566  
period would result in hardship to the community in which the 32567  
person provides ~~health~~ long-term care services. The director's 32568  
finding of community hardship shall not affect the granting or 32569  
denial of any future certificate of need application filed by the 32570  
person. 32571

**Sec. 3702.55.** A person that the director of health determines 32572  
has violated section 3702.53 of the Revised Code shall cease 32573  
conducting the activity that constitutes the violation or 32574

utilizing the ~~equipment~~ or facility resulting from the violation 32575  
not later than thirty days after the person receives the notice 32576  
mailed under section 3702.532 of the Revised Code or, if the 32577  
person appeals the director's determination under section 3702.60 32578  
of the Revised Code, thirty days after the person receives an 32579  
order upholding the director's determination that is not subject 32580  
to further appeal. 32581

If any person determined to have violated section 3702.53 of 32582  
the Revised Code fails to cease conducting an activity or using 32583  
~~equipment~~ or a facility as required by this section or if the 32584  
person continues to seek payment or reimbursement for services 32585  
rendered or costs incurred in conducting the activity as 32586  
prohibited by section 3702.56 of the Revised Code, in addition to 32587  
the penalties imposed under section 3702.54 or 3702.541 of the 32588  
Revised Code: 32589

(A) The director of health may refuse to include any beds 32590  
involved in the activity in the bed capacity of a hospital for 32591  
purposes of registration under section 3701.07 of the Revised 32592  
Code; 32593

(B) The director of health may refuse to license, or may 32594  
revoke a license or reduce bed capacity previously granted to, a 32595  
hospice care program under section 3712.04 of the Revised Code; a 32596  
nursing home, ~~rest home~~ residential care facility, or home for the 32597  
aging under section 3721.02 of the Revised Code; or any beds 32598  
within any of those facilities that are involved in the activity; 32599

(C) A political subdivision certified under section 3721.09 32600  
of the Revised Code may refuse to license, or may revoke a license 32601  
or reduce bed capacity previously granted to, a nursing home, ~~rest~~ 32602  
~~home~~ residential care facility, or home for the aging, or any beds 32603  
within any of those facilities that are involved in the activity; 32604

(D) The director of mental health may refuse to license under 32605

section 5119.20 of the Revised Code, or may revoke a license or 32606  
reduce bed capacity previously granted to, a hospital receiving 32607  
mentally ill persons or beds within such a hospital that are 32608  
involved in the activity; 32609

(E) The department of job and family services may refuse to 32610  
enter into a provider agreement that includes a facility, beds, or 32611  
services that result from the activity. 32612

**Sec. 3702.56.** No third-party payer or other person ~~or~~ 32613  
~~government entity~~ is required to pay, and no person shall seek or 32614  
accept payment or reimbursement for, any service rendered or costs 32615  
incurred in conducting an activity during the period of time in 32616  
which the activity was conducted in violation of section 3702.53 32617  
of the Revised Code. Each person that accepts any amount in 32618  
violation of this division shall refund that amount on request of 32619  
the person ~~or government entity~~ that paid it. 32620

**Sec. 3702.57.** (A) The ~~public director of health council~~ shall 32621  
adopt rules establishing procedures and criteria for reviews of 32622  
applications for certificates of need and issuance, denial, or 32623  
withdrawal of certificates. 32624

(1) In adopting rules that establish criteria for reviews of 32625  
applications of certificates of need, the ~~council~~ director shall 32626  
consider the availability of and need for long-term care beds to 32627  
provide care and treatment to persons diagnosed as having 32628  
traumatic brain injuries and shall prescribe criteria for 32629  
reviewing applications that propose to add long-term care beds to 32630  
provide care and treatment to persons diagnosed as having 32631  
traumatic brain injuries. 32632

(2) The criteria for reviews of applications for certificates 32633  
of need shall relate to the need for the reviewable activity and 32634  
shall pertain to all of the following matters: 32635

(a) The impact of the reviewable activity on the cost and 32636  
quality of ~~health~~ long-term care services in the relevant 32637  
~~geographic~~ service area, including, but not limited, to the 32638  
historical and projected utilization of the services to which the 32639  
application pertains and the effect of the reviewable activity on 32640  
utilization of other providers of similar services; 32641

(b) The quality of the services to be provided as the result 32642  
of the activity, as evidenced by the historical performance of the 32643  
persons that will be involved in providing the services and by the 32644  
provisions that are proposed in the application to ensure quality, 32645  
including but not limited to adequate available personnel, 32646  
available ancillary and support services, available equipment, 32647  
size and configuration of physical plant, and relations with other 32648  
providers; 32649

(c) The impact of the reviewable activity on the availability 32650  
and accessibility of the type of services proposed in the 32651  
application to the population of the relevant ~~geographic~~ service 32652  
area, and the level of access to the services proposed in the 32653  
application that will be provided to medically underserved 32654  
individuals such as recipients of public assistance and 32655  
individuals who have no health insurance or whose health insurance 32656  
is insufficient; 32657

(d) The activity's short- and long-term financial feasibility 32658  
and cost-effectiveness, the impact of the activity on the 32659  
applicant's costs and charges, and a comparison of the applicant's 32660  
costs and charges with those of providers of similar services in 32661  
the applicant's proposed service area; 32662

(e) The advantages, disadvantages, and costs of alternatives 32663  
to the reviewable activity; 32664

(f) The impact of the activity on all other providers of 32665  
similar services in the ~~health service area or other~~ relevant 32666

~~geographic~~ service area, including the impact on their 32667  
utilization, market share, and financial status; 32668

(g) The historical performance of the applicant and related 32669  
or affiliated parties in complying with previously granted 32670  
certificates of need and any applicable certification, 32671  
accreditation, or licensure requirements; 32672

~~(h) The relationship of the activity to the current edition 32673  
of the state health resources plan issued under section 3702.521 32674  
of the Revised Code; 32675~~

~~(i)~~ The historical performance of the applicant and related 32676  
or affiliated parties in providing cost-effective health long-term 32677  
care services; 32678

~~(j)~~(i) The special needs and circumstances of the applicant 32679  
or population proposed to be served by the proposed project, 32680  
including research activities, prevalence of particular diseases, 32681  
unusual demographic characteristics, cost-effective contractual 32682  
affiliations, and other special circumstances; 32683

~~(k)~~(j) The appropriateness of the zoning status of the 32684  
proposed site of the activity; 32685

~~(l)~~(k) The participation by the applicant in research 32686  
conducted by the United States food and drug administration or 32687  
clinical trials sponsored by the national institutes of health. 32688

(3) The criteria for reviews of applications shall include a 32689  
formula for determining each county's long-term care bed need for 32690  
purposes of section 3702.593 of the Revised Code and may include 32691  
other formulas for determining need for beds. 32692

Any rules prescribing criteria that establish ratios of beds 32693  
to population shall specify the bases for establishing the ratios 32694  
or mitigating factors or exceptions to the ratios. 32695

(B) The ~~council~~ director shall adopt rules specifying all of 32696

the following:	32697
(1) Information that must be provided in applications for certificates of need;	32698 32699
(2) Procedures for reviewing applications for completeness of information;	32700 32701
(3) Criteria for determining that the application is complete.	32702 32703
(C) The <del>council</del> <u>director</u> shall adopt rules specifying requirements that holders of certificates of need must meet in order for the certificates to remain valid and establishing definitions and requirements for obligation of capital expenditures and implementation of projects authorized by certificates of need.	32704 32705 32706 32707 32708 32709
(D) The <del>council</del> <u>director</u> shall adopt rules establishing criteria and procedures under which the director of health may withdraw a certificate of need if the holder fails to meet requirements for continued validity of the certificate.	32710 32711 32712 32713
(E) The <del>council</del> <u>director</u> shall adopt rules establishing procedures under which the department of health shall monitor project implementation activities of holders of certificates of need. The rules adopted under this division also may establish procedures for monitoring implementation activities of persons that have received nonreviewability rulings.	32714 32715 32716 32717 32718 32719
(F) The <del>council</del> <u>director</u> shall adopt rules establishing procedures under which the director of health shall review certificates of need whose holders exceed or appear likely to exceed an expenditure maximum specified in a certificate.	32720 32721 32722 32723
(G) The <del>council</del> <u>director</u> shall adopt rules establishing certificate of need application fees sufficient to pay the costs incurred by the department for administering sections 3702.51 to	32724 32725 32726

3702.62 of the Revised Code and to pay health service agencies for 32727  
the functions they perform under division (D)(5) of section 32728  
~~3702.58 of the Revised Code.~~ Unless rules are adopted under this 32729  
division establishing different application fees, the application 32730  
fee for a project not involving a capital expenditure shall be 32731  
three thousand dollars and the application fee for a project 32732  
involving a capital expenditure shall be nine-tenths of one per 32733  
cent of the capital expenditure proposed subject to a minimum of 32734  
three thousand dollars and a maximum of twenty thousand dollars. 32735

(H) The ~~council~~ director shall adopt rules specifying 32736  
information that is necessary to conduct reviews of certificate of 32737  
need applications and to develop ~~recommendations for~~ criteria for 32738  
reviews that ~~health~~ long-term care facilities and ~~other health~~ 32739  
~~care providers~~ are to submit to the director under division ~~(G)~~(H) 32740  
of section 3702.52 of the Revised Code. 32741

(I) The ~~council~~ director shall adopt rules defining 32742  
"affiliated person," "related person," and "ultimate controlling 32743  
interest" for purposes of section ~~3702.524~~ 3702.523 of the Revised 32744  
Code. 32745

(J) The ~~council~~ director shall adopt rules prescribing 32746  
requirements for holders of certificates of need to demonstrate to 32747  
the director under section ~~3702.526~~ 3702.525 of the Revised Code 32748  
that reasonable progress is being made toward completion of the 32749  
reviewable activity and establishing standards by which the 32750  
director shall determine whether reasonable progress is being 32751  
made. 32752

(K) The ~~public health council~~ director shall adopt all rules 32753  
under divisions (A) to (J) of this section in accordance with 32754  
Chapter 119. of the Revised Code. The ~~council~~ director may adopt 32755  
other rules as necessary to carry out the purposes of sections 32756  
3702.51 to 3702.62 of the Revised Code. 32757

**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.	32788 32789
(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.	32790 32791 32792 32793
(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:	32794 32795 32796 32797 32798 32799 32800 32801 32802
(i) On three or more separate occasions for final, nonappealable actual harm but not immediate jeopardy deficiencies;	32803 32804
(ii) On two or more separate occasions for final, nonappealable immediate jeopardy deficiencies;	32805 32806
(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.	32807 32808 32809
(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	32810 32811 32812 32813 32814 32815 32816 32817 32818

or operator and the applicant or principal participant has 32819  
implemented measures to alleviate the circumstances. In the case 32820  
of an application proposing development of a new ~~health~~ long-term 32821  
care facility by relocation of beds, the director shall not 32822  
consider deficiencies or violations that were solely attributable 32823  
to the physical plant of the existing ~~health~~ long-term care 32824  
facility from which the beds are being relocated. 32825

(C) The director also shall accept for review any application 32826  
for the conversion of infirmary beds to long-term care beds if the 32827  
infirmary meets all of the following conditions: 32828

(1) Is operated exclusively by a religious order; 32829

(2) Provides care exclusively to members of religious orders 32830  
who take vows of celibacy and live by virtue of their vows within 32831  
the orders as if related; 32832

(3) Was providing care exclusively to members of such a 32833  
religious order on January 1, 1994. 32834

(D) Notwithstanding division (C)(2) of this section, a 32835  
facility that has been granted a certificate of need under 32836  
division (C) of this section may provide care to any of the 32837  
following family members of the individuals described in division 32838  
(C)(2) of this section: mothers, fathers, brothers, sisters, 32839  
brothers-in-law, sisters-in-law, or children. 32840

The long-term care beds in a facility that have been granted 32841  
a certificate of need under division (C) of this section may not 32842  
be relocated pursuant to sections 3702.592 to 3702.594 of the 32843  
Revised Code. 32844

**Sec. 3702.592.** (A) The director of health shall accept, for 32845  
review under section 3702.52 of the Revised Code, certificate of 32846  
need applications for any of the following purposes if the 32847  
proposed increase in beds is attributable ~~solely~~ to a replacement 32848

or relocation of existing beds from an existing ~~health~~ long-term care facility within the same county: 32849  
32850

(1) Approval of beds in a new ~~health~~ long-term care facility 32851  
or an increase of beds in an existing ~~health~~ long-term care 32852  
facility if the beds are proposed to be licensed as nursing home 32853  
beds under Chapter 3721. of the Revised Code; 32854

(2) Approval of beds in a new county home or new county 32855  
nursing home, or an increase of beds in an existing county home or 32856  
existing county nursing home if the beds are proposed to be 32857  
certified as skilled nursing facility beds under the medicare 32858  
program, Title XVIII of the "Social Security Act," 49 Stat. 286 32859  
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under 32860  
the medicaid program, Title XIX of the "Social Security Act," 49 32861  
Stat. 286 (1965), 42 U.S.C. 1396, as amended; 32862

(3) An increase of hospital beds registered pursuant to 32863  
section 3701.07 of the Revised Code as long-term care beds; 32864

(4) An increase of hospital beds registered pursuant to 32865  
section 3701.07 of the Revised Code as special skilled nursing 32866  
beds that were originally authorized by and are operated in 32867  
accordance with section ~~3702.522~~ 3702.521 of the Revised Code. 32868

(B) The director shall accept applications described in 32869  
division (A) of this section at any time. 32870

**Sec. 3702.593.** (A) At the times specified in this section, 32871  
the director of health shall accept, for review under section 32872  
3702.52 of the Revised Code, certificate of need applications for 32873  
any of the following purposes if the proposed increase in beds is 32874  
attributable solely to relocation of existing beds from an 32875  
existing ~~health~~ long-term care facility in a county with excess 32876  
beds to a ~~health~~ long-term care facility in a county in which 32877  
there are fewer long-term care beds than the county's bed need: 32878

(1) Approval of beds in a new <del>health</del> <u>long-term</u> care facility	32879
or an increase of beds in an existing <del>health</del> <u>long-term</u> care	32880
facility if the beds are proposed to be licensed as nursing home	32881
beds under Chapter 3721. of the Revised Code;	32882
(2) Approval of beds in a new county home or new county	32883
nursing home, or an increase of beds in an existing county home or	32884
existing county nursing home if the beds are proposed to be	32885
certified as skilled nursing facility beds under the medicare	32886
program, Title XVIII of the "Social Security Act," 49 Stat. 286	32887
(1965), 42 U.S.C. 1395, as amended, or nursing facility beds under	32888
the medicaid program, Title XIX of the "Social Security Act," 49	32889
Stat. 286 (1965), 42 U.S.C. 1396, as amended;	32890
(3) An increase of hospital beds registered pursuant to	32891
section 3701.07 of the Revised Code as long-term care beds.	32892
(B) For the purpose of implementing this section, the	32893
director shall do all of the following:	32894
(1) <del>Determine</del> <u>Not later than April 1, 2012, and every four</u>	32895
<u>years thereafter, determine</u> the long-term care bed supply for each	32896
county, which shall consist of all of the following:	32897
(a) Nursing home beds licensed under Chapter 3721. of the	32898
Revised Code;	32899
(b) Beds certified as skilled nursing facility beds under the	32900
medicare program or nursing facility beds under the medicaid	32901
program;	32902
(c) <u>Beds in any portion of a hospital that are properly</u>	32903
<u>registered under section 3701.07 of the Revised Code as skilled</u>	32904
<u>nursing beds, long-term care beds, or special skilled nursing</u>	32905
<u>beds;</u>	32906
(d) Beds in a county home or county nursing home that are	32907
certified under section 5155.38 of the Revised Code as having been	32908

in operation on July 1, 1993, and are eligible for licensure as 32909  
nursing home beds; 32910

~~(d)(e) Beds held as approved long term care beds under a 32911  
certificate of need approved by the director described in division 32912  
(O)(5) of section 3702.51 of the Revised Code. 32913~~

(2) Determine the long-term care bed occupancy rate for the 32914  
state at the time the determination is made; 32915

(3) For each county, determine the county's bed need by 32916  
identifying the number of long-term care beds that would be needed 32917  
in the county in order for the statewide occupancy rate for a 32918  
projected population aged sixty-five and older to be ninety per 32919  
cent. 32920

In determining each county's bed need, the director shall use 32921  
the formula developed in rules adopted under section 3702.57 of 32922  
the Revised Code. ~~The director's first determination after the 32923  
effective date of this section shall be made not later than April 32924  
1, 2010. The second determination shall be made not later than 32925  
April 1, 2012. Thereafter, a~~ A determination shall be made every 32926  
four years. After each determination is made, the director shall 32927  
publish the county's bed need on the web site maintained by the 32928  
department of health. 32929

(C) The director's consideration of a certificate of need 32930  
that would increase the number of beds in a county shall be 32931  
consistent with the county's bed need determined under division 32932  
(B) of this section except as follows: 32933

(1) If a county's occupancy rate is less than eighty-five per 32934  
cent, the county shall be considered to have no need for 32935  
additional beds. 32936

(2) Even if a county is determined not to need any additional 32937  
long-term care beds, the director may approve an increase in beds 32938  
equal to up to ten per cent of the county's bed supply if the 32939

county's occupancy rate is greater than ninety per cent. 32940

(D)(1) ~~Applications made under this section shall be subject~~ 32941  
~~to comparative review.~~ The review period for the first ~~comparative~~ 32942  
review process ~~after the effective date of this section~~ shall 32943  
begin July 1, 2010, and end June 30, 2012. The next review period 32944  
shall begin July 1, 2012, and end June 30, 2016. Thereafter, the 32945  
review period for each comparative review process shall begin on 32946  
the first day of July following the end of the previous review 32947  
period and shall be four years. 32948

(2) Certificate of need applications shall be accepted during 32949  
the first month of the review period and reviewed ~~from the first~~ 32950  
~~day of the review period~~ through the thirtieth day of April of the 32951  
following year. 32952

(3) Except for the first review period after ~~the effective~~ 32953  
~~date of this section~~ October 16, 2009, each review period may 32954  
consist of two phases. The first phase of the review period shall 32955  
be the period during which the director accepts and reviews 32956  
certificate of need applications as provided in division (D)(2) of 32957  
this section. If the director determines that there will be 32958  
acceptance and review of additional certificate of need 32959  
applications, the second phase of the review period shall begin on 32960  
the first day of July of the third year of the review period. The 32961  
second phase shall be limited to acceptance and review of 32962  
applications for redistribution of beds made available pursuant to 32963  
division ~~(G)(2)(I)~~ of this section. During the period between the 32964  
first and second phases of the review period, the director shall 32965  
act in accordance with division ~~(H)(I)~~ of this section. 32966

(E) The director shall consider certificate of need 32967  
applications in accordance with all of the following: 32968

(1) The number of beds approved for a county shall include 32969  
only beds available for relocation from another county and shall 32970

not exceed the bed need of the receiving county; 32971

(2) The director shall consider the existence of community 32972  
resources serving persons who are age sixty-five or older or 32973  
disabled that are demonstrably effective in providing alternatives 32974  
to long-term care facility placement. 32975

(3) The director shall approve relocation of beds from a 32976  
county only if, after the relocation, the number of beds remaining 32977  
in the county will exceed the county's bed need by at least one 32978  
hundred beds; 32979

(4) The director shall approve relocation of beds from a 32980  
~~health~~ long-term care facility only if, after the relocation, the 32981  
number of beds in the facility's service area is at least equal to 32982  
the state bed need rate. For purposes of this division, a 32983  
facility's service area shall be either of the following: 32984

(a) The census tract in which the facility is located, if the 32985  
facility is located in an area designated by the United States 32986  
secretary of health and human services as a health professional 32987  
shortage area under the "Public Health Service Act," 88 Stat. 682 32988  
(1944), 42 U.S.C. 254(e), as amended; 32989

(b) The area that is within a fifteen-mile radius of the 32990  
facility's location, if the facility is not located in a health 32991  
professional shortage area. 32992

(F) Applications made under this section are subject to 32993  
comparative review if two or more applications are submitted 32994  
during the same review period and any of the following applies: 32995

(1) The applications propose to relocate beds from the same 32996  
county and the number of beds for which certificates of need are 32997  
being requested totals more than the number of beds available in 32998  
the county from which the beds are to be relocated. 32999

(2) The applications propose to relocate beds to the same 33000

county and the number of beds for which certificates of need are 33001  
being requested totals more than the number of beds needed in the 33002  
county to which the beds are to be relocated. 33003

(3) The applications propose to relocate beds from the same 33004  
service area and the number of beds left in the service area from 33005  
which the beds are being relocated would be less than the state 33006  
bed need rate determined by the director. 33007

(G) In determining which applicants should receive preference 33008  
in the comparative review process, the director shall consider all 33009  
of the following as weighted priorities: 33010

(1) Whether the beds will be part of a continuing care 33011  
retirement community; 33012

(2) Whether the beds will serve an underserved population, 33013  
such as low-income individuals, individuals with disabilities, or 33014  
individuals who are members of racial or ethnic minority groups; 33015

(3) Whether the project in which the beds will be included 33016  
will provide alternatives to institutional care, such as adult 33017  
day-care, home health care, respite or hospice care, mobile meals, 33018  
residential care, independent living, or congregate living 33019  
services; 33020

(4) Whether the ~~health~~ long-term care facility's owner or 33021  
operator will participate in medicaid waiver programs for 33022  
alternatives to institutional care; 33023

(5) Whether the project in which the beds will be included 33024  
will reduce alternatives to institutional care by converting 33025  
residential care beds or other alternative care beds to long-term 33026  
care beds; 33027

(6) Whether the facility in which the beds will be placed has 33028  
positive resident and family satisfaction surveys; 33029

(7) Whether the facility in which the beds will be placed has 33030



fewer than fifty long-term care beds; 33031

(8) Whether the ~~health~~ long-term care facility in which the 33032  
beds will be placed is located within the service area of a 33033  
hospital and is designed to accept patients for rehabilitation 33034  
after an in-patient hospital stay; 33035

(9) Whether the ~~health~~ long-term care facility in which the 33036  
beds will be placed is or proposes to become a nurse aide training 33037  
and testing site; 33038

(10) The rating, under the centers for medicare and medicaid 33039  
services' five star nursing home quality rating system, of the 33040  
~~health~~ long-term care facility in which the beds will be placed. 33041

~~(G)(1) When a certificate of need application is approved 33042  
during the initial phase of a four year review period, on 33043  
completion of the project under which the beds are relocated, that 33044  
number of beds shall cease to be operated in the health care 33045  
facility from which they were relocated and, if the licensure or 33046  
certification of those beds cannot be or is not transferred to the 33047  
facility to which the beds are relocated, the licensure or 33048  
certification shall be surrendered. 33049~~

~~(2) In (H) A person who has submitted an application under 33050  
this section that is not subject to comparative review may revise 33051  
the site of the proposed project pursuant to section 3702.522 of 33052  
the Revised Code. 33053~~

(I) When a certificate of need application is approved during 33054  
the initial phase of a four-year review period, in addition to the 33055  
actions required by division ~~(G)(1)~~(D) of this section 3702.52 of 33056  
the Revised Code, the ~~health~~ long-term care facility from which 33057  
the beds were relocated shall reduce the number of beds operated 33058  
in the facility by a number of beds equal to at least ten per cent 33059  
of the number of beds relocated and shall surrender the licensure 33060  
or certification of those beds. If these beds are in a home 33061

licensed under Chapter 3721. of the Revised Code, the long-term 33062  
care facility shall have the beds removed from the license. If the 33063  
beds are in a facility that is certified as a skilled nursing 33064  
facility or nursing facility under Title XVIII or XIX of the 33065  
"Social Security Act," the facility shall surrender the 33066  
certification of these beds. If the beds are registered as skilled 33067  
nursing beds or long-term care beds under section 3701.07 of the 33068  
Revised Code, the long-term care facility shall surrender the 33069  
registration for these beds. This reduction shall be made not 33070  
later than the completion date of the project for which the beds 33071  
were relocated. 33072

~~(H)~~(J)(1) Once approval of certificate of need applications 33073  
in the first phase of a four-year review period is complete, the 33074  
director shall make a new determination of the bed need for each 33075  
county by reducing the county's bed need by the number of beds 33076  
approved for relocation to the county. The new bed-need 33077  
determination shall be made not later than the first day of April 33078  
of the third year of the review period. 33079

(2) The director may publish on the department's web site the 33080  
remaining bed need for counties that will be considered for 33081  
redistribution of beds that, in accordance with division ~~(G)~~(2)~~(I)~~ 33082  
of this section, have ceased or will cease to be operated. The 33083  
director shall base the determination of whether to include a 33084  
county on all of the following: 33085

(a) The statewide number of beds that, in accordance with 33086  
division ~~(G)~~(2)~~(I)~~ of this section, have ceased or will cease to 33087  
be operated; 33088

(b) The county's remaining bed need; 33089

(c) The county's bed occupancy rate. 33090

~~(I)~~(K) If the director publishes the remaining bed need for a 33091  
county under division ~~(H)~~(J)(2) of this section, the director may, 33092

beginning on the first day of the second phase of the review 33093  
period, accept certificate of need applications for redistribution 33094  
to ~~health~~ long-term care facilities in that county of beds that 33095  
have ceased or will cease operation in accordance with division 33096  
(~~G~~)(~~2~~)(I) of this section. The total number of beds approved for 33097  
redistribution in the second phase of a review period shall not 33098  
exceed the number that have ceased or will cease operation in 33099  
accordance with division (~~G~~)(~~2~~)(I) of this section. Beds that are 33100  
not approved for redistribution during the second phase of a 33101  
review period shall not be available for redistribution at any 33102  
future time. 33103

**Sec. 3702.594.** (A) The director of health shall accept, for 33104  
review under section 3702.52 of the Revised Code, certificate of 33105  
need applications for an increase in beds in an existing nursing 33106  
home if all of the following conditions are met: 33107

(1) The proposed increase is attributable solely to a 33108  
relocation of licensed nursing home beds from an existing nursing 33109  
home to another existing nursing home located in a county that is 33110  
contiguous to the county from which the beds are to be relocated; 33111

(2) Not more than a total of thirty nursing home beds are 33112  
proposed for relocation to the same existing nursing home 33113  
regardless of the number of applications filed. Once the 33114  
cumulative total of beds relocated under this section to a nursing 33115  
home reaches thirty, no further applications under this section 33116  
will be accepted until the period of monitoring specified in 33117  
division (E) of section 3702.52 of the Revised Code of the most 33118  
recent reviewable activity implemented under this section has 33119  
expired; 33120

(3) After the proposed relocation, there will be existing 33121  
nursing home beds remaining in the county from which the beds are 33122  
relocated; 33123

(4) The beds are proposed to be licensed as nursing home beds 33124  
under Chapter 3721. of the Revised Code. 33125

(B) The director shall accept applications described in 33126  
division (A) of this section at any time. 33127

**Sec. 3702.60.** (A) Any affected person may appeal a 33128  
reviewability ruling ~~issued on or after April 20, 1995,~~ to the 33129  
director of health in accordance with Chapter 119. of the Revised 33130  
Code, and the director shall provide an adjudication hearing in 33131  
accordance with that chapter. An affected person may appeal the 33132  
director's ruling in the adjudication hearing to the tenth 33133  
district court of appeals. 33134

(B) The certificate of need applicant or another affected 33135  
person may appeal to the director in accordance with Chapter 119. 33136  
of the Revised Code a decision issued by the director ~~on or after~~ 33137  
~~April 20, 1995,~~ to grant or deny a certificate of need application 33138  
~~for which an adjudication hearing was not conducted under section~~ 33139  
~~3702.52 of the Revised Code,~~ and the director shall provide an 33140  
adjudication hearing in accordance with that chapter. The 33141  
certificate of need applicant or other affected person that 33142  
appeals the director's decision to grant or deny a certificate of 33143  
need application must prove by a preponderance of the evidence 33144  
that the director's decision is not in accordance with sections 33145  
3702.52 to 3702.62 of the Revised Code or rules adopted under 33146  
those sections. The certificate of need applicant or an affected 33147  
person that was a party to and participated in an adjudication 33148  
hearing conducted under this division ~~or section 3702.52 of the~~ 33149  
~~Revised Code~~ may appeal to the tenth district court of appeals the 33150  
decision issued by the director following the adjudication 33151  
hearing. ~~No person may appeal to the director or a court the~~ 33152  
~~director's granting of a certificate of need prior to June 30,~~ 33153  
~~1995, under the version of section 3702.52 of the Revised Code in~~ 33154

~~effect immediately prior to that date due to failure to submit 33155  
timely written objections, no person may appeal to the director or 33156  
a court the director's granting of a certificate of need under 33157  
division (C)(1) of section 3702.52 of the Revised Code. 33158~~

(C) The certificate of need holder may appeal to the director 33159  
in accordance with Chapter 119. of the Revised Code a decision 33160  
issued by the director under section 3702.52 or ~~3702.526~~ 3702.525 33161  
of the Revised Code ~~on or after April 20, 1995,~~ to withdraw a 33162  
certificate of need, and the director shall provide an 33163  
adjudication hearing in accordance with that chapter. The person 33164  
may appeal the director's ruling in the adjudication hearing to 33165  
the tenth district court of appeals. 33166

(D) Any person determined by the director to have violated 33167  
section 3702.53 of the Revised Code may appeal that determination, 33168  
or the penalties imposed under section 3702.54 or 3702.541 of the 33169  
Revised Code, to the director in accordance with Chapter 119. of 33170  
the Revised Code, and the director shall provide an adjudication 33171  
hearing in accordance with that chapter. The person may appeal the 33172  
director's ruling in the adjudication hearing to the tenth 33173  
district court of appeals. 33174

(E) Each person appealing under this section to the director 33175  
shall file with the director, not later than thirty days after the 33176  
decision, ruling, or determination of the director was mailed, a 33177  
notice of appeal designating the decision, ruling, or 33178  
determination appealed from. 33179

(F) Each person appealing under this section to the tenth 33180  
district court of appeals shall file with the court, not later 33181  
than thirty days after the date the director's adjudication order 33182  
was mailed, a notice of appeal designating the order appealed 33183  
from. The appellant also shall file notice with the director not 33184  
later than thirty days after the date the order was mailed. 33185

(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. 33218

(H) No person may intervene in an appeal brought under this section. 33219  
33220

**Sec. 3702.62.** ~~(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.~~ 33221  
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~~(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 Sections 3702.51 to 3702.61 of the Revised Code 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.~~ 33228  
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**Sec. 3703.01.** (A) Except as otherwise provided in this section, the division of ~~labor~~ industrial compliance in the department of commerce shall do all of the following: 33240  
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(1) Inspect all nonresidential buildings within the meaning of section 3781.06 of the Revised Code; 33243  
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(2) Condemn all unsanitary or defective plumbing that is found in connection with those places; 33245  
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(3) Order changes in plumbing necessary to insure the safety 33247

of the public health. 33248

(B)(1)(a) The division of ~~labor~~ industrial compliance, boards 33249  
of health of city and general health districts, and county 33250  
building departments shall not inspect plumbing or collect fees 33251  
for inspecting plumbing in particular types of buildings in any 33252  
municipal corporation that is certified by the board of building 33253  
standards under section 3781.10 of the Revised Code to exercise 33254  
enforcement authority for plumbing in those types of buildings. 33255

(b) The division shall not inspect plumbing or collect fees 33256  
for inspecting plumbing in particular types of buildings in any 33257  
health district that employs one or more plumbing inspectors 33258  
certified pursuant to division (D) of this section to enforce 33259  
Chapters 3781. and 3791. of the Revised Code and the rules adopted 33260  
pursuant to those chapters relating to plumbing in those types of 33261  
buildings. 33262

(c) The division shall not inspect plumbing or collect fees 33263  
for inspecting plumbing in particular types of buildings in any 33264  
health district where the county building department is authorized 33265  
to inspect those types of buildings pursuant to a contract 33266  
described in division (C)(1) of this section. 33267

(d) The division shall not inspect plumbing or collect fees 33268  
for inspecting plumbing in particular types of buildings in any 33269  
health district where the board of health has entered into a 33270  
contract with the board of health of another district to conduct 33271  
inspections pursuant to division (C)(2) of this section. 33272

(2) No county building department shall inspect plumbing or 33273  
collect fees for inspecting plumbing in any type of building in a 33274  
health district unless the department is authorized to inspect 33275  
that type of building pursuant to a contract described in division 33276  
(C)(1) of this section. 33277

(3) No municipal corporation shall inspect plumbing or 33278



collect fees for inspecting plumbing in types of buildings for 33279  
which it is not certified by the board of building standards under 33280  
section 3781.10 of the Revised Code to exercise enforcement 33281  
authority. 33282

(4) No board of health of a health district shall inspect 33283  
plumbing or collect fees for inspecting plumbing in types of 33284  
buildings for which it does not have a plumbing inspector 33285  
certified pursuant to division (D) of this section. 33286

(C)(1) The board of health of a health district may enter 33287  
into a contract with a board of county commissioners to authorize 33288  
the county building department to inspect plumbing in buildings 33289  
within the health district. The contract may designate that the 33290  
department inspect either residential or nonresidential buildings, 33291  
as those terms are defined in section 3781.06 of the Revised Code, 33292  
or both types of buildings, so long as the department employs or 33293  
contracts with a plumbing inspector certified pursuant to division 33294  
(D) of this section to inspect the types of buildings the contract 33295  
designates. The board of health may enter into a contract 33296  
regardless of whether the health district employs any certified 33297  
plumbing inspectors to enforce Chapters 3781. and 3791. of the 33298  
Revised Code. 33299

(2) The board of health of a health district, regardless of 33300  
whether it employs any certified plumbing inspectors to enforce 33301  
Chapters 3781. and 3791. of the Revised Code, may enter into a 33302  
contract with the board of health of another health district to 33303  
authorize that board to inspect plumbing in buildings within the 33304  
contracting board's district. The contract may designate the 33305  
inspection of either residential or nonresidential buildings as 33306  
defined in section 3781.06 of the Revised Code, or both types of 33307  
buildings, so long as the board that performs the inspections 33308  
employs a plumbing inspector certified pursuant to division (D) of 33309  
this section to inspect the types of buildings the contract 33310

designates. 33311

(D) The superintendent of ~~labor~~ industrial compliance shall 33312  
adopt rules prescribing minimum qualifications based on education, 33313  
training, experience, or demonstrated ability, that the 33314  
superintendent shall use in certifying or recertifying plumbing 33315  
inspectors to do plumbing inspections for health districts and 33316  
county building departments that are authorized to perform 33317  
inspections pursuant to a contract under division (C)(1) of this 33318  
section, and for continuing education of plumbing inspectors. 33319  
Those minimum qualifications shall be related to the types of 33320  
buildings for which a person seeks certification. 33321

(E) The superintendent may enter into reciprocal 33322  
registration, licensure, or certification agreements with other 33323  
states and other agencies of this state relative to plumbing 33324  
inspectors if both of the following apply: 33325

(1) The requirements for registration, licensure, or 33326  
certification of plumbing inspectors under the laws of the other 33327  
state or laws administered by the other agency are substantially 33328  
equal to the requirements the superintendent adopts under division 33329  
(D) of this section for certifying plumbing inspectors. 33330

(2) The other state or agency extends similar reciprocity to 33331  
persons certified under this chapter. 33332

(F) The superintendent may select and contract with one or 33333  
more persons to do all of the following regarding examinations for 33334  
certification of plumbing inspectors: 33335

(1) Prepare, administer, score, and maintain the 33336  
confidentiality of the examination; 33337

(2) Maintain responsibility for all expenses required to 33338  
comply with division (F)(1) of this section; 33339

(3) Charge each applicant a fee for administering the 33340

examination in an amount the superintendent authorizes; 33341

(4) Design the examination for certification of plumbing 33342  
inspectors to determine an applicant's competence to inspect 33343  
plumbing. 33344

(G) Standards and methods prescribed in local plumbing 33345  
regulations shall not be less than those prescribed in Chapters 33346  
3781. and 3791. of the Revised Code and the rules adopted pursuant 33347  
to those chapters. 33348

(H) Notwithstanding any other provision of this section, the 33349  
division shall make a plumbing inspection of any building or other 33350  
place that there is reason to believe is in a condition to be a 33351  
menace to the public health. 33352

**Sec. 3703.03.** In the administration of sections 3703.01 to 33353  
3703.08 of the Revised Code, the division of ~~labor~~ industrial 33354  
compliance shall enforce rules governing plumbing adopted by the 33355  
board of building standards under authority of sections 3781.10 33356  
and 3781.11 of the Revised Code, and register those persons 33357  
engaged in or at the plumbing business. 33358

Plans and specifications for all plumbing to be installed in 33359  
or for buildings coming within such sections shall be submitted to 33360  
and approved by the division before the contract for plumbing is 33361  
let. 33362

**Sec. 3703.04.** The superintendent of ~~labor~~ industrial 33363  
compliance shall appoint such number of plumbing inspectors as is 33364  
required. The inspectors shall be practical plumbers with at least 33365  
seven years' experience, and skilled and well-trained in matters 33366  
pertaining to sanitary regulations concerning plumbing work. 33367

**Sec. 3703.05.** Plumbing inspectors employed by the division of 33368  
~~labor~~ industrial compliance assigned to the enforcement of 33369

sections 3703.01 to 3703.08 of the Revised Code may, between 33370  
sunrise and sunset, enter any building where there is good and 33371  
sufficient reason to believe that the sanitary condition of the 33372  
premises endangers the public health, for the purpose of making an 33373  
inspection to ascertain the condition of the premises. 33374

**Sec. 3703.06.** When any building is found to be in a sanitary 33375  
condition or when changes which are ordered, under authority of 33376  
this chapter, in the plumbing, drainage, or ventilation have been 33377  
made, and after a thorough inspection and approval by the 33378  
superintendent of ~~labor~~ industrial compliance, the superintendent 33379  
shall issue a certificate, which shall be posted in a conspicuous 33380  
place for the benefit of the public at large. Upon notification by 33381  
the superintendent, the certificate shall be revoked for any 33382  
violation of those sections. 33383

**Sec. 3703.07.** No plumbing work shall be done in any building 33384  
or place coming within the jurisdiction of the division of ~~labor~~ 33385  
industrial compliance, except in cases of repairs or leaks in 33386  
existing plumbing, until a permit has been issued by the division. 33387

Before granting such permit, an application shall be made by 33388  
the owner of the property or by the person, firm, or corporation 33389  
which is to do the work. The application shall be made on a form 33390  
prepared by the division for the purpose, and each application 33391  
shall be accompanied by a fee of twenty-seven dollars, and an 33392  
additional fee of seven dollars for each trap, vented fixture, 33393  
appliance, or device. Each application also shall be accompanied 33394  
by a plan approval fee of eighteen dollars for work containing one 33395  
through twenty fixtures; thirty-six dollars for work containing 33396  
twenty-one through forty fixtures; and fifty-four dollars for work 33397  
containing forty-one or more fixtures. 33398

Whenever a reinspection is made necessary by the failure of 33399

the applicant or plumbing contractor to have the work ready for 33400  
inspection when so reported, or by reason of faulty or improper 33401  
installation, the person shall pay a fee of forty-five dollars for 33402  
each reinspection. 33403

All fees collected pursuant to this section shall be paid 33404  
into the state treasury to the credit of the ~~labor~~ industrial 33405  
compliance operating fund created in section 121.084 of the 33406  
Revised Code. 33407

The superintendent of ~~labor~~ industrial compliance, by rule 33408  
adopted in accordance with Chapter 119. of the Revised Code, may 33409  
increase the fees required by this section and may establish fees 33410  
to pay the costs of the division to fulfill its duties established 33411  
by this chapter, including, but not limited to, fees for 33412  
administering a program for continuing education for, and 33413  
certifying and recertifying plumbing inspectors. The fees shall 33414  
bear some reasonable relationship to the cost of administering and 33415  
enforcing the provisions of this chapter. 33416

**Sec. 3703.08.** Any owner, agent, or manager of a building in 33417  
which an inspection is made by the division of ~~labor~~ industrial 33418  
compliance, a board of health of a health district, or a certified 33419  
department of building inspection of a municipal corporation or a 33420  
county shall have the entire system of drainage and ventilation 33421  
repaired, as the division, board of health, or department of 33422  
building inspection directs by its order. After due notice to 33423  
repair that work is given, the owner, agent, or manager shall 33424  
notify the public authority that issued the order when the work is 33425  
ready for its inspection. No person shall fail to have the work 33426  
ready for inspection at the time specified in the notice. 33427

**Sec. 3703.10.** All prosecutions and proceedings by the 33428  
division of ~~labor~~ industrial compliance for the violation of 33429

sections 3703.01 to 3703.08 of the Revised Code, or for the 33430  
violation of any of the orders or rules of the division under 33431  
those sections, shall be instituted by the superintendent of ~~labor~~ 33432  
industrial compliance. All fines or judgments collected by the 33433  
division shall be paid into the state treasury to the credit of 33434  
the ~~labor~~ industrial compliance operating fund created by section 33435  
121.084 of the Revised Code. 33436

The superintendent, the board of health of a general or city 33437  
health district, or any person charged with enforcing the rules of 33438  
the division adopted under sections 3703.01 to 3703.08 of the 33439  
Revised Code may petition the court of common pleas for injunctive 33440  
or other appropriate relief requiring any person violating a rule 33441  
adopted or order issued by the superintendent under those sections 33442  
to comply with the rule or order. The court of common pleas of the 33443  
county in which the offense is alleged to be occurring may grant 33444  
injunctive or other appropriate relief. 33445

The superintendent may do all of the following: 33446

(A) Deny an applicant certification as a plumbing inspector; 33447

(B) Suspend or revoke the certification of a plumbing 33448  
inspector; 33449

(C) Examine any certified plumbing inspector under oath; 33450

(D) Examine the records and books of any certified plumbing 33451  
inspector if the superintendent finds the material to be examined 33452  
relevant to a determination described in division (A), (B), or (C) 33453  
of this section. 33454

**Sec. 3703.21.** (A) Within ninety days after September 16, 33455  
2004, the superintendent of ~~labor~~ industrial compliance shall 33456  
appoint a backflow advisory board consisting of not more than ten 33457  
members, who shall serve at the pleasure of the superintendent. 33458  
The superintendent shall appoint a representative from the 33459

plumbing section of the division of ~~labor~~ industrial compliance, 33460  
three representatives recommended by the plumbing administrator of 33461  
the division of ~~labor~~ industrial compliance, a representative of 33462  
the drinking water program of the Ohio environmental protection 33463  
agency, three representatives recommended by the director of 33464  
environmental protection, and not more than two members who are 33465  
not employed by the plumbing or water industry. 33466

The board shall advise the superintendent on matters 33467  
pertaining to the training and certification of backflow 33468  
technicians. 33469

(B) The superintendent shall adopt rules in accordance with 33470  
Chapter 119. of the Revised Code to provide for the certification 33471  
of backflow technicians. The rules shall establish all of the 33472  
following requirements, specifications, and procedures: 33473

(1) Requirements and procedures for the initial certification 33474  
of backflow technicians, including eligibility criteria and 33475  
application requirements and fees; 33476

(2) Specifications concerning and procedures for taking 33477  
examinations required for certification as a backflow technician, 33478  
including eligibility criteria to take the examination and 33479  
application requirements and fees for taking the examination; 33480

(3) Specifications concerning and procedures for renewing a 33481  
certification as a backflow technician, including eligibility 33482  
criteria, application requirements, and fees for renewal; 33483

(4) Specifications concerning and procedures for both of the 33484  
following: 33485

(a) Approval of training agencies authorized to teach 33486  
required courses to candidates for certification as backflow 33487  
technicians or continuing education courses to certified backflow 33488  
technicians; 33489

(b) Renewal of the approval described in division (B)(4)(a) of this section.	33490 33491
(5) Education requirements that candidates for initial certification as backflow technicians must satisfy and continuing education requirements that certified backflow technicians must satisfy;	33492 33493 33494 33495
(6) Grounds and procedures for denying, suspending, or revoking certification, or denying the renewal of certification, as a backflow technician;	33496 33497 33498
(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;	33499 33500 33501 33502 33503
(8) Any provision the superintendent determines is necessary to administer or enforce this section.	33504 33505
(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.	33506 33507 33508 33509 33510 33511
(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.	33512 33513 33514 33515 33516 33517 33518 33519
(E) Any action taken under a rule adopted pursuant to	33520



division (B)(6) of this section is subject to the appeal process 33521  
of Chapter 119. of the Revised Code. An administrative order 33522  
issued pursuant to rules adopted under division (B)(7) of this 33523  
section and an appeal to that type of administrative order shall 33524  
be executed in accordance with Chapter 119. of the Revised Code. 33525

(F) As used in this section: 33526

(1) "Isolation backflow prevention device" means a device for 33527  
the prevention of the backflow of liquids, solids, or gases that 33528  
is regulated by the building code adopted pursuant to section 33529  
3781.10 of the Revised Code and rules adopted pursuant to this 33530  
section. 33531

(2) "Containment backflow prevention device" means a device 33532  
for the prevention of the backflow of liquids, solids, or gases 33533  
that is installed by the supplier of, or as a requirement of, any 33534  
public water system as defined in division (A) of section 6109.01 33535  
of the Revised Code. 33536

**Sec. 3703.99.** Whoever violates sections 3703.01 to 3703.08 of 33537  
the Revised Code, or any rule the division of ~~labor~~ industrial 33538  
compliance is required to enforce under such sections, shall be 33539  
fined not less than ten nor more than one hundred dollars or 33540  
imprisoned for not less than ten nor more than ninety days, or 33541  
both. No person shall be imprisoned under this section for the 33542  
first offense, and the prosecution always shall be as for a first 33543  
offense unless the affidavit upon which the prosecution is 33544  
instituted contains the allegation that the offense is a second or 33545  
repeated offense. 33546

**Sec. 3704.035.** (A) There is hereby created in the state 33547  
treasury the Title V clean air fund. Except as otherwise provided 33548  
in division (K) of section 3745.11 of the Revised Code, all moneys 33549  
collected under ~~divisions (C), (D), (F), (G), (H), (I), and (J)~~ 33550

~~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 33583  
conditions of permits, variances, and orders issued under those 33584  
laws. However, the director shall not expend money credited to the 33585  
fund for the administration and enforcement of the Title V permit 33586  
program established under this chapter and rules adopted under it 33587  
or motor vehicle inspection and maintenance programs established 33588  
under sections 3704.14, 3704.141, 3704.16, 3704.161, and 3704.162 33589  
of the Revised Code. 33590

(C) The director shall report biennially to the general 33591  
assembly the amounts of fees and other moneys credited to the ~~fund~~ 33592  
funds under this section and the amounts expended from ~~it~~ them for 33593  
each of the various air pollution control programs. 33594

**Sec. 3705.24.** (A)(1) The ~~public director of health council~~ 33595  
shall, in accordance with section 111.15 of the Revised Code, 33596  
adopt rules prescribing fees for the following items or services 33597  
provided by the state office of vital statistics: 33598

(a) Except as provided in division (A)(4) of this section: 33599

(i) A certified copy of a vital record or a certification of 33600  
birth; 33601

(ii) A search by the office of vital statistics of its files 33602  
and records pursuant to a request for information, regardless of 33603  
whether a copy of a record is provided; 33604

(iii) A copy of a record provided pursuant to a request. 33605

(b) Replacement of a birth certificate following an adoption, 33606  
legitimation, paternity determination or acknowledgement, or court 33607  
order; 33608

(c) Filing of a delayed registration of a vital record; 33609

(d) Amendment of a vital record that is requested later than 33610  
one year after the filing date of the vital record; 33611

(e) Any other documents or services for which the ~~public~~ 33612  
~~health council~~ director considers the charging of a fee 33613  
appropriate. 33614

(2) Fees prescribed under division (A)(1)(a) of this section 33615  
shall not be less than twelve dollars. 33616

(3) Fees prescribed under division (A)(1) of this section 33617  
shall be collected in addition to any fees required by sections 33618  
3109.14 and 3705.242 of the Revised Code. 33619

(4) Fees prescribed under division (A) of this section shall 33620  
not apply to certifications issued under division (H) of this 33621  
section or copies provided under section 3705.241 of the Revised 33622  
Code. 33623

(B) In addition to the fees prescribed under division (A) of 33624  
this section or section 3709.09 of the Revised Code, the office of 33625  
vital statistics, the board of health of a city or general health 33626  
district, or a local registrar of vital statistics who is not a 33627  
salaried employee of a city or general health district shall 33628  
charge a five-dollar fee for each certified copy of a vital record 33629  
and each certification of birth. This fee shall be deposited in 33630  
the general operations fund created under section 3701.83 of the 33631  
Revised Code and be used to support the operations, the 33632  
modernization, and the automation of the vital records program in 33633  
this state. A board of health or a local registrar shall forward 33634  
all fees collected under this division to the department of health 33635  
not later than thirty days after the end of each calendar quarter. 33636

(C) Except as otherwise provided in division (H) of this 33637  
section, and except as provided in section 3705.241 of the Revised 33638  
Code, fees collected by the director of health under sections 33639  
3705.01 to 3705.29 of the Revised Code shall be paid into the 33640  
state treasury to the credit of the general operations fund 33641  
created by section 3701.83 of the Revised Code. Except as provided 33642

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 and less than one hundred twenty-five thousand, eighty cents; 33674  
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(4) In primary registration districts of less than fifty thousand, one dollar. 33676  
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(E) The director of health shall annually certify to the county treasurers of the several counties the number of birth, fetal death, death, and military service certificates registered from their respective counties with the names of the local registrars and the amounts due each registrar and health district at the rates fixed in this section. Such amounts shall be paid by the treasurer of the county in which the registration districts are located. No fees shall be charged or collected by registrars except as provided by this chapter and section 3109.14 of the Revised Code. 33678  
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(F) A probate judge shall be paid a fee of fifteen cents for each certified abstract of marriage prepared and forwarded by the probate judge to the department of health pursuant to section 3705.21 of the Revised Code. The fee shall be in addition to the fee paid for a marriage license and shall be paid by the applicants for the license. 33688  
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(G) The clerk of a court of common pleas shall be paid a fee of one dollar for each certificate of divorce, dissolution, and annulment of marriage prepared and forwarded by the clerk to the department pursuant to section 3705.21 of the Revised Code. The fee for the certified abstract of divorce, dissolution, or annulment of marriage shall be added to the court costs allowed in these cases. 33694  
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(H) The fee for an heirloom certification of birth issued pursuant to division (B)(2) of section 3705.23 of the Revised Code shall be an amount prescribed by rule by the director of health plus any fee required by section 3109.14 of the Revised Code. In 33701  
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setting the amount of the fee, the director shall establish a 33705  
surcharge in addition to an amount necessary to offset the expense 33706  
of processing heirloom certifications of birth. The fee prescribed 33707  
by the director of health pursuant to this division shall be 33708  
deposited into the state treasury to the credit of the heirloom 33709  
certification of birth fund which is hereby created. Money 33710  
credited to the fund shall be used by the office of vital 33711  
statistics to offset the expense of processing heirloom 33712  
certifications of birth. However, the money collected for the 33713  
surcharge, subject to the approval of the controlling board, shall 33714  
be used for the purposes specified by the family and children 33715  
first council pursuant to section 121.37 of the Revised Code. 33716

(I)(1) Four dollars of each fee collected by the board of 33717  
health of a city or general health district for a certified copy 33718  
of a vital record or a certification of birth shall be transferred 33719  
to the office of vital statistics not later than thirty days after 33720  
the end of each calendar quarter. The amount collected shall be 33721  
used to support public health systems. Of each four dollars 33722  
collected, one dollar shall be used by the director of health to 33723  
pay subsidies to boards of health. The subsidies shall be 33724  
distributed in accordance with the same formula established under 33725  
section 3701.342 of the Revised Code for the distribution of state 33726  
health district subsidy funds to boards of health and local health 33727  
departments. 33728

(2) Four dollars of each fee collected by a local registrar 33729  
of vital statistics who is not a salaried employee of a city or 33730  
general health district, for a certified copy of a vital record or 33731  
certification of birth, shall be transferred to the office of 33732  
vital statistics not later than thirty days after the end of each 33733  
calendar quarter. The amount collected shall be used to support 33734  
public health systems. 33735

**Sec. 3705.242.** (A)(1) The director of health, a person 33736  
authorized by the director, a local commissioner of health, or a 33737  
local registrar of vital statistics shall charge and collect a fee 33738  
of one dollar and fifty cents for each certified copy of a birth 33739  
record, each certification of birth, and each copy of a death 33740  
record. The fee is in addition to the fee imposed by section 33741  
3705.24 or any other section of the Revised Code. A local 33742  
commissioner of health or local registrar of vital statistics may 33743  
retain an amount of each additional fee collected, not to exceed 33744  
three per cent of the amount of the additional fee, to be used for 33745  
costs directly related to the collection of the fee and the 33746  
forwarding of the fee to the ~~treasurer of state~~ department of 33747  
health. The 33748

The additional fees collected by the director of health or a 33749  
person authorized by the director and the additional fees 33750  
collected, but not retained, under division (A)(1) of this section 33751  
by a local commissioner of health or a local registrar of vital 33752  
statistics shall be forwarded to the ~~treasurer of state~~ department 33753  
of health not later than thirty days following the end of each 33754  
quarter. Not later than two days after the fees are forwarded to 33755  
the department each quarter, the department shall pay the 33756  
collected fees to the treasurer of state in accordance with rules 33757  
adopted by the treasurer of state under section 113.08 of the 33758  
Revised Code. 33759

(2) On the filing of a divorce decree under section 3105.10 33760  
or a decree of dissolution under section 3105.65 of the Revised 33761  
Code, a court of common pleas shall charge and collect a fee of 33762  
five dollars and fifty cents. The fee is in addition to any other 33763  
court costs or fees. The county clerk of courts may retain an 33764  
amount of each additional fee collected, not to exceed three per 33765  
cent of the amount of the additional fee, to be used for costs 33766  
directly related to the collection of the fee and the forwarding 33767



of the fee to the treasurer of state. The additional fees 33768  
collected, but not retained, under division (A)(2) of this section 33769  
shall be forwarded to the treasurer of state not later than twenty 33770  
days following the end of each month. 33771

(B) The treasurer of state shall deposit the fees paid or 33772  
forwarded under this section in the state treasury to the credit 33773  
of the family violence prevention fund, which is hereby created. A 33774  
person or government entity that fails to pay or forward the fees 33775  
in a timely manner, as determined by the treasurer of state, shall 33776  
~~forward~~ send to the treasurer of state, in addition to the fees, a 33777  
penalty equal to ten per cent of the fees. 33778

The treasurer of state shall invest the moneys in the fund. 33779  
All earnings resulting from investment of the fund shall be 33780  
credited to the fund, except that actual administration costs 33781  
incurred by the treasurer of state in administering the fund may 33782  
be deducted from the earnings resulting from investments. The 33783  
amount that may be deducted shall not exceed three per cent of the 33784  
total amount of fees credited to the fund in each fiscal year. The 33785  
balance of the investment earnings shall be credited to the fund. 33786

(C) The director of public safety shall use money credited to 33787  
the fund to provide grants to family violence shelters in Ohio and 33788  
to operate the division of criminal justice services. 33789

**Sec. 3705.30.** (A) As used in this section: 33790

(1) "Freestanding birthing center" has the same meaning as in 33791  
section ~~3702.51~~ 3702.141 of the Revised Code. 33792

(2) "Hospital" means a hospital classified under section 33793  
3701.07 of the Revised Code as a general hospital or children's 33794  
hospital. 33795

(3) "Physician" means an individual authorized under Chapter 33796  
4731. of the Revised Code to practice medicine and surgery or 33797

osteopathic medicine and surgery. 33798

(B) The director of health shall establish and, if funds for 33799  
this purpose are available, implement a statewide birth defects 33800  
information system for the collection of information concerning 33801  
congenital anomalies, stillbirths, and abnormal conditions of 33802  
newborns. 33803

(C) If the system is implemented under division (B) of this 33804  
section, all of the following apply: 33805

(1) The director may require each physician, hospital, and 33806  
freestanding birthing center to report to the system information 33807  
concerning all patients under five years of age with a primary 33808  
diagnosis of a congenital anomaly or abnormal condition. The 33809  
director shall not require a hospital, freestanding birthing 33810  
center, or physician to report to the system any information that 33811  
is reported to the director or department of health under another 33812  
provision of the Revised Code or Administrative Code. 33813

(2) On request, each physician, hospital, and freestanding 33814  
birthing center shall give the director or authorized employees of 33815  
the department of health access to the medical records of any 33816  
patient described in division (C)(1) of this section. The 33817  
department shall pay the costs of copying any medical records 33818  
pursuant to this division. 33819

(3) The director may review vital statistics records and 33820  
shall consider expanding the list of congenital anomalies and 33821  
abnormal conditions of newborns reported on birth certificates 33822  
pursuant to section 3705.08 of the Revised Code. 33823

(D) A physician, hospital, or freestanding birthing center 33824  
that provides information to the system under division (C) of this 33825  
section shall not be subject to criminal or civil liability for 33826  
providing the information. 33827

**Sec. 3706.19.** (A) There is hereby created in the Ohio air 33828  
quality development authority the office of ~~ombudsman~~ ombudsperson 33829  
for the small business stationary source technical and 33830  
environmental compliance assistance program created under section 33831  
3704.18 of the Revised Code. The office shall exercise its duties 33832  
independently of any other state agency. 33833

(B) ~~Not later than one year after the effective date of this~~ 33834  
~~section, the~~ The governor, with the advice and consent of the 33835  
senate, shall appoint the ~~initial ombudsman~~ ombudsperson. The 33836  
~~ombudsman~~ ombudsperson shall serve for a term of four years. The 33837  
person who is appointed to serve as the ~~ombudsman~~ ombudsperson 33838  
shall be experienced in management and in working with private 33839  
enterprise and government entities, knowledgeable in the areas of 33840  
arbitration and negotiation, experienced in interpreting statutory 33841  
and regulatory law, and knowledgeable in investigation techniques 33842  
and procedures, recordkeeping, and report writing. The ~~ombudsman~~ 33843  
ombudsperson may be the highest ranking managerial employee of the 33844  
authority. 33845

(C) The ~~ombudsman~~ ombudsperson shall do all of the following: 33846

(1) Ensure that the goals of the program are being met; 33847

(2) Conduct independent evaluations of all aspects of the 33848  
program; 33849

(3) Review the development and implementation of air 33850  
pollution control requirements that have an impact on small 33851  
businesses in the state and provide comments and recommendations, 33852  
as appropriate, to the environmental protection agency and the 33853  
United States environmental protection agency; 33854

(4) Facilitate and promote the participation of small 33855  
businesses in the development of rules to be adopted under Chapter 33856  
3704. of the Revised Code that affect small businesses; 33857

(5) Aid in the dissemination of information, including air pollution requirements and control technologies, to small businesses and other interested persons;	33858 33859 33860
(6) Provide free, confidential assistance on individual source problems and grievances presented by small businesses;	33861 33862
(7) Aid in investigating and resolving complaints against, and disputes involving, the agency from small businesses;	33863 33864
(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;	33865 33866 33867 33868 33869
(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;	33870 33871 33872
(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;	33873 33874 33875 33876
(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;	33877 33878 33879
(12) Conduct studies to evaluate the impacts of the federal Clean Air Act on the state's economy, local economies, and small businesses.	33880 33881 33882
(D) There is hereby created in the state treasury the small business <del>ombudsman</del> <u>ombudsperson</u> fund, which shall consist of moneys transferred to it from the <u>Title V</u> 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.	33883 33884 33885 33886 33887

The director of environmental protection and the executive 33888  
director of the authority annually shall determine the amount of 33889  
moneys necessary for the operation of the office of the ~~ombudsman~~ 33890  
ombudsperson. Thereafter, the director shall request the director 33891  
of budget and management to, and that director shall, transfer 33892  
that amount of moneys from the Title V clean air fund to the small 33893  
business ~~ombudsman~~ ombudsperson fund. 33894

(E) There is hereby created in the state treasury the small 33895  
business assistance fund, which shall consist of moneys credited 33896  
to it under division (K) of section 3745.11 of the Revised Code. 33897  
The ~~ombudsman~~ ombudsperson shall use moneys in the fund solely to 33898  
provide financial assistance to small businesses that have one 33899  
hundred or fewer employees and that are having financial 33900  
difficulty complying with the "Clean Air Act Amendments of 1990," 33901  
104 Stat. 2399, 42 U.S.C.A. 7401, and regulations adopted under 33902  
it. 33903

In accordance with Chapter 119. of the Revised Code, the 33904  
~~ombudsman~~ ombudsperson shall adopt rules establishing procedures 33905  
and requirements governing grants awarded under this division. 33906

**Sec. 3709.03.** (A) There is hereby created in each general 33907  
health district a district advisory council. A council shall 33908  
consist of the president of the board of county commissioners, the 33909  
chief executive of each municipal corporation not constituting a 33910  
city health district, and the president of the board of township 33911  
trustees of each township. The board of county commissioners, the 33912  
legislative body of a municipal corporation, and the board of 33913  
township trustees of a township may select an alternate from among 33914  
themselves to serve if the president, the chief executive, or the 33915  
president of the board of township trustees is unable to attend 33916  
any meeting of the district advisory council. When attending a 33917  
meeting on behalf of a council member, the alternate may vote on 33918

any matter on which the member is authorized to vote. 33919

The council shall organize by selecting a chair and secretary 33920  
from among its members. The council shall adopt bylaws governing 33921  
its meetings, the transaction of business, and voting procedures. 33922

The council shall meet annually in March at a place 33923  
determined by the chair and the health commissioner for the 33924  
purpose of electing the chair and the secretary, making necessary 33925  
appointments to the board of health, receiving and considering the 33926  
annual or special reports from the board of health, and making 33927  
recommendations to the board of health or to the department of 33928  
health in regard to matters for the betterment of health and 33929  
sanitation within the district or for needed legislation. The 33930  
secretary of the council shall notify the district health 33931  
commissioner and the director of health of the proceedings of such 33932  
meeting. 33933

Special meetings of the council shall be held on the order of 33934  
any of the following: 33935

(1) The director of health; 33936

(2) The board of health; 33937

(3) The lesser of five or a majority of district advisory 33938  
council members. 33939

The district health commissioner shall attend all meetings of 33940  
the council. 33941

(B) The district advisory council shall appoint four members 33942  
of the board of health, and the remaining member shall be 33943  
appointed by the health district licensing council established 33944  
under section 3709.41 of the Revised Code. At least one member of 33945  
the board of health shall be a physician. Appointments shall be 33946  
made with due regard to equal representation of all parts of the 33947  
district. 33948

(C) If at an annual or special meeting at which a member of the board of health is to be appointed fewer than a majority of the members of the district council are present, the council, by the majority vote of council members present, may organize an executive committee to make the appointment. An executive committee shall consist of five council members, including the president of the board of county commissioners, the council chair, the council secretary, and two additional council members selected by majority affirmative vote of the council members present at the meeting. The additional members selected shall include one representative of municipal corporations in the district that are not city health districts and one representative of townships in the district. If an individual is eligible for more than one position on the executive committee due to holding a particular office, the individual shall fill one position on the committee and the other position shall be filled by a member selected by a majority affirmative vote of the council members present at the meeting. A council member's alternate for annual meetings may serve as the member's alternate at meetings of the executive committee.

Not later than thirty days after an executive committee is organized, the committee shall meet and the council chair shall present to the committee the matter of appointing a member of the board of health. The committee shall appoint the board member by majority affirmative vote. In the case of a combined health district, the executive committee shall appoint only members of the board of health that are to be appointed by the district advisory council, unless the contract for administration of health affairs in the combined district provides otherwise. If a majority affirmative vote is not reached within thirty days after the executive committee is organized, the director of health shall appoint the member of the board of health under the authority conferred by section 3709.03 of the Revised Code.

If the council fails to meet or appoint a member of the board 33982  
of health as required by this section or section 3709.02 of the 33983  
Revised Code, the director of health, ~~with the consent of the~~ 33984  
~~public health council,~~ may appoint the member. 33985

**Sec. 3709.04.** If in any general health district the district 33986  
advisory council fails to meet or to select a board of health, the 33987  
director of health may, ~~with the consent of the public health~~ 33988  
~~council,~~ appoint a board of health for such district which shall 33989  
have and exercise all powers conferred on a board of health of a 33990  
general health district. 33991

**Sec. 3709.06.** If any city fails to establish a board of 33992  
health under section 3709.05 of the Revised Code, the director of 33993  
health, ~~with the approval of the public health council,~~ may 33994  
appoint a health commissioner for such city, and fix ~~his~~ the 33995  
commissioner's salary and term of office. Such commissioner shall 33996  
have the same powers and perform the duties granted to or imposed 33997  
upon a board of health of a city health district, except that 33998  
rules, regulations, or orders of a general nature, made by ~~him~~ the 33999  
commissioner and required to be published, shall be approved by 34000  
the director. The salary of such commissioner and all necessary 34001  
expenses incurred by ~~him~~ the commissioner in performing the duties 34002  
of the board shall be paid by and be a valid claim against such 34003  
city. 34004

**Sec. 3709.085.** (A) The board of health of a city or general 34005  
health district may enter into a contract with any political 34006  
subdivision or other governmental agency to obtain or provide all 34007  
or part of any services, including, but not limited to, 34008  
enforcement services, for the purposes of Chapter 3704. of the 34009  
Revised Code, the rules adopted and orders made pursuant thereto, 34010  
or any other ordinances or rules for the prevention, control, and 34011



abatement of air pollution. 34012

(B)(1) As used in division (B)(2) of this section: 34013

(a) "Semipublic disposal system" means a disposal system that 34014  
treats the sanitary sewage discharged from publicly or privately 34015  
owned buildings or places of assemblage, entertainment, 34016  
recreation, education, correction, hospitalization, housing, or 34017  
employment, but does not include a disposal system that treats 34018  
sewage in amounts of more than twenty-five thousand gallons per 34019  
day; a disposal system for the treatment of sewage that is exempt 34020  
from the requirements of section 6111.04 of the Revised Code 34021  
pursuant to division (F)(7) of that section; or a disposal system 34022  
for the treatment of industrial waste. 34023

(b) Terms defined in section 6111.01 of the Revised Code have 34024  
the same meanings as in that section. 34025

(2) The board of health of a city or general health district 34026  
may enter into a contract with the environmental protection agency 34027  
to conduct on behalf of the agency inspection or enforcement 34028  
services, for the purposes of Chapter 6111. of the Revised Code 34029  
and rules adopted thereunder, for the disposal or treatment of 34030  
sewage from semipublic disposal systems. The board of health of a 34031  
city or general health district may charge a fee established 34032  
pursuant to section 3709.09 of the Revised Code to be paid by the 34033  
owner or operator of a semipublic disposal system for inspections 34034  
conducted by the board pursuant to a contract entered into under 34035  
division (B)(2) of this section, except that the board shall not 34036  
charge a fee for those inspections conducted at any recreational 34037  
vehicle park, recreation camp, or combined park-camp that is 34038  
licensed under section 3729.05 of the Revised Code or at any 34039  
manufactured home park that is licensed under section ~~3733.03~~ 34040  
4781.27 of the Revised Code. 34041

**Sec. 3709.09.** (A) The board of health of a city or general 34042

health district may, by rule, establish a uniform system of fees 34043  
to pay the costs of any services provided by the board. 34044

The fee for issuance of a certified copy of a vital record or 34045  
a certification of birth shall not be less than the fee prescribed 34046  
for the same service under division (A)(1) of section 3705.24 of 34047  
the Revised Code and shall include the fees required by division 34048  
(B) of section 3705.24 and section 3109.14 of the Revised Code. 34049

Fees for services provided by the board for purposes 34050  
specified in sections 3701.344, 3711.10, 3718.06, 3729.07, 34051  
3730.03, and 3749.04 of the Revised Code shall be established in 34052  
accordance with rules adopted under division (B) of this section. 34053  
The district advisory council, in the case of a general health 34054  
district, and the legislative authority of the city, in the case 34055  
of a city health district, may disapprove any fee established by 34056  
the board of health under this division, and any such fee, as 34057  
disapproved, shall not be charged by the board of health. 34058

(B) The ~~public director of health council~~ shall adopt rules 34059  
under section 111.15 of the Revised Code that establish fee 34060  
categories and a uniform methodology for use in calculating the 34061  
costs of services provided for purposes specified in sections 34062  
3701.344, 3711.10, 3718.06, 3729.07, 3730.03, and 3749.04 of the 34063  
Revised Code. In adopting the rules, the ~~public health council~~ 34064  
director shall consider recommendations it receives from advisory 34065  
boards established either by statute or the director ~~of health~~ for 34066  
entities subject to the fees. 34067

(C) Except when a board of health establishes a fee by 34068  
adopting a rule as an emergency measure, the board of health shall 34069  
hold a public hearing regarding each proposed fee for a service 34070  
provided by the board for a purpose specified in section 3701.344, 34071  
3711.10, 3718.06, 3729.07, 3730.03, or 3749.04 of the Revised 34072  
Code. If a public hearing is held, at least twenty days prior to 34073  
the public hearing the board shall give written notice of the 34074

hearing to each entity affected by the proposed fee. The notice 34075  
shall be mailed to the last known address of each entity and shall 34076  
specify the date, time, and place of the hearing and the amount of 34077  
the proposed fee. 34078

(D) If payment of a fee established under this section is not 34079  
received by the day on which payment is due, the board of health 34080  
shall assess a penalty. The amount of the penalty shall be equal 34081  
to twenty-five per cent of the applicable fee. 34082

(E) All rules adopted by a board of health under this section 34083  
shall be adopted, recorded, and certified as are ordinances of 34084  
municipal corporations and the record thereof shall be given in 34085  
all courts the same effect as is given such ordinances, but the 34086  
advertisements of such rules shall be by publication in one 34087  
newspaper of general circulation within the health district. 34088  
Publication shall be made once a week for two consecutive weeks or 34089  
as provided in section 7.16 of the Revised Code, and such rules 34090  
shall take effect and be in force ten days from the date of the 34091  
first publication. 34092

**Sec. 3709.092.** (A) A board of health of a city or general 34093  
health district shall transmit to the director of health all fees 34094  
or additional amounts that the ~~public health council~~ director 34095  
requires to be collected under sections 3701.344, 3718.06, 34096  
3729.07, and 3749.04 of the Revised Code. The fees and amounts 34097  
shall be transmitted according to the following schedule: 34098

(1) For fees and amounts received by the board on or after 34099  
the first day of January but not later than the thirty-first day 34100  
of March, transmit the fees and amounts not later than the 34101  
fifteenth day of May; 34102

(2) For fees and amounts received by the board on or after 34103  
the first day of April but not later than the thirtieth day of 34104  
June, transmit the fees and amounts not later than the fifteenth 34105

day of August; 34106

(3) For fees and amounts received by the board on or after 34107  
the first day of July but not later than the thirtieth day of 34108  
September, transmit the fees and amounts not later than the 34109  
fifteenth day of November; 34110

(4) For fees and amounts received by the board on or after 34111  
the first day of October but not later than the thirty-first day 34112  
of December, transmit the fees and amounts not later than the 34113  
fifteenth day of February of the following year. 34114

(B) The director shall deposit the fees and amounts received 34115  
under this section into the state treasury to the credit of the 34116  
general operations fund created in section 3701.83 of the Revised 34117  
Code. Each amount shall be used solely for the purpose for which 34118  
it was collected. 34119

**Sec. 3709.32.** The president of each board of health providing 34120  
health services in one or more health districts and the chief 34121  
executive officer of each health department providing health 34122  
services in one or more health districts shall, on or before the 34123  
first day of March of each year, certify the amounts expended 34124  
during the preceding calendar year which qualify for state health 34125  
district subsidy funds under section 3701.342 of the Revised Code 34126  
and rules ~~of adopted by the public director of health council~~. The 34127  
director of health shall certify the amount payable under the 34128  
state health district subsidy funds distribution formula adopted 34129  
by the ~~public director of health council~~ under section 3701.342 of 34130  
the Revised Code to the director of budget and management for 34131  
payment. Payment shall not be made unless: 34132

(A) The board or department has provided such information 34133  
concerning services and costs as is requested by the director of 34134  
health; 34135

(B) The certificate of the board of health or health department has been endorsed by the director of health; 34136  
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(C) The board or department has complied with section 3701.342 of the Revised Code and ~~public health council~~ rules adopted by the director of health; 34138  
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(D) The municipal corporations and townships composing the health district have provided adequate local funding for public health services. The ~~public~~ director of health ~~council~~ shall determine what constitutes adequate local funding, and may grant an exception to this requirement to a municipal corporation or township if unusually severe economic conditions prevent it from receiving adequate tax revenues to help support minimally acceptable public health services. 34141  
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No state health district subsidy funds shall be granted to any board or department that decreases its appropriation for public health services in anticipation of using state funds to provide public health services normally supported by local revenues. 34149  
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**Sec. 3709.35.** If the director of health ~~finds~~ charges that the health commissioner or a member of the board of health of a 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, 3707.08, 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. 34154  
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If the lesser of three or one-fifth of the members of a 34166

district advisory council have reason to believe a member of the 34167  
board of health of a general health district is guilty of 34168  
misfeasance, malfeasance, or nonfeasance or has failed to perform 34169  
any or all of the duties required by sections 3701.10, 3701.29, 34170  
3701.81, 3707.14, 3707.16, 3707.47, and 3709.01 to 3709.36 of the 34171  
Revised Code, the district advisory council members shall prefer a 34172  
charge against the board member before the district advisory 34173  
council and shall notify the board member as to the time and place 34174  
at which such charges will be heard. If a majority of the council, 34175  
after hearing, finds the board member guilty of the charge, it may 34176  
remove the member from office. 34177

When any member of the board of health of a general or city 34178  
health district is removed from office, the district advisory 34179  
council or the chief executive of the city, upon notice of such 34180  
removal, shall within thirty days after receipt of such notice 34181  
fill the vacancy in accordance with section 3709.03 or 3709.05 of 34182  
the Revised Code. 34183

**Sec. 3710.01.** As used in this chapter: 34184

(A) "Asbestos" means the asbestiform varieties of chrysotile 34185  
or serpentine, amosite or cummingtonitegrunerite, crocidolite or 34186  
riebeckite, actinolite, tremolite, and anthophyllite. 34187

(B) "Asbestos hazard abatement activity" means any activity 34188  
involving the removal, renovation, enclosure, repair, or 34189  
encapsulation of reasonably related friable asbestos-containing 34190  
materials in an amount greater than fifty linear feet or fifty 34191  
square feet. "Asbestos hazard abatement activity" also includes 34192  
any such activity involving such asbestos-containing materials in 34193  
an amount of fifty linear or fifty square feet or less if, when 34194  
combined with any other reasonably related activity in terms of 34195  
time and location of the activity, the total amount is in an 34196  
amount greater than fifty linear or fifty square feet. 34197

(C) "Asbestos hazard abatement contractor" means a business 34198  
entity or public entity that engages in or intends to engage in 34199  
asbestos hazard abatement activities and that employs or 34200  
supervises one or more asbestos hazard abatement specialists for 34201  
asbestos hazard abatement activities. "Asbestos hazard abatement 34202  
contractor" does not mean an employee of an asbestos hazard 34203  
abatement contractor, a general contractor who subcontracts to an 34204  
asbestos hazard abatement contractor an asbestos hazard abatement 34205  
activity, or any individual who engages in asbestos hazard 34206  
abatement activity in ~~his~~ the individual's own home. 34207

(D) "Asbestos hazard abatement project" means one or more 34208  
asbestos hazard abatement activities that are conducted by one 34209  
asbestos hazard abatement contractor and that are reasonably 34210  
related to each other. 34211

(E) "Asbestos hazard abatement specialist" means a person 34212  
with responsibility for the oversight or supervision of asbestos 34213  
hazard abatement activities, including asbestos hazard abatement 34214  
project managers, hazard abatement project supervisors and 34215  
foremen, and employees of school districts or other governmental 34216  
or public entities who coordinate or directly supervise or oversee 34217  
asbestos hazard abatement activities performed by school district, 34218  
governmental, or other public employees in school district, 34219  
governmental, or other public buildings. 34220

(F) "Asbestos hazard evaluation specialist" means a person 34221  
responsible for the identification, detection, and assessment of 34222  
asbestos-containing materials, the determination of appropriate 34223  
response actions, or the preparation of asbestos management plans 34224  
for the purpose of protecting the public health from the hazards 34225  
associated with exposure to asbestos, including the performance of 34226  
air and bulk sampling. This category of specialists includes 34227  
management planners, health professionals, industrial hygienists, 34228  
private consultants, or other individuals involved in asbestos 34229

risk identification or assessment or regulatory activities. 34230

(G) "Business entity" means a partnership, firm, association, 34231  
corporation, sole proprietorship, or other business concern. 34232

(H) "Public entity" means the state or any of its political 34233  
subdivisions or any agency or instrumentality of either. 34234

(I) "License" means a document issued by the department of 34235  
health to a business entity or public entity affirming that the 34236  
entity has met the requirements set forth in this chapter to 34237  
engage in asbestos hazard abatement activities as an asbestos 34238  
hazard abatement contractor. 34239

(J) "Certificate" means: 34240

(1) A document issued by the department to an individual 34241  
affirming that the individual has successfully completed the 34242  
training and other requirements set forth in this chapter to 34243  
qualify as an asbestos hazard abatement specialist, an asbestos 34244  
hazard evaluation specialist, an asbestos hazard abatement worker, 34245  
an asbestos hazard abatement project designer, an asbestos hazard 34246  
abatement air-monitoring technician, an approved asbestos hazard 34247  
training provider, or other category of asbestos hazard specialist 34248  
that the ~~public health council~~ director establishes by rule; or 34249

(2) A document issued by a training institution in accordance 34250  
with rules adopted by the ~~public health council~~ director affirming 34251  
that an individual has successfully completed the instruction 34252  
required in all categories as provided in sections 3710.07 and 34253  
3710.10 of the Revised Code. 34254

(K) "Person" means any individual, business entity, 34255  
governmental body, or other public or private entity. 34256

(L) "Encapsulate" means to coat, bind, or resurface walls, 34257  
ceilings, pipes, or other structures to prevent friable asbestos 34258  
from becoming airborne. 34259



(M) "Friable asbestos-containing material" means any material that contains more than one per cent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.	34260 34261 34262 34263
(N) "Enclosure" means the permanent confinement of friable asbestos-containing materials with an airtight barrier in an area not used as an air plenum.	34264 34265 34266
(O) "Renovation" means the removal or stripping of friable asbestos-containing materials used on any pipe, duct, boiler, tank, reactor, turbine, furnace, or load supporting member.	34267 34268 34269
(P) "Asbestos hazard abatement worker" means the person responsible in a nonsupervisory capacity for the performance of an asbestos hazard abatement activity.	34270 34271 34272
(Q) "Asbestos hazard abatement project designer" means the person responsible for the determination of the workscope, work sequence, or performance standards for an asbestos hazard abatement activity, including preparation of specifications, plans, and contract documents.	34273 34274 34275 34276 34277
(R) "Director" means the director of health or <del>his</del> <u>the</u> <u>director's</u> authorized representative.	34278 34279
(S) "Clearance air sampling" means an air sampling performed after the completion of any asbestos hazard abatement activity and prior to the reoccupation of the contained work area by the public and conducted for the purpose of protecting the public from the health hazards associated with exposure to friable asbestos-containing material.	34280 34281 34282 34283 34284 34285
(T) "Asbestos hazard abatement air-monitoring technician" means the person who is responsible for environmental monitoring or work area clearance air sampling, including air monitoring performed to determine completion of response actions under the rules set forth in 40 C.F.R. 763 Subpart E, adopted by the United	34286 34287 34288 34289 34290

States environmental protection agency pursuant to the "Asbestos Hazard Emergency Response Act of 1986," Pub. L. 99-519, 100 Stat. 2970. "Asbestos hazard abatement air-monitoring technician" does not mean an industrial hygienist or industrial hygienist in training, certified by the American board of industrial hygiene.

**Sec. 3710.02.** (A) ~~Subject to~~ In accordance with Chapter 119. of the Revised Code, the ~~public~~ director of health ~~council~~ shall, as ~~it~~ the director determines necessary, adopt rules to carry out this chapter. The rules shall include all of the following:

(1) Criteria and procedures for the certification of asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement workers, asbestos hazard abatement project designers, and asbestos hazard abatement air-monitoring technicians by the director of health;

(2) Criteria and procedures for the director to examine the records of licensees, certificate holders, and asbestos hazard abatement training schools;

(3) Procedures and criteria in addition to those provided in this chapter for the approval of courses for asbestos hazard training;

(4) Fees for licenses, certifications, and course approvals in excess of the levels set in section 3710.05 of the Revised Code and fees for the certification of asbestos hazard abatement air-monitoring technicians;

(5) Levels of asbestos exposure or other circumstances constituting a public health emergency that authorize the director to issue an emergency order under division (B) of section 3710.13 of the Revised Code;

(6) Employee training standards, work practices that reduce the risk of contamination and recontamination of the environment,

record-keeping requirements, action levels, project clearance 34321  
levels, and other requirements that asbestos hazard abatement 34322  
contractors, asbestos hazard abatement specialists, asbestos 34323  
hazard evaluation specialists, asbestos hazard abatement project 34324  
designers, asbestos hazard abatement air-monitoring technicians, 34325  
asbestos hazard abatement workers, and other persons involved with 34326  
asbestos hazard abatement activities must follow for the 34327  
prevention of hazard to the public; 34328

(7) Worker protection equipment and practices and other 34329  
health and safety standards for employees and agents of public 34330  
entities coming in contact with asbestos through asbestos hazard 34331  
abatement activity; 34332

(8) Standards of acceptable conduct for licensees and 34333  
certificate holders engaged in asbestos hazard abatement or 34334  
evaluation activities and acts and omissions that constitute 34335  
grounds for the suspension or revocation of a license or 34336  
certificate, or the denial of an application or renewal of a 34337  
license or certificate in addition to those otherwise provided in 34338  
this chapter; 34339

(9) Training requirements for asbestos hazard abatement 34340  
project designers and asbestos hazard abatement air-monitoring 34341  
technicians; 34342

(10)(a) Subject to the condition specified in division 34343  
(A)(10)(b) of this section, a standard requiring that the amount 34344  
of asbestos contained in the air in areas accessible to the public 34345  
in buildings that are owned, operated, or leased by a public 34346  
entity be not more than ten thousand asbestos fibers longer than 34347  
five microns per cubic meter of air calculated as an eight-hour 34348  
time-weighted average, which is measured during periods of normal 34349  
building occupancy, and a requirement that measurement of airborne 34350  
asbestos be made by either or both of the following methods, 34351  
provided that results derived by use of the method described in 34352

division (A)(10)(a)(i) of this section supersede results derived 34353  
by use of the method described in division (A)(10)(a)(ii) of this 34354  
section if both methods are used and the methods yield conflicting 34355  
results concerning the presence of fibers in the tested air that 34356  
may not be asbestos: 34357

(i) Transmission electron microscopy in the manner described 34358  
in the measurement protocol established by the United States 34359  
environmental protection agency as set forth in 40 C.F.R. 763; 34360

(ii) Optical phase contrast microscopy in the manner 34361  
described in the measurement protocol established by the United 34362  
States occupational safety and health administration as set forth 34363  
in 29 C.F.R. 1910. 34364

(b) The ~~public health council~~ director periodically shall 34365  
review the standard required by division (A)(10)(a) of this 34366  
section and determine whether and how it should be amended and how 34367  
it shall be used in conjunction with visual and physical 34368  
assessment of asbestos-containing materials located in buildings 34369  
that are owned, operated, or leased by a public entity to 34370  
determine appropriate and cost-effective response actions to such 34371  
asbestos-containing materials and shall amend the standard if it 34372  
determines that such action is necessary. 34373

(11) Other rules that the ~~public health council~~ director 34374  
determines necessary for the implementation of this chapter and to 34375  
protect the public health from the hazards associated with 34376  
exposure to asbestos. 34377

(B) The director shall do all of the following: 34378

(1) Administer and enforce this chapter and the rules ~~of the~~ 34379  
~~public health council~~ adopted pursuant thereto; 34380

(2) Develop comprehensive programs and policies for the 34381  
control and prevention of nonoccupational exposure of the public 34382  
to friable asbestos-containing materials; 34383

- (3) Ensure that persons are trained and licensed or certified, where appropriate, in accordance with this chapter and the rules ~~of the public health council~~ adopted pursuant thereto; 34384  
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- (4) Examine those records of licensed asbestos hazard abatement contractors, certified asbestos hazard abatement specialists, asbestos hazard evaluation specialists, asbestos hazard abatement project designers, asbestos hazard abatement air-monitoring technicians, and asbestos hazard training courses in accordance with rules adopted by the ~~public health council~~ director as ~~he~~ the director determines necessary to determine compliance with this chapter and the rules ~~of the public health council~~ adopted pursuant thereto; 34387  
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- (5) Prohibit and prevent improper asbestos hazard abatement procedures and require the modification or alteration of asbestos abatement procedures as they relate to this chapter and the rules ~~of the public health council~~ adopted pursuant thereto; 34396  
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- (6) Collect and disseminate health education information relating to safe management of asbestos hazards; 34400  
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- (7) Accept and administer grants from the federal government and other sources, both public and private, for carrying out any of ~~his~~ the director's functions; 34402  
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- (8) As ~~he~~ the director determines appropriate, conduct on-site inspections at any location where an asbestos hazard abatement activity is planned, in progress, or has been completed, at any location where a public health emergency may occur, is occurring, or has occurred, or to evaluate the performance or compliance of any person subject to this chapter; 34405  
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- (9) Conduct an on-site audit of each asbestos hazard training provider approved pursuant to this chapter, at least once biennially, during an actual course conducted by the provider within the state; 34411  
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(10) Cooperate and assist in investigations, as such relate 34415  
to this chapter, conducted by local law enforcement agencies, the 34416  
Ohio environmental protection agency, the United States 34417  
occupational safety and health administration, and other local, 34418  
state, and federal agencies. 34419

**Sec. 3710.04.** (A) To qualify for an asbestos hazard abatement 34420  
contractor's license, a business entity or public entity shall 34421  
meet the requirements of this section. 34422

(B) Each employee or agent of the business entity or public 34423  
entity applying for a license who will come in contact with 34424  
asbestos or will be responsible for an asbestos hazard abatement 34425  
project shall: 34426

(1) Be familiar with all applicable state and federal 34427  
standards for asbestos hazard abatement projects; 34428

(2) Have successfully completed the course of instruction on 34429  
asbestos hazard abatement activities, for their particular 34430  
certification, approved by the department of health pursuant to 34431  
section 3710.10 of the Revised Code, have passed an examination 34432  
approved by the department, and demonstrate to the department that 34433  
~~he~~ the employee or agent is capable of complying with all 34434  
applicable standards of this state, the United States 34435  
environmental protection agency, and the United States 34436  
occupational safety and health administration. 34437

(C) A business entity or public entity applying for an 34438  
asbestos hazard abatement contractor's license shall, in addition 34439  
to the other requirements of this section, provide at least one 34440  
asbestos hazard abatement specialist, certified pursuant to this 34441  
chapter and the rules ~~of the public health council~~ adopted 34442  
~~pursuant thereto~~ under it, for each asbestos hazard abatement 34443  
project, and demonstrate to the satisfaction of the department 34444  
that ~~he~~ the applicant: 34445

(1) Has access to at least one asbestos disposal site 34446  
approved by the Ohio environmental protection agency that is 34447  
sufficient for the deposit of all asbestos waste that ~~he~~ the 34448  
applicant will generate during the term of the license; 34449

(2) Is sufficiently qualified to safely remove asbestos, 34450  
demonstrated by reliability as an asbestos hazard abatement 34451  
contractor, possesses a work program that prevents the 34452  
contamination or recontamination of the environment and protects 34453  
the public health from the hazards of exposure to asbestos, 34454  
possesses evidence of certification of each individual employee or 34455  
agent who will be responsible for others who may come in contact 34456  
with friable asbestos-containing materials, possesses evidence of 34457  
training of workers required by section 3710.07 of the Revised 34458  
Code, and has prior successful experience in asbestos hazard 34459  
abatement projects or equivalent qualifications as determined ~~by~~ 34460  
rule in accordance with rules adopted by the public director of 34461  
health council; 34462

(3) Possesses a worker protection program consistent with 34463  
requirements established by the ~~public health council~~ director if 34464  
the contractor is a public entity, and a worker protection program 34465  
consistent with the requirements of the United States occupational 34466  
safety and health administration if the contractor is a business 34467  
entity; 34468

(4) Is registered as a business entity with the secretary of 34469  
state. 34470

(D) No applicant for licensure as an asbestos hazard 34471  
abatement contractor, in order to meet the requirements of this 34472  
chapter, shall list an employee of another contractor. 34473

(E) The business entity or public entity shall meet any other 34474  
standards that the ~~public health council~~ director, by rule, sets. 34475

(F) Nothing in this chapter or the rules adopted pursuant 34476

thereto relating to asbestos hazard abatement project designers 34477  
shall be interpreted as authorizing or permitting an individual 34478  
who is certified as an asbestos hazard abatement project designer 34479  
to perform the services of a registered architect or professional 34480  
engineer unless that person is registered under Chapter 4703. or 34481  
4733. of the Revised Code to perform such services. 34482

**Sec. 3710.05.** (A) Except as otherwise provided in this 34483  
chapter, no person shall engage in any asbestos hazard abatement 34484  
activities in this state unless licensed or certified pursuant to 34485  
this chapter. 34486

(B) To apply for licensure as an asbestos abatement 34487  
contractor or certification as an asbestos hazard abatement 34488  
specialist, an asbestos hazard evaluation specialist, an asbestos 34489  
hazard abatement project designer, or an asbestos hazard abatement 34490  
air-monitoring technician, a person shall do all of the following: 34491

(1) Submit a completed application to the department of 34492  
health, on a form provided by the department; 34493

(2) Pay the requisite fee as provided in division (D) of this 34494  
section; 34495

(3) Submit any other information the ~~public~~ director of 34496  
health ~~council~~ by rule requires. 34497

(C) The application form for a business entity or public 34498  
entity applying for an asbestos hazard abatement contractor's 34499  
license shall include all of the following: 34500

(1) A description of the protective clothing and respirators 34501  
that the public entity will use to comply with rules adopted by 34502  
the ~~public health council~~ director and that the business entity 34503  
will use to comply with requirements of the United States 34504  
occupational safety and health administration; 34505

(2) A description of procedures the business entity or public 34506



entity will use for the selection, utilization, handling, removal,	34507
and disposal of clothing to prevent contamination or	34508
recontamination of the environment and to protect the public	34509
health from the hazards associated with exposure to asbestos;	34510
(3) The name and address of each asbestos disposal site that	34511
the business entity or public entity might use during the year;	34512
(4) A description of the site decontamination procedures that	34513
the business entity or public entity will use;	34514
(5) A description of the asbestos hazard abatement procedures	34515
that the business entity or public entity will use;	34516
(6) A description of the procedures that the business entity	34517
or public entity will use for handling waste containing asbestos;	34518
(7) A description of the air-monitoring procedures that the	34519
business entity or public entity will use to prevent contamination	34520
or recontamination of the environment and to protect the public	34521
health from the hazards of exposure to asbestos;	34522
(8) A description of the final clean-up procedures that the	34523
business entity or public entity will use;	34524
(9) A list of all partners, owners, and officers of the	34525
business entity along with their social security numbers;	34526
(10) The federal tax identification number of the business	34527
entity or the public entity.	34528
(D) The fees to be charged to each public entity and business	34529
entity and their employees and agents for licensure,	34530
certification, approval, and renewal of licenses, certifications,	34531
and approvals granted under this chapter, subject to division	34532
(A)(4) of section 3710.02 of the Revised Code, are:	34533
(1) Seven hundred fifty dollars for asbestos hazard abatement	34534
contractors;	34535
(2) Two hundred dollars for asbestos hazard abatement project	34536

designers;	34537
(3) Fifty dollars for asbestos hazard abatement workers;	34538
(4) Two hundred dollars for asbestos hazard abatement specialists;	34539 34540
(5) Two hundred dollars for asbestos hazard evaluation specialists; and	34541 34542
(6) Nine hundred dollars for approval or renewal of asbestos hazard training providers.	34543 34544
(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.	34545 34546 34547 34548 34549 34550 34551 34552 34553
<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 following:	34554 34555 34556 34557
(A) A requirement that all persons working on the project are licensed or certified by the department of health as required by this chapter;	34558 34559 34560
(B) A requirement that all project clearance levels and sampling be in accordance with <del>the public health council</del> rules <u>adopted by the director of health;</u>	34561 34562 34563
(C) A requirement that all clearance air-monitoring be conducted by asbestos hazard abatement air-monitoring technicians or asbestos hazard evaluation specialists certified by the	34564 34565 34566

department. 34567

**Sec. 3710.06.** (A) Within fifteen business days after 34568  
receiving an application, the department of health shall 34569  
acknowledge receipt of the application and notify the applicant of 34570  
any deficiency in the application. Within sixty calendar days 34571  
after receiving a completed application, including all additional 34572  
information requested by the department, the department shall 34573  
issue a license or certificate or deny the application. The 34574  
department shall issue only one license or certificate that is in 34575  
effect at one time to a business entity and its principal officers 34576  
and a public entity and its principal officers. 34577

(B)(1) The department shall deny an application if it 34578  
determines that the applicant has not demonstrated the ability to 34579  
comply fully with all applicable federal and state requirements 34580  
and all requirements, procedures, and standards established by the 34581  
~~public director of health council~~ in this chapter. 34582

(2) The department shall deny any application for an asbestos 34583  
hazard abatement contractor's license if the applicant or an 34584  
officer or employee of the applicant has been convicted of a 34585  
felony under any state or federal law designed to protect the 34586  
environment. 34587

(3) The department shall send all denials of an application 34588  
by certified mail to the applicant. If the department receives a 34589  
timely request for a hearing from the applicant, as provided in 34590  
division (D) of section 3710.13 of the Revised Code, the 34591  
department shall hold a hearing in accordance with Chapter 119. of 34592  
the Revised Code. 34593

(C) In an emergency that results from a sudden, unexpected 34594  
event that is not a planned asbestos hazard abatement project, the 34595  
department may waive the requirements for a license or 34596  
certificate. For the purposes of this division, "emergency" 34597

includes operations necessitated by nonroutine failures of 34598  
equipment or by actions of fire and emergency medical personnel 34599  
pursuant to duties within their official capacities. Any person 34600  
who performs an asbestos hazard abatement activity under emergency 34601  
conditions shall notify the director within three days after 34602  
performance thereof. 34603

(D) Each license or certificate issued under this chapter 34604  
expires one year after the date of issue, but each licensee or 34605  
certificate holder may apply to the department for the extension 34606  
of ~~his~~ the holder's license or certificate under the standard 34607  
renewal procedures of Chapter 4745. of the Revised Code. 34608

To qualify for renewal of a license or certificate issued 34609  
under this chapter, each licensee or certificate holder shall send 34610  
the appropriate renewal fee set forth in division (D) of section 34611  
3710.05 of the Revised Code or as adopted by rule by the ~~public~~ 34612  
~~health council~~ director pursuant to division (A)(4) of section 34613  
3710.02 of the Revised Code. 34614

Certificate holders also shall successfully complete an 34615  
annual renewal course approved by the department pursuant to 34616  
section 3710.10 of the Revised Code. 34617

(E) The department may charge a fee in addition to those 34618  
specified in division (D) of section 3710.05 of the Revised Code 34619  
or in ~~rule of~~ rules adopted by the ~~public health council~~ director 34620  
pursuant to division (A)(4) of section 3710.02 of the Revised Code 34621  
if the licensee or certificate holder applies for renewal after 34622  
the expiration thereof or requests a reissuance of any license or 34623  
certificate, provided that no such fee shall exceed the original 34624  
fees by more than fifty per cent. 34625

**Sec. 3710.07.** (A) Prior to engaging in any asbestos hazard 34626  
abatement project, an asbestos hazard abatement contractor shall 34627  
do all of the following: 34628

(1) Prepare a written respiratory protection program as 34629  
defined by the ~~public~~ director of health council pursuant to rule, 34630  
and make the program available to the department of health, and 34631  
workers at the job site if the contractor is a public entity or 34632  
prepare a written respiratory protection program, consistent with 34633  
29 C.F.R. 1910.134 and make the program available to the 34634  
department, and workers at the job site if the contractor is a 34635  
business entity; 34636

(2) Ensure that each worker who will be involved in any 34637  
asbestos hazard abatement project has been examined within the 34638  
preceding year and has been declared by a physician to be 34639  
physically capable of working while wearing a respirator; 34640

(3) Ensure that each of the contractor's employees or agents 34641  
who will come in contact with asbestos-containing materials or 34642  
will be responsible for an asbestos hazard abatement project 34643  
receives the appropriate certification or licensure required by 34644  
this chapter and the following training: 34645

(a) An initial course approved by the department pursuant to 34646  
section 3710.10 of the Revised Code, completed before engaging in 34647  
any asbestos hazard abatement project; and 34648

(b) An annual review course approved by the department 34649  
pursuant to section 3710.10 of the Revised Code. 34650

(B) After obtaining or renewing a license, an asbestos hazard 34651  
abatement contractor shall notify the department, on a form 34652  
approved by the director of health, at least ten days before 34653  
beginning each asbestos hazard abatement project conducted during 34654  
the term of the contractor's license. 34655

(C) In addition to any other fee imposed under this chapter, 34656  
an asbestos hazard abatement contractor shall pay, at the time of 34657  
providing notice under division (B) of this section, the 34658  
department a fee of sixty-five dollars for each asbestos hazard 34659

abatement project conducted. 34660

**Sec. 3710.08.** (A) An asbestos hazard abatement contractor 34661  
engaging in any asbestos hazard abatement project shall, during 34662  
the course of the project: 34663

(1) Conduct each project in a manner that is in compliance 34664  
with the requirements the director of environmental protection 34665  
adopts pursuant to section 3704.03 of the Revised Code and the 34666  
asbestos requirements of the United States occupational safety and 34667  
health administration set forth in 29 C.F.R. 1926.58; 34668

(2) Comply with all applicable rules adopted by the ~~public~~ 34669  
director of health council pursuant to section 3710.02 of the 34670  
Revised Code. 34671

(B) An asbestos hazard abatement contractor that is a public 34672  
entity shall: 34673

(1) Provide workers with protective clothing and equipment 34674  
and ensure that the workers involved in any asbestos hazard 34675  
abatement project use the items properly. Protective clothing and 34676  
equipment shall include: 34677

(a) Respirators approved by the national institute of 34678  
occupational safety and health. These respirators shall be fit 34679  
tested in accordance with requirements of the United States 34680  
occupational safety and health administration set forth in 29 34681  
C.F.R. 1926.58(h). At the request of an employee, the asbestos 34682  
hazard abatement contractor shall provide the employee with a 34683  
powered air purifying respirator, in which case, the testing 34684  
requirements of division (B)(1)(a) of this section do not apply. 34685

(b) Items required by the ~~public~~ director of health council 34686  
by rule as provided in division (A)(7) of section 3710.02 of the 34687  
Revised Code. 34688

(2) Comply with all applicable standards of conduct and 34689

requirements adopted by ~~the public health council~~ and the director 34690  
of health pursuant to section 3710.02 of the Revised Code. 34691

(C) An asbestos hazard abatement specialist engaging in any 34692  
asbestos hazard abatement project shall, during the course of the 34693  
project: 34694

(1) Conduct each project in a manner that will meet 34695  
decontamination procedures, project containment procedures, and 34696  
asbestos fiber dispersal methods as provided in division (A)(6) of 34697  
section 3710.02 of the Revised Code; 34698

(2) Ensure that workers utilize, handle, remove, and dispose 34699  
of the disposable clothing provided by abatement contractors in a 34700  
manner that will prevent contamination or recontamination of the 34701  
environment and protect the public health from the hazards of 34702  
exposure to asbestos; 34703

(3) Ensure that workers utilize protective clothing and 34704  
equipment and comply with the applicable health and safety 34705  
standards set forth in division (A) of section 3710.08 of the 34706  
Revised Code; 34707

(4) Ensure that there is no smoking, eating, or drinking in 34708  
the work area; 34709

(5) Comply with all applicable standards of conduct and 34710  
requirements adopted by the ~~public health council~~ and director of 34711  
health pursuant to section 3710.02 of the Revised Code. 34712

(D) An asbestos hazard evaluation specialist engaged in the 34713  
identification, detection, and assessment of asbestos-containing 34714  
materials, the determination of appropriate response actions, or 34715  
other activities associated with an abatement project or the 34716  
preparation of management plans, shall comply with the applicable 34717  
standards of conduct and requirements adopted by ~~the public health~~ 34718  
~~council~~ and the director of health pursuant to section 3710.02 of 34719  
the Revised Code. 34720

(E) Every asbestos hazard abatement worker shall comply with all applicable standards adopted by the ~~public~~ director of health council 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;

(2) The names and social security numbers of all workers at the job site;

(3) The location and description of the asbestos hazard abatement project and the amount of asbestos-containing material that was removed;

(4) The starting and completion dates of each asbestos hazard abatement project;

(5) A summary of the procedures that were used to comply with all applicable federal, state, and local standards;



(6) The name and address of each asbestos disposal site where the waste containing asbestos was deposited; 34751  
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(7) Any other information that the ~~public~~ director of health ~~council~~, by rule, requires. 34753  
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**Sec. 3710.10.** (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 ~~public~~ director of health ~~council~~ 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 department. 34755  
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(B) In order to obtain or renew department approval, a person sponsoring a course shall substantially satisfy all of the following criteria: 34771  
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(1) Provide courses of instruction and examinations that meet the requirements of division (A) of this section; 34774  
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(2) Ensure that instruction is given or supervised by personnel with sufficient education and experience as determined ~~by rule,~~ in rules adopted by the ~~public health council~~ director; 34776  
34777  
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(3) Maintain lists of students trained and the dates on which training occurred for at least twenty years, and make this 34779  
34780

information available to the department upon request. 34781

(C) In order to obtain or renew department approval, a person 34782  
sponsoring an initial course or a review course annually shall 34783  
apply to the department for approval. In applying, the person 34784  
shall submit the fee set forth in division (D) of section 3710.05 34785  
of the Revised Code along with any increase in fee adopted 34786  
pursuant to division (A)(4) of section 3710.02 of the Revised 34787  
Code. 34788

(D)(1) The department shall act or acknowledge receipt of an 34789  
application within ten working days after receiving the 34790  
application. 34791

(2) The department shall act on the application within ninety 34792  
days after it is complete. 34793

(3) The department shall grant contingent approval of an 34794  
application if the department determines the course substantially 34795  
satisfies or will substantially satisfy the criteria in this 34796  
chapter and the rules adopted by the ~~public health council~~ 34797  
director. 34798

(4) The department may deny or revoke approval of a course if 34799  
the department determines the course does not or will not 34800  
substantially satisfy the criteria in this chapter or the rules 34801  
adopted by the ~~public health council~~ director. 34802

(5) The department shall grant final approval of a course 34803  
only after an on-site audit by the department which reveals that 34804  
the course substantially satisfies the criteria in this chapter 34805  
and the rules adopted by the ~~public health council~~ director. 34806  
Course approvals expire one year from the date of final approval 34807  
under division (D)(5) of this section. 34808

(E) Each course approval issued under this section expires 34809  
one year after the date of issue, but a person who received 34810  
approval may apply to the department for renewal under the 34811

standard renewal procedures of Chapter 4745. of the Revised Code. 34812  
The fee prescribed in section 3710.05 of the Revised Code must 34813  
accompany the application. 34814

**Sec. 3710.12.** Subject to the hearing provisions of this 34815  
chapter, the department of health may deny, suspend, or revoke any 34816  
license or certificate, or renewal thereof, if the licensee or 34817  
certificate holder: 34818

(A) Fraudulently or deceptively obtains or attempts to obtain 34819  
a license or certificate; 34820

(B) Fails at any time to meet the qualifications for a 34821  
license or certificate; 34822

(C) Is violating or threatening to violate any provisions of 34823  
any of the following: 34824

(1) This chapter or the rules of the ~~public health council or~~ 34825  
director of health adopted pursuant thereto; 34826

(2) The "National Emission Standard for Hazardous Air 34827  
Pollutants" regulations of the United States environmental 34828  
protection agency as the regulations pertain to asbestos; ~~or~~ 34829

(3) The regulations of the United States occupational safety 34830  
and health administration as the regulations pertain to asbestos. 34831

**Sec. 3710.13.** (A) Except as otherwise provided in Chapter 34832  
119. of the Revised Code or this section, before the department of 34833  
health takes any action under section 3710.12 of the Revised Code, 34834  
it shall give the licensee or certificate holder against whom 34835  
action is contemplated an opportunity for a hearing. 34836

Except as otherwise provided in this section, the department 34837  
shall give notice and hold the hearing in accordance with Chapter 34838  
119. of the Revised Code. 34839

(B) The department, without notice or hearing and in 34840

accordance with ~~the~~ rules ~~of~~ adopted by the public director of 34841  
health ~~council~~, may issue an order requiring any action necessary 34842  
to meet a public health emergency involving asbestos. Any person 34843  
to whom an order is directed shall immediately comply with the 34844  
order. Upon application to the director of health, the person 34845  
shall be afforded a hearing as soon as possible, but no more than 34846  
twenty days after receipt of the application by the director. 34847

(C) If the director determines, pursuant to division (B) of 34848  
this section, that a public health emergency exists, ~~he~~ the 34849  
director may order, without a hearing, the denial, suspension, or 34850  
revocation of any license or certificate issued under this chapter 34851  
of the parties involved, provided that an opportunity for a 34852  
hearing is provided to the affected party as soon as reasonably 34853  
possible. 34854

(D) All proceedings under this chapter are subject to Chapter 34855  
119. of the Revised Code, except that: 34856

(1) Upon the request of a licensee or certificate holder, the 34857  
location of an adjudicatory hearing is the county seat of the 34858  
county in which the licensee or certificate holder conducts 34859  
business. 34860

(2) The director shall notify, by certified mail or personal 34861  
delivery, a licensee or certificate holder that ~~he~~ the licensee or 34862  
certificate holder is entitled to a hearing if ~~he~~ the licensee or 34863  
certificate holder requests it, in writing, within ten days of the 34864  
time that ~~he~~ the licensee or certificate holder receives the 34865  
notice. If the licensee or certificate holder requests such a 34866  
hearing, the director shall set the hearing date no later than ten 34867  
days after the director receives the request. 34868

(3) The director shall not apply for or receive a 34869  
postponement or continuation of an adjudication hearing. If a 34870  
licensee or certificate holder requests a postponement or 34871

continuation of an adjudication hearing, the director only shall 34872  
grant the request if the licensee or certificate holder 34873  
demonstrates extreme hardship in complying with the hearing date. 34874  
If the director grants a postponement or continuation on the 34875  
grounds of extreme hardship, the director shall include in the 34876  
record of the case, the nature and cause of the extreme hardship. 34877

(4) In lieu of an adjudicatory hearing required by this 34878  
chapter, a licensee or certificate holder, by no later than the 34879  
date set for a hearing pursuant to division (A)(3) of this 34880  
section, may by written request to the director, request that the 34881  
matter be resolved by the licensee or certificate holder 34882  
submitting documents, papers, and other written evidence to the 34883  
director to support ~~his~~ the licensee's or certificate holder's 34884  
claim. 34885

(5) If the director appoints a referee or an examiner to 34886  
conduct a hearing, all of the following apply: 34887

(a) The examiner or referee shall serve, by certified mail 34888  
and within three business days of the conclusion of the hearing, a 34889  
copy of the written adjudication report and ~~his~~ the referee's or 34890  
examiner's recommendations, on the director and the affected 34891  
licensee or certificate holder or the licensee's or certificate 34892  
holder's attorney or other representative of record. 34893

(b) The licensee or certificate holder, within three business 34894  
days of receipt of the report under division (D)(5)(a) of this 34895  
section, may file with the director written objections to the 34896  
report and recommendations. 34897

(c) The director shall consider any objections received under 34898  
division (D)(5)(b) of this section prior to approving, modifying, 34899  
or disapproving the report and recommendations. Within six 34900  
business days of receiving the report under division (D)(5)(a) of 34901  
this section, the director shall serve ~~his~~ the director's order, 34902

by certified mail, on the affected licensee or certificate holder 34903  
or the licensee's or certificate holder's attorney or other 34904  
representative of record. 34905

(6) If the director conducts an adjudicatory hearing under 34906  
this chapter, ~~he~~ the director shall serve ~~his~~ the director's 34907  
decision, by certified mail and within three business days of the 34908  
conclusion of the hearing, on the affected licensee or certificate 34909  
holder or the licensee's or certificate holder's attorney or other 34910  
representative of record. 34911

(7) If no hearing is held, the director shall issue an order, 34912  
by certified mail and within three business days of the last date 34913  
possible for a hearing, based upon the record available to ~~him~~ the 34914  
director, to the affected licensee or certificate holder or the 34915  
licensee's or certificate holder's attorney or other 34916  
representative of record. 34917

(8) A licensee or certificate holder shall file a notice of 34918  
appeal to an adverse adjudication decision within fifteen days 34919  
after receipt of the director's order. 34920

**Sec. 3710.17.** (A) Where any person is certified or licensed 34921  
by the department of health to engage in asbestos hazard abatement 34922  
or evaluation activity pursuant to this chapter, the liability of 34923  
that person when performing such activity in accordance with 34924  
procedures established pursuant to state or federal law for an 34925  
injury to any individual or property caused or related to this 34926  
activity shall be limited to acts or omissions of the person 34927  
during the course of performing the activity which can be shown, 34928  
based on a preponderance of the evidence, to have been negligent. 34929  
For the purposes of this section, the demonstration that acts or 34930  
omissions of a person performing asbestos hazard abatement or 34931  
evaluation activities were in accordance with generally accepted 34932  
practice and with procedures established by state or federal law 34933

at the time the abatement or evaluation activity was performed 34934  
creates a rebuttable presumption that the acts or omissions were 34935  
not negligent. 34936

(B) Where any person contracts with a certified asbestos 34937  
hazard abatement specialist, asbestos hazard evaluation 34938  
specialist, or other category of asbestos hazard specialist 34939  
established by the ~~public director of health council~~, or a 34940  
licensed asbestos hazard abatement contractor, the liability of 34941  
that person for asbestos-related injuries caused by ~~his~~ the 34942  
person's contractee in the performance of asbestos hazard 34943  
abatement or evaluation activities shall be limited to those 34944  
asbestos-related injuries arising from acts which the person knew 34945  
or could reasonably have been expected to know were not in 34946  
accordance with generally accepted practice or with procedures 34947  
established by state or federal law at the time the abatement 34948  
activity took place. 34949

(C) Notwithstanding any other provisions of the Revised Code 34950  
or rules of a court to the contrary, this section governs all 34951  
claims for asbestos-related injuries arising from asbestos hazard 34952  
abatement or evaluation activities. 34953

**Sec. 3711.04.** Each person seeking to operate a maternity 34954  
unit, newborn care nursery, or maternity home shall apply to the 34955  
director of health for a license under this chapter. The 34956  
application shall be submitted in the form and manner prescribed 34957  
by the ~~public health council~~ director in rules adopted under 34958  
section 3711.12 of the Revised Code. 34959

A single application and license is required if an applicant 34960  
will operate both a maternity unit and newborn care nursery. 34961

**Sec. 3711.06.** The director of health shall inspect each 34962  
maternity unit, newborn care nursery, or maternity home for which 34963

a person has applied for an initial license under section 3711.04 34964  
of the Revised Code prior to issuing the license. Inspections 34965  
shall be conducted in accordance with inspection criteria, 34966  
procedures, and guidelines adopted by the ~~public health council~~ 34967  
director under section 3711.12 of the Revised Code. 34968

**Sec. 3711.08.** A license issued under this chapter is valid 34969  
for three years, unless earlier revoked or suspended under section 34970  
3711.14 of the Revised Code. The license may be renewed in the 34971  
manner prescribed by the ~~public~~ director of health ~~council~~ in 34972  
rules adopted under section 3711.12 of the Revised Code. The 34973  
license renewal fee specified in the rules shall be paid not later 34974  
than sixty days after the director of health mails an invoice for 34975  
the fee to the license holder. A penalty of ten per cent of the 34976  
amount of the renewal fee shall be assessed for each month the fee 34977  
is overdue. 34978

**Sec. 3711.12.** (A) The ~~public~~ director of health ~~council~~ shall 34979  
adopt rules in accordance with Chapter 119. of the Revised Code as 34980  
the ~~council~~ director considers necessary to implement the 34981  
requirements of this chapter for licensure and operation of 34982  
maternity units, newborn care nurseries, and maternity homes. The 34983  
rules shall include provisions for the following: 34984

(1) Licensure application forms and procedures; 34985

(2) Renewal procedures, including procedures that address the 34986  
right of the director of health, at the director's sole 34987  
discretion, to conduct an inspection prior to renewal of a 34988  
license; 34989

(3) Initial license fees and license renewal fees; 34990

(4) Fees for inspections conducted by the director under 34991  
section 3711.10 of the Revised Code; 34992

(5) Safety standards, quality-of-care standards, and 34993



quality-of-care data reporting requirements;	34994
(6) Reporting and auditing requirements;	34995
(7) Inspection criteria, procedures, and guidelines;	34996
(8) Any other rules necessary to implement this chapter.	34997
(B) When adopting rules under this section, the <del>public health</del>	34998
<del>council</del> <u>director</u> shall give consideration to recommendations	34999
regarding obstetric and newborn care issued by the American	35000
college of obstetricians and gynecologists; American academy of	35001
pediatrics; American academy of family physicians; American	35002
society of anesthesiologists; American college of nurse-midwives;	35003
United States centers for disease control and prevention;	35004
association of women's health, obstetric and neonatal nurses; and	35005
association of perioperative registered nurses, or their successor	35006
organizations. The <del>council</del> <u>director</u> shall also consider the	35007
recommendations of the maternity and newborn advisory council	35008
established in section 3711.20 of the Revised Code.	35009
<b>Sec. 3711.21.</b> The maternity and newborn advisory council	35010
shall do all of the following:	35011
(A) Advise and consult with the director of health in the	35012
development of rules to be <del>presented to the public health council</del>	35013
<del>for proposed adoption</del> <u>adopted</u> under this chapter;	35014
(B) Advise and consult with the director concerning the	35015
implementation and enforcement of this chapter;	35016
(C) Advise and consult with the director in the development	35017
of inspection criteria, procedures, and guidelines to be used in	35018
enforcement of this chapter;	35019
(D) Advise and consult with the director regarding	35020
recommendations <del>to be presented to the public health council</del>	35021
regarding improving maternity and newborn care in this state;	35022

(E) Prepare and submit to the director an annual report 35023  
evaluating the department's enforcement of this chapter. 35024

**Sec. 3712.03.** (A) In accordance with Chapter 119. of the 35025  
Revised Code, the ~~public director of health council~~ shall adopt, 35026  
and may amend and rescind, rules: 35027

(1) Providing for the licensing of persons or public agencies 35028  
providing hospice care programs within this state by the 35029  
department of health and for the suspension and revocation of 35030  
licenses; 35031

(2) Establishing a license fee and license renewal fee, 35032  
neither of which shall, except as provided in division (B) of this 35033  
section, exceed six hundred dollars. The fees shall cover the 35034  
three-year period during which an existing license is valid as 35035  
provided in division (B) of section 3712.04 of the Revised Code. 35036

(3) Establishing an inspection fee not to exceed, except as 35037  
provided in division (B) of this section, one thousand seven 35038  
hundred fifty dollars; 35039

(4) Establishing requirements for hospice care program 35040  
facilities and services; 35041

(5) Providing for a waiver of the requirement for the 35042  
provision of physical, occupational, or speech or language therapy 35043  
contained in division (A)(2) of section 3712.01 of the Revised 35044  
Code when the requirement would create a hardship because such 35045  
therapy is not readily available in the geographic area served by 35046  
the provider of a hospice care program; 35047

(6) Providing for the granting of licenses to provide hospice 35048  
care programs to persons and public agencies that are accredited 35049  
or certified to provide such programs by an entity whose standards 35050  
for accreditation or certification equal or exceed those provided 35051  
for licensure under this chapter and rules adopted under it; 35052

(7) Establishing interpretive guidelines for each rule. 35053

(B) Subject to the approval of the controlling board, the 35054  
~~public health council~~ director may establish fees in excess of the 35055  
maximum amounts specified in this section, provided that the fees 35056  
do not exceed those amounts by greater than fifty per cent. 35057

(C) The department of health shall: 35058

(1) Grant, suspend, and revoke licenses for hospice care 35059  
programs in accordance with this chapter and rules adopted under 35060  
it; 35061

(2) Make such inspections as are necessary to determine 35062  
whether hospice care program facilities and services meet the 35063  
requirements of this chapter and rules adopted under it; and 35064

(3) Implement and enforce this chapter and rules adopted 35065  
under it. 35066

**Sec. 3712.04.** (A) Every person or public agency that proposes 35067  
to provide a hospice care program shall apply to the department of 35068  
health for a license. Application shall be made on forms 35069  
prescribed and provided by the department, shall include such 35070  
information as the department requires, and shall be accompanied 35071  
by the license fee established by rules of the ~~public~~ director of 35072  
health ~~council~~ adopted under division (A) of section 3712.03 of 35073  
the Revised Code. 35074

The department shall grant a license to the applicant if the 35075  
applicant is in compliance with this chapter and rules adopted 35076  
under it. 35077

(B) A license granted under this section shall be valid for 35078  
three years. Application for renewal of a license shall be made at 35079  
least ninety days before the expiration of the license in the same 35080  
manner as for an initial license. The department shall renew the 35081  
license if the applicant meets the requirements of this chapter 35082

and rules adopted under it. 35083

(C) Subject to Chapter 119. of the Revised Code, the 35084  
department may suspend or revoke a license if the licensee made 35085  
any material misrepresentation in the application for the license 35086  
or no longer meets the requirements of this chapter or rules 35087  
adopted under it. 35088

(D) A hospital, nursing home, home for the aged, county 35089  
medical care facility, or other health facility or agency that 35090  
provides a hospice care program shall be licensed to provide a 35091  
hospice care program under this section. 35092

(E) A nursing home licensed under Chapter 3721. of the 35093  
Revised Code that does not hold itself out to be a hospice, does 35094  
not hold itself out as providing a hospice care program, does not 35095  
use the term hospice to describe or refer to its activities or 35096  
facilities, and that does not provide all of the services 35097  
enumerated in division (A) of section 3712.01 of the Revised Code 35098  
is not subject to the licensing provisions of this chapter. 35099

**Sec. 3712.09.** (A) As used in this section: 35100

(1) "Applicant" means a person who is under final 35101  
consideration for employment with a hospice care program in a 35102  
full-time, part-time, or temporary position that involves 35103  
providing direct care to an older adult. "Applicant" does not 35104  
include a person who provides direct care as a volunteer without 35105  
receiving or expecting to receive any form of remuneration other 35106  
than reimbursement for actual expenses. 35107

(2) "Criminal records check" ~~and "older adult" have~~ has the 35108  
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 35109

(3) "Older adult" means a person age sixty or older. 35110

(B)(1) Except as provided in division (I) of this section, 35111  
the chief administrator of a hospice care program shall request 35112

that the superintendent of the bureau of criminal identification 35113  
and investigation conduct a criminal records check ~~with respect to~~ 35114  
of each applicant. If an applicant for whom a criminal records 35115  
check request is required under this division does not present 35116  
proof of having been a resident of this state for the five-year 35117  
period immediately prior to the date the criminal records check is 35118  
requested or provide evidence that within that five-year period 35119  
the superintendent has requested information about the applicant 35120  
from the federal bureau of investigation in a criminal records 35121  
check, the chief administrator shall request that the 35122  
superintendent obtain information from the federal bureau of 35123  
investigation as part of the criminal records check of the 35124  
applicant. Even if an applicant for whom a criminal records check 35125  
request is required under this division presents proof of having 35126  
been a resident of this state for the five-year period, the chief 35127  
administrator may request that the superintendent include 35128  
information from the federal bureau of investigation in the 35129  
criminal records check. 35130

(2) A person required by division (B)(1) of this section to 35131  
request a criminal records check shall do both of the following: 35132

(a) Provide to each applicant for whom a criminal records 35133  
check request is required under that division a copy of the form 35134  
prescribed pursuant to division (C)(1) of section 109.572 of the 35135  
Revised Code and a standard fingerprint impression sheet 35136  
prescribed pursuant to division (C)(2) of that section, and obtain 35137  
the completed form and impression sheet from the applicant; 35138

(b) Forward the completed form and impression sheet to the 35139  
superintendent of the bureau of criminal identification and 35140  
investigation. 35141

(3) An applicant provided the form and fingerprint impression 35142  
sheet under division (B)(2)(a) of this section who fails to 35143  
complete the form or provide fingerprint impressions shall not be 35144

employed in any position for which a criminal records check is 35145  
required by this section. 35146

(C)(1) Except as provided in rules adopted by the ~~public~~ 35147  
director of health council in accordance with division (F) of this 35148  
section and subject to division (C)(2) of this section, no hospice 35149  
care program shall employ a person in a position that involves 35150  
providing direct care to an older adult if the person has been 35151  
convicted of or pleaded guilty to any of the following: 35152

(a) A violation of section 2903.01, 2903.02, 2903.03, 35153  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 35154  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 35155  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 35156  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 35157  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 35158  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 35159  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 35160  
2925.22, 2925.23, or 3716.11 of the Revised Code. 35161

(b) A violation of an existing or former law of this state, 35162  
any other state, or the United States that is substantially 35163  
equivalent to any of the offenses listed in division (C)(1)(a) of 35164  
this section. 35165

(2)(a) A hospice care program may employ conditionally an 35166  
applicant for whom a criminal records check request is required 35167  
under division (B) of this section prior to obtaining the results 35168  
of a criminal records check regarding the individual, provided 35169  
that the program shall request a criminal records check regarding 35170  
the individual in accordance with division (B)(1) of this section 35171  
not later than five business days after the individual begins 35172  
conditional employment. In the circumstances described in division 35173  
(I)(2) of this section, a hospice care program may employ 35174  
conditionally an applicant who has been referred to the hospice 35175  
care program by an employment service that supplies full-time, 35176

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.

(b) A hospice care program that employs an individual conditionally under authority of division (C)(2)(a) of this section shall terminate the individual's employment if the results of the criminal records check requested 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 thirty days after the date the request is made. Regardless of when the results of the criminal records check are obtained, if the results indicate that the individual has been convicted of or pleaded guilty to any of the offenses listed or described in division (C)(1) of this section, the program shall terminate the individual's employment unless the program chooses to employ the individual pursuant to division (F) of this section. Termination of employment under this division shall be considered just cause for discharge for purposes of division (D)(2) of section 4141.29 of the Revised Code if the individual makes any attempt to deceive the program about the individual's criminal record.

(D)(1) Each hospice care 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 conducted pursuant to a request made under division (B) of this section.

(2) A hospice care program may charge an applicant a fee not exceeding the amount the program pays under division (D)(1) of this section. A program may collect a fee only if both of the following apply:

(a) The program notifies the person at the time of initial

application for employment of the amount of the fee and that, 35209  
unless the fee is paid, the person will not be considered for 35210  
employment; 35211

(b) The medical assistance program established under Chapter 35212  
5111. of the Revised Code does not reimburse the program the fee 35213  
it pays under division (D)(1) of this section. 35214

(E) The report of a criminal records check conducted pursuant 35215  
to a request made under this section is not a public record for 35216  
the purposes of section 149.43 of the Revised Code and shall not 35217  
be made available to any person other than the following: 35218

(1) The individual who is the subject of the criminal records 35219  
check or the individual's representative; 35220

(2) The chief administrator of the program requesting the 35221  
criminal records check or the administrator's representative; 35222

(3) The administrator of any other facility, agency, or 35223  
program that provides direct care to older adults that is owned or 35224  
operated by the same entity that owns or operates the hospice care 35225  
program; 35226

(4) A court, hearing officer, or other necessary individual 35227  
involved in a case dealing with a denial of employment of the 35228  
applicant or dealing with employment or unemployment benefits of 35229  
the applicant; 35230

(5) Any person to whom the report is provided pursuant to, 35231  
and in accordance with, division (I)(1) or (2) of this section. 35232

(F) The ~~public director of health council~~ shall adopt rules 35233  
in accordance with Chapter 119. of the Revised Code to implement 35234  
this section. The rules shall specify circumstances under which a 35235  
hospice care program may employ a person who has been convicted of 35236  
or pleaded guilty to an offense listed or described in division 35237  
(C)(1) of this section but meets personal character standards set 35238



by the ~~council~~ director. 35239

(G) The chief administrator of a hospice care program shall 35240  
inform each individual, at the time of initial application for a 35241  
position that involves providing direct care to an older adult, 35242  
that the individual is required to provide a set of fingerprint 35243  
impressions and that a criminal records check is required to be 35244  
conducted if the individual comes under final consideration for 35245  
employment. 35246

(H) In a tort or other civil action for damages that is 35247  
brought as the result of an injury, death, or loss to person or 35248  
property caused by an individual who a hospice care program 35249  
employs in a position that involves providing direct care to older 35250  
adults, all of the following shall apply: 35251

(1) If the program employed the individual in good faith and 35252  
reasonable reliance on the report of a criminal records check 35253  
requested under this section, the program shall not be found 35254  
negligent solely because of its reliance on the report, even if 35255  
the information in the report is determined later to have been 35256  
incomplete or inaccurate; 35257

(2) If the program employed the individual in good faith on a 35258  
conditional basis pursuant to division (C)(2) of this section, the 35259  
program shall not be found negligent solely because it employed 35260  
the individual prior to receiving the report of a criminal records 35261  
check requested under this section; 35262

(3) If the program in good faith employed the individual 35263  
according to the personal character standards established in rules 35264  
adopted under division (F) of this section, the program shall not 35265  
be found negligent solely because the individual prior to being 35266  
employed had been convicted of or pleaded guilty to an offense 35267  
listed or described in division (C)(1) of this section. 35268

(I)(1) The chief administrator of a hospice care program is 35269

not required to request that the superintendent of the bureau of 35270  
criminal identification and investigation conduct a criminal 35271  
records check of an applicant if the applicant has been referred 35272  
to the program by an employment service that supplies full-time, 35273  
part-time, or temporary staff for positions involving the direct 35274  
care of older adults and both of the following apply: 35275

(a) The chief administrator receives from the employment 35276  
service or the applicant a report of the results of a criminal 35277  
records check regarding the applicant that has been conducted by 35278  
the superintendent within the one-year period immediately 35279  
preceding the applicant's referral; 35280

(b) The report of the criminal records check demonstrates 35281  
that the person has not been convicted of or pleaded guilty to an 35282  
offense listed or described in division (C)(1) of this section, or 35283  
the report demonstrates that the person has been convicted of or 35284  
pleaded guilty to one or more of those offenses, but the hospice 35285  
care program chooses to employ the individual pursuant to division 35286  
(F) of this section. 35287

(2) The chief administrator of a hospice care program is not 35288  
required to request that the superintendent of the bureau of 35289  
criminal identification and investigation conduct a criminal 35290  
records check of an applicant and may employ the applicant 35291  
conditionally as described in this division, if the applicant has 35292  
been referred to the program by an employment service that 35293  
supplies full-time, part-time, or temporary staff for positions 35294  
involving the direct care of older adults and if the chief 35295  
administrator receives from the employment service or the 35296  
applicant a letter from the employment service that is on the 35297  
letterhead of the employment service, dated, and signed by a 35298  
supervisor or another designated official of the employment 35299  
service and that states that the employment service has requested 35300  
the superintendent to conduct a criminal records check regarding 35301

the applicant, that the requested criminal records check will 35302  
include a determination of whether the applicant has been 35303  
convicted of or pleaded guilty to any offense listed or described 35304  
in division (C)(1) of this section, that, as of the date set forth 35305  
on the letter, the employment service had not received the results 35306  
of the criminal records check, and that, when the employment 35307  
service receives the results of the criminal records check, it 35308  
promptly will send a copy of the results to the hospice care 35309  
program. If a hospice care program employs an applicant 35310  
conditionally in accordance with this division, the employment 35311  
service, upon its receipt of the results of the criminal records 35312  
check, promptly shall send a copy of the results to the hospice 35313  
care program, and division (C)(2)(b) of this section applies 35314  
regarding the conditional employment. 35315

**Sec. 3713.01.** As used in sections 3713.01 to 3713.10 of the 35316  
Revised Code: 35317

(A) "Person" has the same meaning as used in division (C) of 35318  
section 1.59 of the Revised Code and also means any limited 35319  
company, limited liability partnership, joint stock company, or 35320  
other association. 35321

(B) "Bedding" means any upholstered furniture, any mattress, 35322  
upholstered spring, comforter, bolster, pad, cushion, pillow, 35323  
mattress protector, quilt, and any other upholstered article, to 35324  
be used for sleeping, resting, or reclining purposes, and any 35325  
glider, hammock, or other substantially similar article that is 35326  
wholly or partly upholstered. 35327

(C) "Secondhand" means any article, or material, or portion 35328  
thereof of which prior use has been made in any manner whatsoever. 35329

(D) "Remade, repaired, or renovated articles not for sale" 35330  
means any article that is remade, repaired, or renovated for and 35331  
is returned to the owner for the owner's own use. 35332

(E) "Sale," "sell," or "sold" shall, in the corresponding 35333  
tense, mean sell, offer to sell, or deliver or consign in sale, or 35334  
possess with intent to sell, or deliver in sale. 35335

(F) "Upholstered furniture" means any article of furniture 35336  
wholly or partly stuffed or filled with material and that is used 35337  
or intended for use for sitting, resting, or reclining purposes. 35338

(G) "Stuffed toy" means any article intended for use as a 35339  
plaything or for an educational or recreational purpose that is 35340  
wholly or partially stuffed with material. 35341

(H) "Tag" or "label" means any material prescribed by the 35342  
superintendent of ~~labor~~ industrial compliance to be attached to an 35343  
article that contains information required under this chapter. 35344

**Sec. 3713.02.** (A) Except as provided in section 3713.05 of 35345  
the Revised Code, no person shall import, manufacture, renovate, 35346  
wholesale, or reupholster stuffed toys or articles of bedding in 35347  
this state without first registering to do so with the 35348  
superintendent of ~~labor~~ industrial compliance in accordance with 35349  
section 3713.05 of the Revised Code. 35350

(B) No person shall manufacture, offer for sale, sell, 35351  
deliver, or possess for the purpose of manufacturing, selling, or 35352  
delivering, an article of bedding or a stuffed toy that is not 35353  
labeled in accordance with section 3713.08 of the Revised Code. 35354

(C) No person shall manufacture, offer for sale, sell, 35355  
deliver, or possess for the purpose of manufacturing, selling, or 35356  
delivering, an article of bedding or a stuffed toy that is falsely 35357  
labeled. 35358

(D) No person shall sell or offer for sale any secondhand 35359  
article of bedding or any secondhand stuffed toy that has not been 35360  
sanitized in accordance with section 3713.08 of the Revised Code. 35361

(E) The possession of any article of bedding or stuffed toy 35362

in the course of business by a person required to obtain 35363  
registration under this chapter, or by that person's agent or 35364  
servant shall be prima-facie evidence of the person's intent to 35365  
sell the article of bedding or stuffed toy. 35366

**Sec. 3713.03.** The superintendent of ~~labor~~ industrial 35367  
compliance in the department of commerce shall administer and 35368  
enforce this chapter. 35369

**Sec. 3713.04.** (A) In accordance with Chapter 119. of the 35370  
Revised Code, the superintendent of ~~labor~~ industrial compliance 35371  
shall: 35372

(1) Adopt rules pertaining to the definition, name, and 35373  
description of materials necessary to carry out this chapter; 35374

(2) Determine the testing standards, fees, and charges to be 35375  
paid for making any test or analysis required pursuant to section 35376  
3713.08 of the Revised Code. 35377

(B) In accordance with Chapter 119. of the Revised Code, the 35378  
superintendent may adopt rules regarding the following: 35379

(1) Establishing an initial application fee or an annual 35380  
registration renewal fee not more than fifty per cent higher than 35381  
the fees set forth in section 4713.05 of the Revised Code; 35382

(2) Establishing standards, on a reciprocal basis, for the 35383  
acceptance of labels and laboratory analyses from other states 35384  
where the labeling requirements and laboratory analysis standards 35385  
are substantially equal to the requirements of this state, 35386  
provided the other state extends similar reciprocity to labels and 35387  
laboratory analysis conducted under this chapter; 35388

(3) Any other rules necessary to administer and carry out 35389  
this chapter. 35390

(C) The superintendent may do any of the following: 35391

(1) Issue administrative orders, conduct hearings, and take 35392  
all actions necessary under the authority of Chapter 119. of the 35393  
Revised Code for the administration of this chapter. The authority 35394  
granted under this division shall include the authority to 35395  
suspend, revoke, or deny registration under this chapter. 35396

(2) Establish and maintain facilities within the department 35397  
of commerce to make tests and analysis of materials used in the 35398  
manufacture of bedding and stuffed toys. The superintendent also 35399  
may designate established laboratories in various sections of the 35400  
state that are qualified to make these tests. If the 35401  
superintendent exercises this authority, the superintendent shall 35402  
adopt rules to determine the fees and charges to be paid for 35403  
making the tests or analyses authorized under this section. 35404

(3) Exercise such other powers and duties as are necessary to 35405  
carry out the purpose and intent of this chapter. 35406

**Sec. 3713.05.** (A) Applications to register to import, 35407  
manufacture, renovate, wholesale, make, or reupholster stuffed 35408  
toys or bedding in this state shall be made in writing on forms 35409  
provided by the superintendent of ~~labor~~ industrial compliance. The 35410  
application shall be accompanied by a registration fee of fifty 35411  
dollars per person unless the applicant engages only in 35412  
renovation, in which case the registration fee shall be 35413  
thirty-five dollars. 35414

(B) Upon receipt of the application and the appropriate fee, 35415  
the superintendent shall register the applicant and assign a 35416  
registration number to the registrant. 35417

(C) Notwithstanding section 3713.02 of the Revised Code and 35418  
division (A) of this section, the following are exempt from 35419  
registration: 35420

(1) An organization described in section 501(c)(3) of the 35421

"Internal Revenue Code of 1986," and exempt from income tax under 35422  
section 501(a) of that code and that is operated exclusively to 35423  
provide recreation or social services; 35424

(2) A person who is not regularly engaged in the business of 35425  
manufacturing, making, wholesaling, or importing stuffed toys but 35426  
who manufactures or makes stuffed toys as a leisure pursuit and 35427  
who sells one hundred or fewer stuffed toys within one calendar 35428  
year; 35429

(3) A person who is not regularly engaged in the business of 35430  
manufacturing, making, wholesaling, or importing quilts, 35431  
comforters, pillows, or cushions, but who manufactures or makes 35432  
these items as a leisure pursuit and who sells five or fewer 35433  
quilts, ten or fewer comforters, or twenty or fewer pillows or 35434  
cushions within one calendar year. 35435

(D) Notwithstanding division (C)(2) or (3) of this section, a 35436  
person exempt under that division must attach a label to each 35437  
stuffed toy that contains all of the following information: 35438

(1) The person's name and address; 35439

(2) A statement that the person is not registered by the 35440  
state of Ohio; 35441

(3) A statement that the contents of the product have not 35442  
been inspected. 35443

**Sec. 3713.06.** (A) Any person required to register under 35444  
division (A) of section 3713.02 of the Revised Code who imports 35445  
bedding or stuffed toys into this state for retail sale or use in 35446  
this state and any person required to register under division (A) 35447  
of section 3713.02 of the Revised Code who manufactures bedding or 35448  
stuffed toys in this state for retail sale or use in this state 35449  
shall submit a report to the superintendent of ~~labor~~ industrial 35450  
compliance, in a form and manner prescribed by the superintendent. 35451

The form shall be submitted once every six months and shall show 35452  
the total number of items of bedding or stuffed toys imported into 35453  
this state or manufactured in this state. Each report shall be 35454  
accompanied by a fee of four cents for each item of bedding or 35455  
stuffed toy imported into this state or manufactured in this 35456  
state. 35457

(B) Every importer, manufacturer, or wholesaler of stuffed 35458  
toys or articles of bedding, and every mobile home and 35459  
recreational vehicle dealer, conversion van dealer, secondhand 35460  
dealer, and auction house shall retain records, designated by the 35461  
superintendent in rule, for the time period established in rule. 35462

(C) Every importer, manufacturer, or wholesaler of stuffed 35463  
toys or articles of bedding, and every mobile home and 35464  
recreational vehicle dealer, conversion van dealer, secondhand 35465  
dealer, and auction house shall make sufficient investigation of 35466  
its records to ensure that the information reported to the 35467  
superintendent under division (A) of this section is accurate. 35468

**Sec. 3713.07.** (A) Registration obtained under this chapter 35469  
expires annually on the last day of the month in the month that 35470  
the registration was obtained. The superintendent of ~~labor~~ 35471  
industrial compliance shall renew the registration in accordance 35472  
with Chapter 4745. of the Revised Code. 35473

(B) Failure on the part of any registrant to renew 35474  
registration prior to its expiration, when notified as required in 35475  
this section, shall not deprive the person of the right to renewal 35476  
within the ninety days that follow expiration, but the fee to be 35477  
paid for renewal after its expiration shall be one hundred dollars 35478  
plus the standard registration fee for the registrant. 35479

(C) If a registrant fails to renew registration within ninety 35480  
days of the date that it expired, the former registrant shall 35481  
comply with the registration requirements under section 3713.05 of 35482



the Revised Code to obtain valid registration. 35483

**Sec. 3713.08.** (A) All persons required to register under 35484  
division (A) of section 3713.02 of the Revised Code manufacturing, 35485  
making, or wholesaling bedding or stuffed toys, or both, that are 35486  
sold or offered for sale shall have the material content of their 35487  
products tested and analyzed at an established laboratory 35488  
designated by the superintendent of ~~labor~~ industrial compliance 35489  
before the bedding or stuffed toys are sold or offered for sale. 35490

(B) Every stuffed toy or item of bedding sold or offered for 35491  
sale shall have a label affixed to it that reports the contents of 35492  
the stuffed toy or bedding material in conformity with 35493  
requirements established by the superintendent, a registration 35494  
number, and any other identifying information as required by the 35495  
superintendent. 35496

(C) The seller of any secondhand articles of bedding or 35497  
stuffed toys shall sanitize all items in accordance with rules 35498  
established by the superintendent prior to the sale of or the 35499  
offering for sale of any secondhand articles. 35500

(D) This section does not apply to any of the following: 35501

(1) Persons who meet the qualifications of division (C)(2) or 35502  
(3) of section 3713.05 of the Revised Code; 35503

(2) The sale of furniture more than fifty years old; 35504

(3) The sale of furniture from the home of the owner directly 35505  
to the purchaser. 35506

**Sec. 3713.09.** (A) The superintendent of ~~labor~~ industrial 35507  
compliance may appoint inspectors and periodically inspect and 35508  
investigate any establishment where bedding or stuffed toys are 35509  
manufactured, made, remade, renovated, repaired, sanitized, sold, 35510  
or offered for sale, or where previously used material is 35511

processed for use in the manufacture of bedding or stuffed toys. 35512

(1) Each inspector shall make a written report to the 35513  
superintendent of each examination and inspection complete with 35514  
the inspector's findings and recommendations. Inspectors may place 35515  
"off sale" any article of bedding or stuffed toy offered for sale, 35516  
or found in the possession of any person with the intent to sell, 35517  
in violation of section 3713.02 of the Revised Code. Inspectors 35518  
shall perform other duties related to inspection and examination 35519  
as prescribed by the superintendent. 35520

(2) When articles are placed "off sale" under division (A)(1) 35521  
of this section, they shall be tagged, and the tag shall not be 35522  
removed except by an authorized representative of the division of 35523  
~~labor~~ industrial compliance after the violator demonstrates to the 35524  
satisfaction of the superintendent proof of compliance with the 35525  
requirements of section 3713.08 of the Revised Code. 35526

(B)(1) When an inspector has cause to believe that any 35527  
bedding or stuffed toy is not tagged or labeled in accordance with 35528  
section 3713.08 of the Revised Code, the inspector may open any 35529  
seam of the bedding or stuffed toy in question to examine the 35530  
material used or contained within it and take a reasonable amount 35531  
of the material for testing and analysis and, if necessary, 35532  
examine any and all purchase records in order to determine the 35533  
contents or the kind of material used in the bedding or stuffed 35534  
toy in question. An inspector may seize and hold evidence of any 35535  
article of bedding, stuffed toy, or material manufactured, made, 35536  
possessed, renovated, remade, or repaired, sold, or offered for 35537  
sale contrary to this chapter. 35538

(2) Immediately after seizing articles believed to be in 35539  
violation of this chapter, the inspector immediately shall report 35540  
the seizure to the superintendent. The superintendent shall hold a 35541  
hearing in accordance with Chapter 119. of the Revised Code or 35542  
make a ruling in the matter. If the superintendent finds that the 35543

article of bedding, stuffed toy, or material is not in violation 35544  
of this chapter, the superintendent shall order the item or items 35545  
returned to the owner. If the superintendent finds a violation of 35546  
this chapter, the superintendent may do either of the following: 35547

(a) Return the articles to the owner for proper treatment, 35548  
tagging or labeling, or other action as ordered by the 35549  
superintendent, subject to the requirement that the articles be 35550  
reinspected at cost to the owner, prior to being sold or offered 35551  
for sale; 35552

(b) Report the violation to the appropriate prosecuting 35553  
attorney or city law director. 35554

(C) The superintendent, at reasonable times and upon 35555  
reasonable notice, may examine or cause to be examined the records 35556  
of any importer, manufacturer, or wholesaler of stuffed toys or 35557  
articles of bedding, mobile home and recreational vehicle dealer, 35558  
conversion van dealer, secondhand dealer, or auction house to 35559  
determine compliance with this chapter. The superintendent may 35560  
enter into contracts, pursuant to procedures prescribed by the 35561  
superintendent, with persons to examine these records to determine 35562  
compliance with this chapter. These persons may collect and remit 35563  
to the superintendent any amounts due under this chapter. 35564

(D) Records audited pursuant to division (C) of this section 35565  
are confidential and shall not be disclosed except as required by 35566  
section 149.43 of the Revised Code, or as the superintendent finds 35567  
necessary for the proper administration of this chapter. 35568

(E) In the case of any investigation or examination, or both, 35569  
that requires investigation or examination outside of this state 35570  
of any importer, manufacturer, or wholesaler of stuffed toys or 35571  
articles of bedding, or of any mobile home or recreational vehicle 35572  
dealer, conversion van dealer, secondhand dealer, or auction 35573  
house, the superintendent may require the investigated or examined 35574

person to pay the actual expense of the investigation or 35575  
examination. The superintendent shall provide an itemized 35576  
statement of actual expenses to the investigated or examined 35577  
person. 35578

(F) Whenever the superintendent has reason to believe, from 35579  
the superintendent's own information, upon complaint, or 35580  
otherwise, that any person has engaged in, is engaging in, or is 35581  
about to engage in any practice prohibited by this chapter, or 35582  
when the superintendent has reason to believe that it is necessary 35583  
for public health and safety, the superintendent may do any of the 35584  
following: 35585

(1) Investigate violations of this chapter, and for that 35586  
purpose, may subpoena witnesses in connection with the 35587  
investigation. The superintendent may make application to the 35588  
appropriate court of common pleas for an order enjoining the 35589  
violation of this chapter, and upon a showing by the 35590  
superintendent that any registrant or person acting in a manner 35591  
that requires registration has violated or is about to violate 35592  
this chapter, an injunction, restraining order, or other order as 35593  
may be appropriate shall be granted by the court. 35594

(2) Compel by subpoena the attendance of witnesses to testify 35595  
in relation to any matter over which the superintendent has 35596  
jurisdiction and that is the subject of inquiry and investigation 35597  
by the superintendent, and require the production of any book, 35598  
paper, or document pertaining to the matter. In case any person 35599  
fails to file any statement or report, obey any subpoena, give 35600  
testimony, or produce any books, records, or papers as required by 35601  
a subpoena, the court of common pleas of any county in the state, 35602  
upon application made to it by the superintendent, shall compel 35603  
obedience by attachment proceedings for contempt. 35604

(3) Suspend or revoke the registration of any importer, 35605  
manufacturer, or wholesaler of stuffed toys or articles of 35606

bedding, mobile home or recreational vehicle dealer, conversion 35607  
van dealer, secondhand dealer, or auction house; 35608

(4) Submit evidence of the violation or violations to any 35609  
city prosecutor, city director of law, or prosecuting attorney 35610  
with authority to prosecute. If the city prosecutor, city director 35611  
of law, or prosecuting attorney with authority to prosecute fails 35612  
to prosecute, the superintendent shall submit the evidence to the 35613  
attorney general who may proceed with the prosecution. 35614

**Sec. 3713.10.** All money collected under this chapter shall be 35615  
deposited into the state treasury to the credit of the ~~labor~~ 35616  
industrial compliance operating fund created under section 121.084 35617  
of the Revised Code. 35618

**Sec. 3714.073.** (A) In addition to the fee levied under 35619  
division (A)(1) of section 3714.07 of the Revised Code, beginning 35620  
July 1, 2005, there is hereby levied on the disposal of 35621  
construction and demolition debris at a construction and 35622  
demolition debris facility that is licensed under this chapter or 35623  
at a solid waste facility that is licensed under Chapter 3734. of 35624  
the Revised Code the following fees: 35625

(1) A fee of twelve and one-half cents per cubic yard or 35626  
twenty-five cents per ton, as applicable, the proceeds of which 35627  
shall be deposited in the state treasury to the credit of the soil 35628  
and water conservation district assistance fund created in section 35629  
1515.14 of the Revised Code; 35630

(2) A fee of thirty-seven and one-half cents per cubic yard 35631  
or seventy-five cents per ton, as applicable, the proceeds of 35632  
which shall be deposited in the state treasury to the credit of 35633  
the recycling and litter prevention fund created in section 35634  
~~1502.02~~ 3736.03 of the Revised Code. 35635

(B) The owner or operator of a construction and demolition 35636

debris facility or a solid waste facility, as a trustee of the 35637  
state, shall collect the fees levied under this section and remit 35638  
the money from the fees in the manner that is established in 35639  
divisions (A)(2) and (3) of section 3714.07 of the Revised Code 35640  
for the fee that is levied under division (A)(1) of that section 35641  
and may enter into an agreement for the quarterly payment of the 35642  
fees in the manner established in division (B) of that section for 35643  
the quarterly payment of the fee that is levied under division 35644  
(A)(1) of that section. 35645

(C) The money that is collected from a construction and 35646  
demolition debris facility or a solid waste facility and remitted 35647  
to a board of health or the director of environmental protection, 35648  
as applicable, pursuant to this section shall be transmitted by 35649  
the board or director to the treasurer of state not later than 35650  
forty-five days after the receipt of the money to be credited to 35651  
the soil and water conservation district assistance fund or the 35652  
recycling and litter prevention fund, as applicable. 35653

(D) This section does not apply to the disposal of 35654  
construction and demolition debris at a solid waste facility that 35655  
is licensed under Chapter 3734. of the Revised Code if the owner 35656  
or operator of the facility chooses to collect fees on the 35657  
disposal of the construction and demolition debris that are 35658  
identical to the fees that are collected under Chapters 343. and 35659  
3734. of the Revised Code on the disposal of solid wastes at that 35660  
facility. 35661

(E) This section does not apply to the disposal of source 35662  
separated materials that are exclusively composed of reinforced or 35663  
nonreinforced concrete, asphalt, clay tile, building or paving 35664  
brick, or building or paving stone at a construction and 35665  
demolition debris facility that is licensed under this chapter 35666  
when either of the following applies: 35667

(1) The materials are placed within the limits of 35668

construction and demolition debris placement at the facility as 35669  
specified in the license issued to the facility under section 35670  
3714.06 of the Revised Code, are not placed within the unloading 35671  
zone of the facility, and are used as a fire prevention measure in 35672  
accordance with rules adopted by the director under section 35673  
3714.02 of the Revised Code. 35674

(2) The materials are not placed within the unloading zone of 35675  
the facility or within the limits of construction and demolition 35676  
debris placement at the facility as specified in the license 35677  
issued to the facility under section 3714.06 of the Revised Code, 35678  
but are used as fill material, either alone or in conjunction with 35679  
clean soil, sand, gravel, or other clean aggregates, in legitimate 35680  
fill operations for construction purposes at the facility or to 35681  
bring the facility up to a consistent grade. 35682

**Sec. 3715.01.** (A) As used in this chapter: 35683

(1) ~~"Public health council" means the public health council 35684  
established by section 3701.33 of the Revised Code. 35685~~

~~(2)~~ "Person" means an individual, partnership, corporation, 35686  
or association. 35687

~~(3)~~(2) "Food" means: 35688

(a) Articles used for food or drink for humans or animals; 35689

(b) Chewing gum; 35690

(c) Articles used for components of any such articles. 35691

~~(4)~~(3) "Drug" means: 35692

(a) Articles recognized in the United States pharmacopoeia 35693  
and national formulary, or any supplement to them; 35694

(b) Articles intended for use in the diagnosis, cure, 35695  
mitigation, treatment, or prevention of disease in humans or 35696  
animals; 35697

(c) Articles, other than food, intended to affect the structure or any function of the body of humans or other animals;	35698 35699
(d) Articles intended for use as a component of any of the foregoing articles, other than devices or their components, parts, or accessories.	35700 35701 35702
<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:	35703 35704 35705 35706 35707 35708 35709
(a) Recognized in the United States pharmacopoeia and national formulary, or any supplement to them;	35710 35711
(b) Intended for use in the diagnosis of disease or other conditions, or in the cure, mitigation, treatment, or prevention of disease in humans or animals;	35712 35713 35714
(c) Intended to affect the structure or any function of the body of humans or animals, and that does not achieve any of its principal intended purposes through chemical action within or on the body of humans or animals and is not dependent upon being metabolized for the achievement of any of its principal intended purposes.	35715 35716 35717 35718 35719 35720
<del>(6)</del> <u>(5)</u> "Cosmetic" means:	35721
(a) Articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance;	35722 35723 35724 35725
(b) Articles intended for use as a component of any such article, except that "cosmetic" does not include soap.	35726 35727



~~(7)~~(6) "Label" means a display of written, printed, or graphic matter upon the immediate container, exclusive of package liners, of any article.

Any word, statement, or other information required by this chapter to appear on the label must appear on the outside container or wrapper, if any, of the retail package of the article, or the label must be easily legible through the outside container or wrapper.

~~(8)~~(7) "Labeling" means all labels and other written, printed, or graphic matter:

- (a) Upon an article or any of its containers or wrappers;
- (b) Accompanying such article.

~~(9)~~(8) "Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or that are likely to induce, directly or indirectly, the purchase of food, drugs, devices, or cosmetics.

~~(10)~~(9) "New drug" means:

(a) Any drug the composition of which is such that the drug is not generally recognized among experts qualified by scientific training and experience to evaluate the safety of drugs, as safe for use under the conditions prescribed, recommended, or suggested in the labeling thereof;

(b) Any drug the composition of which is such that the drug, as a result of investigation to determine its safety for use under such conditions, has become so recognized, but that has not, other than in an investigation, been used to a material extent or for a material time under such conditions.

~~(11)~~(10) "Contaminated with filth" applies to any food, drug, device, or cosmetic that has not been protected as far as may be necessary by all reasonable means from dust, dirt, and all foreign

or injurious substances. 35758

~~(12)~~(11) "Honey" means the nectar and saccharine exudation of 35759  
plants that has been gathered, modified, and stored in a honeycomb 35760  
by honeybees. 35761

~~(13)~~(12) "Finished dosage form" means the form of a drug that 35762  
is, or is intended to be, dispensed or administered to humans or 35763  
animals and requires no further manufacturing or processing other 35764  
than packaging, reconstituting, or labeling. 35765

~~(14)~~(13)(a) "Manufacture" means the planting, cultivating, 35766  
harvesting, processing, making, preparing, or otherwise engaging 35767  
in any part of the production of a drug by propagating, 35768  
compounding, converting, or processing, either directly or 35769  
indirectly by extracting from substances of natural origin, or 35770  
independently by means of chemical synthesis, or by a combination 35771  
of extraction and chemical synthesis, and includes the following: 35772

(i) Any packaging or repackaging of the drug or labeling or 35773  
relabeling of its container, the promotion and marketing of the 35774  
drug, and other activities incident to production; 35775

(ii) The preparation and promotion of commercially available 35776  
products from bulk compounds for resale by pharmacies, licensed 35777  
health professionals authorized to prescribe drugs, or other 35778  
persons. 35779

(b) "Manufacture" does not include the preparation, 35780  
compounding, packaging, or labeling of a drug by a pharmacist as 35781  
an incident to either of the following: 35782

(i) Dispensing a drug in the usual course of professional 35783  
practice; 35784

(ii) Providing a licensed health professional authorized to 35785  
prescribe drugs with a drug for the purpose of administering to 35786  
patients or for using the drug in treating patients in the 35787

professional's office. 35788

~~(15)~~(14) "Dangerous drug" has the same meaning as in section 35789  
4729.01 of the Revised Code. 35790

~~(16)~~(15) "Generically equivalent drug" means a drug that 35791  
contains identical amounts of the identical active ingredients, 35792  
but not necessarily containing the same inactive ingredients, that 35793  
meets the identical compendial or other applicable standard of 35794  
identity, strength, quality, and purity, including potency, and 35795  
where applicable, content uniformity, disintegration times, or 35796  
dissolution rates, as the prescribed brand name drug and the 35797  
manufacturer or distributor holds, if applicable, either an 35798  
approved new drug application or an approved abbreviated new drug 35799  
application unless other approval by law or from the federal food 35800  
and drug administration is required. 35801

No drug shall be considered a generically equivalent drug for 35802  
the purposes of this chapter if it has been listed by the federal 35803  
food and drug administration as having proven bioequivalence 35804  
problems. 35805

~~(17)~~(16) "Licensed health professional authorized to 35806  
prescribe drugs" and "prescriber" have the same meanings as in 35807  
section 4729.01 of the Revised Code. 35808

~~(18)~~(17) "Home" means the primary residence occupied by the 35809  
residence's owner, on the condition that the residence contains 35810  
only one stove or oven used for cooking, which may be a double 35811  
oven, designed for common residence usage and not for commercial 35812  
usage, and that the stove or oven be operated in an ordinary 35813  
kitchen within the residence. 35814

~~(19)~~(18) "Potentially hazardous food" means a food that is 35815  
natural or synthetic, to which any of the following apply: 35816

(a) It has a pH level greater than 4.6 when measured at 35817  
seventy-five degrees fahrenheit or twenty-four degrees celsius. 35818

(b) It has a water activity value greater than 0.85. 35819

(c) It requires temperature control because it is in a form 35820  
capable of supporting the rapid and progressive growth of 35821  
infectious or toxigenic microorganisms, the growth and toxin 35822  
production of clostridium botulinum, or in the case of raw shell 35823  
eggs, the growth of salmonella enteritidis. 35824

~~(20)~~(19) "Cottage food production operation" means a person 35825  
who, in the person's home, produces food items that are not 35826  
potentially hazardous foods, including bakery products, jams, 35827  
jellies, candy, fruit butter, and similar products specified in 35828  
rules adopted pursuant to section 3715.025 of the Revised Code. 35829

(B) For the purposes of sections 3715.52 to 3715.72 of the 35830  
Revised Code: 35831

(1) If an article is alleged to be misbranded because the 35832  
labeling is misleading, or if an advertisement is alleged to be 35833  
false because it is misleading, then in determining whether the 35834  
labeling or advertisement is misleading, there shall be taken into 35835  
account, among other things, not only representations made or 35836  
suggested by statement, word, design, device, sound, or in any 35837  
combination thereof, but also the extent to which the labeling or 35838  
advertisement fails to reveal facts material in the light of such 35839  
representations or material with respect to consequence which may 35840  
result from the use of the article to which the labeling or 35841  
advertisement relates under the conditions of use prescribed in 35842  
the labeling or advertisement thereof or under such conditions of 35843  
use as are customary or usual. 35844

(2) The provisions regarding the selling of food, drugs, 35845  
devices, or cosmetics include the manufacture, production, 35846  
processing, packing, exposure, offer, possession, and holding of 35847  
any such article for sale; and the sale, dispensing, and giving of 35848  
any such article, and the supplying or applying of any such 35849

articles in the conduct of any food, drug, or cosmetic 35850  
establishment. The provisions do not prohibit a licensed health 35851  
professional authorized to prescribe drugs from administering or 35852  
personally furnishing a drug or device to a patient. 35853

(3) The representation of a drug, in its labeling or 35854  
advertisement, as an antiseptic is a representation that it is a 35855  
germicide, except in the case of a drug purporting to be, or 35856  
represented as, an antiseptic for inhibitory use as a wet 35857  
dressing, ointment, dusting powder, or other use that involves 35858  
prolonged contact with the body. 35859

(4) Whenever jurisdiction is vested in the director of 35860  
agriculture or the state board of pharmacy, the jurisdiction of 35861  
the board shall be limited to the sale, offering for sale, giving 35862  
away, delivery, or dispensing in any manner of drugs at the 35863  
wholesale and retail levels or to the consumer and shall be 35864  
exclusive in the case of such sale, offering for sale, giving 35865  
away, delivery, or dispensing in any manner of drugs at the 35866  
wholesale and retail levels or to the consumer in any place where 35867  
prescriptions are dispensed or compounded. 35868

(5) To assist in effectuating the provisions of those 35869  
sections, the director of agriculture or state board of pharmacy 35870  
may request assistance or data from any government or private 35871  
agency or individual. 35872

**Sec. 3715.025.** (A) A cottage food production operation shall 35873  
not process acidified foods, low acid canned foods, or potentially 35874  
hazardous foods. 35875

(B) The director of agriculture shall adopt rules in 35876  
accordance with Chapter 119. of the Revised Code specifying the 35877  
food items a cottage food production operation may produce that 35878  
are in addition to the food items identified by name in division 35879  
(A)~~(20)~~(19) of section 3715.01 of the Revised Code. The director 35880

shall not adopt rules that permit a cottage food production 35881  
operation to produce any food that is a potentially hazardous 35882  
food. 35883

**Sec. 3715.60.** Food is misbranded within the meaning of 35884  
sections 3715.01, 3715.02, 3715.022, and 3715.52 to 3715.72 of the 35885  
Revised Code, if: 35886

(A) Its labeling is false or misleading in any particular. 35887

(B) It is offered for sale under the name of another food. 35888

(C) Its container is so made, formed, or filled as to be 35889  
misleading. 35890

(D) It is an imitation of another food, unless its label 35891  
bears in type of uniform size and prominence, the word 35892  
"imitation," and immediately thereafter the name of the food 35893  
imitated. 35894

(E) When it is in package form, it does not bear a label 35895  
containing: 35896

(1) The name and place of business of the manufacturer, 35897  
packer, or distributor; 35898

(2) An accurate statement of the quantity of the contents in 35899  
terms of weight, measure, or numerical count; provided, that 35900  
reasonable variations shall be permitted, and exemptions as to 35901  
small packages shall be established by rules adopted by the 35902  
director of agriculture; 35903

(3) In the case of food subject to section 3715.023 of the 35904  
Revised Code, the information specified in that section. 35905

(F) Any word, statement, or other information required by or 35906  
under authority of sections 3715.01, 3715.02, and 3715.52 to 35907  
3715.72 of the Revised Code, to appear on the label or labeling is 35908  
not prominently placed thereon with such conspicuousness as 35909

compared with other words, statements, designs, or devices, in the 35910  
labeling, and in such terms as to render it likely to be read and 35911  
understood by the ordinary individual under customary conditions 35912  
of purchase and use. 35913

(G) It purports to be, or is represented as, a food for which 35914  
a definition and standard of identity have been prescribed by 35915  
statute, or by any rule adopted under an existing statute, or by 35916  
rule as provided by section 3715.02 of the Revised Code, unless: 35917

(1) It conforms to such definition and standard. 35918

(2) Its label bears the name of the food specified in the 35919  
definition and standard, and, insofar as may be required by such 35920  
statute or rules, the common names of optional ingredients, other 35921  
than spices, flavoring, and coloring, present in such food. 35922

(H) It purports to be or is represented as: 35923

(1) A food for which a standard of quality has been 35924  
prescribed by rule as provided by section 3715.02 of the Revised 35925  
Code and its quality falls below the standard unless its label 35926  
bears, in the manner and form that the rules specify, a statement 35927  
that it falls below the standard; 35928

(2) A food for which a standard or standards of fill of 35929  
container have been prescribed by rule as provided by section 35930  
3715.02 of the Revised Code, and it falls below the standard of 35931  
fill of container applicable thereto, unless its label bears, in 35932  
the manner and form that the rules specify, a statement that it 35933  
falls below the standard. 35934

(I) It is not subject to the provisions of division (G) of 35935  
this section, unless it bears labeling clearly giving: 35936

(1) The common or usual name of the food, if any; 35937

(2) In case it is fabricated from two or more ingredients, 35938  
the common or usual name of each ingredient; except that spices, 35939

flavorings, and colorings, other than those sold as such, may be 35940  
designated as spices, flavorings, and colorings, without naming 35941  
each; provided, that, to the extent that compliance with the 35942  
requirements of division (I)(2) of this section is impractical or 35943  
results in deception or unfair competition, exemptions shall be 35944  
established by rules adopted by the director; and provided that 35945  
these requirements shall not apply to any carbonated beverage of 35946  
which a full and correct statement of the ingredients, to the 35947  
extent prescribed by division (I)(2) of this section, has been 35948  
filed under oath with the director. 35949

(J) It purports to be or is represented to be for special 35950  
dietary uses, unless its label bears such information concerning 35951  
its vitamin, mineral, and other dietary properties as is provided 35952  
by rules ~~proposed~~ adopted by the director ~~and adopted by the~~ 35953  
~~public health council~~, as necessary, in order to fully inform 35954  
purchasers as to its value for such uses. 35955

(K) It bears or contains any artificial flavoring, artificial 35956  
coloring, or chemical preservative, unless it bears labeling 35957  
stating that fact; provided, that to the extent that compliance 35958  
with the requirements of this division is impracticable, 35959  
exemptions shall be established by rules ~~proposed~~ adopted by the 35960  
director ~~and adopted by the public health council~~. 35961

**Sec. 3715.61.** (A) Whenever the director of agriculture finds 35962  
after investigation that the distribution in this state of any 35963  
class of food may, by reason of contamination with microorganisms 35964  
during manufacture, processing, or packing thereof in any 35965  
locality, be injurious to health, and that such injurious nature 35966  
cannot be adequately determined after such articles have entered 35967  
commerce, and in such case only, ~~he~~ the director shall ~~propose~~ 35968  
~~regulations for adoption by the public health council~~ adopt rules 35969  
providing for the issuance, to manufacturers, processor, or 35970



packers of such class of food in such locality, of permits to 35971  
which shall be attached such conditions governing the manufacture, 35972  
processing, or packing of such class food, for such temporary 35973  
period of time, as may be necessary to protect the public health; 35974  
and after the effective date of such regulations, and during such 35975  
temporary period, no person shall introduce or deliver for 35976  
introduction into commerce any such food manufactured, processed, 35977  
or packed by any such manufacturer, processor, or packer unless 35978  
such manufacturer, processor, or packer holds a permit issued by 35979  
the director as provided by such ~~regulations~~ rules. 35980

(B) The director is authorized to suspend immediately upon 35981  
notice any permit issued under authority of this section if it is 35982  
found that any of the conditions of the permit have been violated. 35983  
The holder of a permit so suspended shall be privileged at any 35984  
time to apply for the reinstatement of such permit, and the 35985  
director shall, immediately after prompt hearing and on inspection 35986  
of the establishment, reinstate such permit if it is found that 35987  
adequate measures have been taken to comply with and maintain the 35988  
conditions of the permit, as originally issued, or as amended. 35989

(C) The director shall have access to any factory or 35990  
establishment, the operator of which holds a permit from the 35991  
director for the purpose of ascertaining whether or not the 35992  
conditions of the permit are being complied with, and denial of 35993  
access for such inspection shall be ground for suspension of the 35994  
permit until such access is freely given by the operator. 35995

**Sec. 3715.62.** Any poisonous or deleterious substance added to 35996  
any food, except where such substance is required in the 35997  
production thereof or cannot be avoided by good manufacturing 35998  
practice, shall be unsafe for purposes of the application of 35999  
division (B) of section 3715.59 of the Revised Code, but when such 36000  
substance is so required or cannot be so avoided, the director of 36001

agriculture shall ~~propose regulations for adoption by the public~~ 36002  
~~health council~~ adopt rules limiting the quantity therein or 36003  
thereon to such extent as the director finds necessary for the 36004  
protection of public health, and any quantity exceeding the limits 36005  
so fixed shall also be deemed to be unsafe for purposes of the 36006  
application of division (B) of section 3715.59 of the Revised 36007  
Code. While such a regulation is in effect limiting the quantity 36008  
of any such substance in the case of any food, such food shall 36009  
not, by reason of bearing or containing any added amount of such 36010  
substance, be considered to be adulterated within the meaning of 36011  
division (A) of section 3715.59 of the Revised Code. In 36012  
determining the quantity of such added substance to be tolerated 36013  
in or on different articles of food, the director shall take into 36014  
account the extent to which the use of such substance is required 36015  
or cannot be avoided in the production of each such article and 36016  
the other ways in which the consumer may be affected by the same 36017  
or other poisonous or deleterious substances. 36018

**Sec. 3715.68.** (A) An advertisement of food, drug, device, or 36019  
cosmetic is false if it is false or misleading in any particular. 36020

(B) For the purpose of sections 3715.01 and 3715.52 to 36021  
3715.72 of the Revised Code, the advertisement of a drug or device 36022  
representing it to have any effect in albuminuria, appendicitis, 36023  
arteriosclerosis, blood poison, bone disease, Bright's disease, 36024  
cancer, carbuncles, cholecystitis, diabetes, diphtheria, dropsy, 36025  
erysipelas, gallstones, heart and vascular diseases, high blood 36026  
pressure, mastoiditis, measles, meningitis, mumps, nephritis, 36027  
otitis media, paralysis, pneumonia, poliomyelitis (infantile 36028  
paralysis), prostate gland disorders, pyelitis, scarlet fever, 36029  
sexual impotence, sinus infection, tuberculosis, tumors, typhoid, 36030  
uremia, venereal disease, is also false, except that no 36031  
advertisement not in violation of division (A) of this section is 36032  
false under this division if it is disseminated only to members of 36033

the medical, dental, pharmaceutical, or veterinary profession, or 36034  
appears only in the scientific periodicals of these professions; 36035  
provided, that whenever the director of agriculture determines 36036  
that an advance in medical science has made any type of 36037  
self-medication safe as to any of the diseases named above, the 36038  
director shall ~~propose regulations for adoption by the public~~ 36039  
~~health council~~ adopt rules authorizing the advertisement of drugs 36040  
having curative or therapeutic effect for such disease, subject to 36041  
such conditions and restrictions as the director may deem 36042  
necessary in the interests of public health; provided, that this 36043  
division shall not be construed as indicating that self-medication 36044  
for diseases other than those named in this section is safe or 36045  
efficacious. 36046

**Sec. 3715.87.** (A) As used in this section and in sections 36047  
3715.871, 3715.872, and 3715.873 of the Revised Code: 36048

(1) "Controlled substance" has the same meaning as in section 36049  
3719.01 of the Revised Code. 36050

(2) "Health care facility" has the same meaning as in section 36051  
1337.11 of the Revised Code. 36052

(3) "Hospital" has the same meaning as in section 3727.01 of 36053  
the Revised Code. 36054

(4) "Nonprofit clinic" means a charitable nonprofit 36055  
corporation organized and operated pursuant to Chapter 1702. of 36056  
the Revised Code, or any charitable organization not organized and 36057  
not operated for profit, that provides health care services to 36058  
indigent and uninsured persons as defined in section 2305.234 of 36059  
the Revised Code. "Nonprofit clinic" does not include a hospital 36060  
as defined in section 3727.01 of the Revised Code, a facility 36061  
licensed under Chapter 3721. of the Revised Code, or a facility 36062  
that is operated for profit. 36063

(5) "Prescription drug" means any drug to which the following applies: 36064  
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(a) Under the "Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, the drug is required to bear a label containing the legend, "Caution: Federal law prohibits dispensing without prescription" or "Caution: Federal law restricts this drug to use by or on the order of a licensed veterinarian" or any similar restrictive statement, or the drug may be dispensed only upon a prescription. 36066  
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(b) Under Chapter 3715. or 3719. of the Revised Code, the drug may be dispensed only upon a prescription. 36073  
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(B) The state board of pharmacy shall establish a drug repository program to accept and dispense prescription drugs donated or given for the purpose of being dispensed to individuals who are residents of this state and meet eligibility standards established in rules adopted by the board under section 3715.873 of the Revised Code. Except as provided in division (C) of this section, all of the following conditions shall apply to the program: 36075  
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(1) Only drugs in their original sealed and tamper-evident unit dose packaging may be accepted and dispensed; 36083  
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(2) The packaging must be unopened, except that drugs packaged in single unit doses may be accepted and dispensed when the outside packaging is opened if the single unit dose packaging is undisturbed; 36085  
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~~(3) Drugs donated by individuals bearing an expiration date that is less than six months from the date the drug is donated shall not be accepted or dispensed;~~ 36089  
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~~(4)~~ A drug shall not be accepted or dispensed if there is reason to believe that it is adulterated as described in section 3715.63 of the Revised Code. 36092  
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(C) Orally administered cancer drugs that are not controlled substances and that do not require refrigeration, freezing, or storage at a special temperature may be accepted and dispensed even if not in original sealed and tamper-evident unit dose packaging, subject to rules adopted by the board pursuant to section 3715.873 of the Revised Code.

(D) Subject to the limitations specified in divisions (B) and (C) of this section, unused drugs dispensed for purposes of the medicaid program may be accepted and dispensed under the drug repository program.

**Sec. 3716.01.** As used in sections 3716.01 to 3716.07, inclusive, of the Revised Code:

(A) "Department" means the department of health.

(B) "Director" means the director of health.

(C) "Person" includes an individual, partnership, corporation, or association.

(D) "Hazardous substance" means any substance or mixture of substances which is toxic, corrosive, an irritant, strong sensitizer, flammable, or which generates pressure through decomposition, heat, or other means, if such substance or mixture of substances may cause substantial personal injury or illness during any customary or reasonably anticipated handling or use.

(E) "Toxic" applies to any substance which has the inherent capacity to produce bodily injury to man through ingestion, inhalation, or absorption through any body surface.

(F)(1) "Highly toxic" means any substance which falls within any of the following categories:

(a) Produces death within fourteen days in half or more than half of a group of ten or more laboratory white rats each weighing between two hundred and three hundred grams, at a single dose of

fifty milligrams or less per kilogram of body weight, when orally administered; 36125  
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(b) Produces death within fourteen days in half or more than 36127  
half of a group of ten or more laboratory white rats each weighing 36128  
between two hundred and three hundred grams, when inhaled 36129  
continuously for a period of one hour or less at an atmospheric 36130  
concentration of two hundred parts per million by volume or less 36131  
of gas, vapor, mist, or dust provided such concentration is likely 36132  
to be encountered by ~~man~~ a human being when the substance is used 36133  
in any reasonably foreseeable manner; 36134

(c) Produces death within fourteen days in half or more than 36135  
half of a group of ten or more rabbits tested in a dosage of two 36136  
hundred milligrams or less per kilogram of body weight, when 36137  
administered by continuous contact with the bare skin for 36138  
twenty-four hours or less. 36139

(2) If the director finds that available data on human 36140  
experience with any substance indicates results different from 36141  
those obtained on animals in the above named dosages or 36142  
concentrations, the human data shall take precedence. 36143

(G) "Corrosive" means any substance which in contact with 36144  
living tissue will cause destruction of tissue by chemical action; 36145  
but shall not refer to action on inanimate surfaces. 36146

(H) "Irritant" means any substance not corrosive within the 36147  
meaning of division (G) of this section which on immediate, 36148  
prolonged, or repeated contact with normal living tissue will 36149  
induce a local inflammatory reaction. 36150

(I) "Strong sensitizer" means any substance which will cause 36151  
on normal living tissue, through an allergic or photodynamic 36152  
process, a hypersensitivity which becomes evident on reapplication 36153  
of the same substance and which is designated as such by the 36154  
director. Before designating any substance as a strong sensitizer, 36155

the director shall, after public hearing following due notice, 36156  
find that the frequency of occurrence and severity of the reaction 36157  
indicate a significant potential for causing hypersensitivity. 36158

(J) "Extremely flammable" applies to any substance which has 36159  
a flash point at or below twenty degrees Fahrenheit as determined 36160  
by the tagliabue open cut tester. 36161

(K) "Flammable" applies to any substance which has a flash 36162  
point of above twenty degrees to and including eighty degrees 36163  
Fahrenheit, as determined by the tagliabue open cut tester; except 36164  
that the flammability of the contents of self-pressurized 36165  
containers shall be determined by methods generally applicable to 36166  
such containers and established by regulation of the ~~public health~~ 36167  
~~council~~ director. 36168

(L) "Label" means a display of written, printed, or graphic 36169  
matter upon or attached to the immediate package or container of 36170  
any substance. Any word, statement, or other information required 36171  
by sections 3716.01 to 3716.07, inclusive, of the Revised Code, to 36172  
appear on the label must also appear (1) on the outside container 36173  
or wrapper, if any, unless it is easily legible through the 36174  
outside container or wrapper, and (2) on all accompanying 36175  
literature where there are directions for use, written or 36176  
otherwise. 36177

(M) "Immediate container" does not include package liners. 36178

(N) "Misbranded package" means any container of a hazardous 36179  
substance intended or suitable for household use which fails to 36180  
bear a label: 36181

(1) Which states conspicuously: 36182

(a) The name and place of business of the manufacturer, 36183  
packer, or distributor; 36184

(b) The common or usual name, or the chemical name or the 36185

recognized generic name (not trade name only) of the hazardous 36186  
substance or of each component which contributes substantially to 36187  
its hazard; 36188

(c) The signal word "DANGER" on substances which are 36189  
extremely flammable, corrosive, or which: 36190

(i) Produce death within fourteen days in half or more than 36191  
half of a group of ten or more laboratory white rats each weighing 36192  
between two hundred and three hundred grams, at a single dose of 36193  
one gram or less per kilogram of body weight, when orally 36194  
administered; 36195

(ii) Produce death within fourteen days in half or more than 36196  
half of a group of ten or more laboratory white rats each weighing 36197  
between two hundred and three hundred grams, when inhaled 36198  
continuously for a period of one hour or less at an atmospheric 36199  
concentration of two thousand parts per million by volume of gas, 36200  
vapor, mist, or dust, provided such concentration is likely to be 36201  
encountered by ~~man~~ a human being when the substances are used in 36202  
any reasonably foreseeable manner; 36203

(iii) Produce death within fourteen days in half or more than 36204  
half of a group of ten or more rabbits tested in a dosage of one 36205  
gram or less per kilogram of body weight, when administered by 36206  
continuous contact with the bare skin for twenty-four hours or 36207  
less; 36208

(iv) If the director finds that available data on human 36209  
experience with any substance indicates results different from 36210  
those obtained on animals in the above named dosages or 36211  
concentrations, ~~he~~ the director may require the use of the signal 36212  
word "DANGER" on such substance or permit use of the signal word 36213  
"WARNING" or "CAUTION" on such substance. 36214

(d) The signal word "WARNING" or "CAUTION" on all other 36215  
hazardous substances; 36216



(e) An affirmative statement of the principal hazard or hazards, such as "Flammable," "Vapor Harmful," "Causes Burns," "Absorbed Through Skin," or similar wording descriptive of the hazard;	36217 36218 36219 36220
(f) Precautionary measures describing the action to be followed or avoided;	36221 36222
(g) Instructions, when necessary, for the first-aid treatment in case of contact or exposure, if the substance is hazardous through contact or exposure;	36223 36224 36225
(h) The word "poison" for any hazardous substance which is defined as "highly toxic" by division (F) of this section;	36226 36227
(i) Instructions for handling and storage of packages which require special care in handling or storage;	36228 36229
(j) The statement "Keep out of the reach of children," or its practical equivalent.	36230 36231
(2) On which any statements required under division (N) (1) of this section are located prominently and are in the English language in legible type in contrast by typography, layout, or color with other printed matter on the label.	36232 36233 36234 36235
The <del>public health council</del> <u>director</u> shall, by regulations, provide for minimum information which shall appear on the labels for small packages, which labels need not include all of the information required by this section. The director may permit less than the foregoing statement of the hazard or precautionary measures for labels of hazardous substances presenting only minor hazards; and the term "misbranded package" does not apply to packages of economic poisons subject to the "Federal Insecticide, Fungicide, and Rodenticide Act," 61 Stat. 163 (1947), 7 U.S.C.A. 135, nor to packages of foods, drugs, and cosmetics subject to the "Federal Food, Drug, and Cosmetic Act," nor to sections 3715.01 to 3715.72, inclusive, of the Revised Code.	36236 36237 36238 36239 36240 36241 36242 36243 36244 36245 36246 36247

<b>Sec. 3716.03.</b> The director of health shall:	36248
(A) <del>Propose and submit regulations for adoption by the public health council, subject to sections 119.01 to 119.13, inclusive,</del>	36249
<u>Adopt rules in accordance with Chapter 119.</u> of the Revised Code,	36250
for the efficient enforcement of section 3716.02 of the Revised Code;	36251
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(B) Conduct examinations, inspections, and investigations for the purpose of establishing such regulations, through such officers of the department of health or the boards of health, as <del>he</del> <u>the director</u> delegates;	36254
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(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:	36258
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(1) For the purpose of determining the nature of such substances;	36262
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(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;	36264
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(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.	36270
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<b>Sec. 3717.01.</b> As used in this chapter:	36275
(A) "Ohio uniform food safety code" means the food safety and	36276

related standards adopted under section 3717.05 of the Revised Code. 36277  
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(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. 36279  
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(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. 36283  
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As used in this division: 36289

(1) "Retail" means the sale of food to a person who is the ultimate consumer. 36290  
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(2) "Prepared" means any action that affects a food, including receiving and maintaining it at the temperature at which it was received. 36292  
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(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. 36295  
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(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. 36298  
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(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 36303  
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order for one or more individual portions of food in a form that 36307  
is edible without washing, cooking, or additional preparation and 36308  
"prepared" means any action that affects a food other than 36309  
receiving or maintaining it at the temperature at which it was 36310  
received. 36311

Except when expressly provided otherwise, "food service 36312  
operation" includes a catering food service operation, food 36313  
delivery sales operation, mobile food service operation, seasonal 36314  
food service operation, temporary food service operation, and 36315  
vending machine location. 36316

(G) "Catering food service operation" means a food service 36317  
operation where food is prepared for serving at a function or 36318  
event held at an off-premises site, for a charge determined on a 36319  
per-function or per-event basis. 36320

(H) "Food delivery sales operation" means a food service 36321  
operation from which individual portions of food are ordered by a 36322  
customer, prepared at another food service operation or a retail 36323  
food establishment, and delivered to the customer by a person 36324  
other than an employee of the food service operation or retail 36325  
food establishment that prepared the food. 36326

(I) "Mobile food service operation" means a food service 36327  
operation that is operated from a movable vehicle, portable 36328  
structure, or watercraft and that routinely changes location, 36329  
except that if the operation remains at any one location for more 36330  
than forty consecutive days, the operation is no longer a mobile 36331  
food service operation. "Mobile food service operation" includes a 36332  
food service operation that does not remain at any one location 36333  
for more than forty consecutive days and serves, in a manner 36334  
consistent with division (F) of this section, only frozen 36335  
desserts; beverages, nuts, popcorn, candy, or similar confections; 36336  
bakery products identified in section 911.01 of the Revised Code; 36337  
or any combination of those items. 36338

(J) "Seasonal food service operation" means a food service operation, other than a mobile food service operation, that is operated for not more than six months in a licensing period.

(K) "Temporary food service operation" means a food service operation 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 3717.43 of the Revised Code.

(L) "Vending machine location" means an area or room where one or more vending machines are installed and operated, except 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. 36369  
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(P) "Licensing period" means the first day of March to the last day of February of the next succeeding year. 36371  
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(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. 36373  
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(R) "Unprocessed," when used with respect to fruits and vegetables, means that the fruits and vegetables are not processed beyond merely rough trimming and rinsing. 36379  
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(S) "Cottage food production operation" has the same meaning as in division (A)~~(20)~~(19) of section 3715.01 of the Revised Code. 36382  
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**Sec. 3717.04.** The director of agriculture, ~~the public health council,~~ and the director of health have the exclusive power in this state to adopt rules regarding retail food establishments and food service operations. The rules adopted under this chapter shall be applied uniformly throughout this state. 36384  
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All rules adopted under this chapter shall be adopted in accordance with Chapter 119. of the Revised Code. Subject to the approval of the joint committee on agency rule review, portions of the rules may be adopted by referencing all or any part of any federal regulations pertaining to food safety. 36389  
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**Sec. 3717.05.** (A) The director of agriculture and the ~~public director of health council~~ shall adopt rules establishing standards for safe food handling and sanitation in retail food establishments and food service operations. The rules shall be compiled as the Ohio uniform food safety code, which shall be used 36394  
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by the licensors of retail food establishments and food service 36399  
operations in ensuring the safe handling of food in this state. 36400  
All scientific provisions of the Ohio uniform food safety code 36401  
that are relevant to both retail food establishments and food 36402  
service operations shall be adopted by the director of agriculture 36403  
and the ~~public~~ director of health ~~council~~ with each other's 36404  
concurrence. 36405

The Ohio uniform food safety code shall include the 36406  
following: 36407

(1) Criteria for sanitation in retail food establishments and 36408  
food service operations; 36409

(2) Criteria for equipment in retail food establishments and 36410  
food service operations; 36411

(3) Criteria for reviewing the facility layout and equipment 36412  
specifications of retail food establishments and food service 36413  
operations; 36414

(4) A definition of "potentially hazardous" as it pertains to 36415  
food in retail food establishments and to food in food service 36416  
operations; 36417

(5) Criteria to be used in evaluating the primary business of 36418  
a person or government entity for purposes of determining whether 36419  
the person or entity should be licensed as a retail food 36420  
establishment or food service operation. 36421

(B)(1) Except as provided in division (B)(2) of this section, 36422  
if a model food code is established by the United States food and 36423  
drug administration, the Ohio uniform food safety code shall be 36424  
based on the most current version of the food and drug 36425  
administration's model food code. If the food and drug 36426  
administration adopts, modifies, or rescinds a provision in the 36427  
model food code, not later than twelve months after the 36428  
administration's action, the director of agriculture and ~~public~~ 36429

director of health council shall adopt, amend, or rescind 36430  
provisions in the Ohio uniform food safety code to ensure that it 36431  
continues to conform with the model food code. 36432

(2) The Ohio uniform food safety code may contain or omit 36433  
provisions that do not correspond to the food and drug 36434  
administration's model food code if the director of agriculture or 36435  
the ~~public~~ director of health council, with each other's 36436  
concurrence, determines either of the following: 36437

(a) That rules can be adopted under this chapter that provide 36438  
protection at least as effective as that which would be provided 36439  
by basing the rules on the model food code; 36440

(b) That local conditions warrant the adoption of standards 36441  
that are different from the model food code. 36442

**Sec. 3717.07.** (A) For purposes of establishing a licensing 36443  
fee under sections 3717.25 and 3717.45 of the Revised Code, the 36444  
director of agriculture and the ~~public~~ director of health council 36445  
shall adopt rules establishing uniform methodologies for use in 36446  
calculating the costs of licensing retail food establishments in 36447  
the categories specified by the director of agriculture and the 36448  
costs of licensing food service operations in the categories 36449  
specified by the ~~council~~ director of health. In adopting the 36450  
rules, the director of agriculture and the ~~public~~ director of 36451  
health ~~council~~ shall consider any recommendations received from 36452  
advisory boards or other entities representing the interests of 36453  
retail food establishments and food service operations. 36454

(B) The rules shall include provisions that do all of the 36455  
following: 36456

(1) Provide for calculations to be made according to fiscal 36457  
years rather than licensing periods; 36458

(2) Limit the direct costs that may be attributed to the use 36459



of sanitarians by establishing appropriate statewide averages that 36460  
may not be exceeded; 36461

(3) Limit the indirect costs that may be included in the 36462  
calculation of fees to an amount that does not exceed thirty per 36463  
cent of the cost of the licensing program; 36464

(4) Provide for a proportionate reduction in the fees to be 36465  
charged if a licensor included anticipated costs in the 36466  
immediately preceding calculation of licensing fees and the total 36467  
amount of the anticipated costs was not incurred; 36468

(5) Provide for a proportionate reduction in the fees to be 36469  
charged if it is discovered through an audit by the auditor of 36470  
state or through any other means that the licensor has charged or 36471  
is charging a licensing fee that exceeds the amount that should 36472  
have been charged; 36473

(6) Provide for a twenty per cent reduction in the fees to be 36474  
charged when the reduction is imposed as a penalty under division 36475  
(C) of section 3717.071 of the Revised Code; 36476

(7) With regard to any fees charged for licensing vending 36477  
machine locations, the rules shall prohibit a licensor from 36478  
increasing fees by a percentage of increase over the previous 36479  
year's fee that exceeds the percentage of increase in the consumer 36480  
price index for all urban consumers (United States city average, 36481  
all items), prepared by the United States department of labor, 36482  
bureau of labor statistics, for the immediately preceding calendar 36483  
year. 36484

**Sec. 3717.45.** (A) A licensor may charge fees for issuing and 36485  
renewing food service operation licenses. Any licensing fee 36486  
charged shall be used solely for the administration and 36487  
enforcement of the provisions of this chapter and the rules 36488  
adopted under it applicable to food service operations. 36489

Any licensing fee charged under this section shall be based 36490  
on the licensor's costs of regulating food service operations, as 36491  
determined according to the uniform methodologies established 36492  
under section 3717.07 of the Revised Code. If the licensor is a 36493  
board of health, a fee may be disapproved by the district advisory 36494  
council in the case of a general health district or the 36495  
legislative authority of the city in the case of a city health 36496  
district. A disapproved fee shall not be charged by the board of 36497  
health. 36498

Except when a licensing fee is established as an emergency 36499  
measure, the licensor shall hold a public hearing regarding the 36500  
proposed fee. At least twenty days prior to holding a public 36501  
hearing, the licensor shall give written notice of the hearing to 36502  
each person or government entity holding a food service operation 36503  
license that may be affected by the proposed fee. The notice shall 36504  
be mailed to the last known address of the licensee and shall 36505  
specify the date, time, and place of the hearing and the amount of 36506  
the proposed fee. On request, the licensor shall provide the 36507  
completed uniform methodology used in the calculation of the 36508  
licensor's costs and the proposed fee. 36509

(B) In addition to licensing fees, a licensor may charge fees 36510  
for the following: 36511

(1) Review of facility layout and equipment specifications 36512  
pertaining to food service operations, other than mobile and 36513  
temporary food service operations, or similar reviews conducted 36514  
for vending machine locations; 36515

(2) Any necessary collection and bacteriological examination 36516  
of samples from food service operations, or similar services 36517  
specified in rules adopted under this chapter by the ~~public~~ 36518  
director of health council; 36519

(3) Attendance at a course of study offered by the licensor 36520

in food protection as it pertains to food service operations, if 36521  
the course is approved under section 3717.09 of the Revised Code. 36522

(C)(1) The ~~public health council~~ director may determine by 36523  
rule an amount to be collected from applicants for food service 36524  
operation licenses for use ~~by the director of health~~ in 36525  
administering and enforcing the provisions of this chapter and the 36526  
rules adopted under it applicable to food service operations. 36527  
Licensors shall collect the amount prior to issuing an applicant's 36528  
new or renewed license. If a licensing fee is charged under this 36529  
section, the licensor shall collect the amount at the same time 36530  
the fee is collected. Licensors are not required to provide notice 36531  
or hold public hearings regarding amounts to be collected. 36532

(2) A licensor shall certify the amount collected under 36533  
division (C)(1) of this section and transmit the amount to the 36534  
treasurer of state according to the following schedule: 36535

(a) For amounts received by the licensor on or after the 36536  
first day of January but not later than the thirty-first day of 36537  
March, transmit the amounts not later than the fifteenth day of 36538  
May; 36539

(b) For amounts received by the licensor on or after the 36540  
first day of April but not later than the thirtieth day of June, 36541  
transmit the amounts not later than the fifteenth day of August; 36542

(c) For amounts received by the licensor on or after the 36543  
first day of July but not later than the thirtieth day of 36544  
September, transmit the amounts not later than the fifteenth day 36545  
of November; 36546

(d) For amounts received by the licensor on or after the 36547  
first day of October but not later than the thirty-first day of 36548  
December, transmit the amounts not later than the fifteenth day of 36549  
February of the following year. 36550

(3) All amounts received under division (C)(2) of this 36551

section shall be deposited into the general operations fund 36552  
created in section 3701.83 of the Revised Code. The director shall 36553  
use the amounts solely for the administration and enforcement of 36554  
the provisions of this chapter and the rules adopted under it 36555  
applicable to food service operations. 36556

~~(4) The director may submit recommendations to the public 36557  
health council regarding the amounts collected under division 36558  
(C)(1) of this section. When making recommendations, the director 36559  
shall submit a report stating the current and projected expenses 36560  
of administering and enforcing the provisions of this chapter and 36561  
the rules adopted under it applicable to food service operations 36562  
and the total of all amounts that have been deposited in the 36563  
general operations fund pursuant to division (C)(3) of this 36564  
section. The director may include in the report any 36565  
recommendations for modifying the department's administration and 36566  
enforcement of the provisions of this chapter and the rules 36567  
adopted under it applicable to food service operations. 36568~~

**Sec. 3717.51.** Pursuant to section 3717.04 of the Revised 36570  
Code, the public director of health council shall adopt rules 36571  
regarding food service operations, as follows: 36572

(A) Licensing categories for food service operations and 36573  
licensing requirements for each category; 36574

(B) Standards and procedures, including a schedule of 36575  
frequency, for conducting inspections of food service operations; 36576

(C) Standards and procedures for conducting investigations of 36577  
complaints pertaining to food service operations; 36578

(D) Procedures to be used by the director of health in 36579  
approving courses of study for persons seeking certification in 36580  
food protection, standards that must be met to receive and 36581  
maintain the director's approval, and procedures for withdrawing 36582

the director's approval of a course if the standards for approval 36583  
are no longer being met; 36584

(E) Standards for the provision of assistance to choking 36585  
victims; 36586

(F) Any other matter the ~~council~~ director considers relevant 36587  
to the administration and enforcement of the provisions of this 36588  
chapter applicable to food service operations. 36589

**Sec. 3718.02.** (A) The ~~public~~ director of health ~~council~~, in 36590  
accordance with Chapter 119. of the Revised Code, shall adopt, and 36591  
subsequently may amend and rescind, rules of general application 36592  
throughout the state to administer this chapter. Rules adopted 36593  
under division (A) of this section shall do at least all of the 36594  
following: 36595

(1) Require that the appropriate board of health approve or 36596  
disapprove the installation, operation, and alteration of a sewage 36597  
treatment system if it is not connected to a sanitary sewerage 36598  
system; 36599

(2) Require a board of health, or other person as established 36600  
by rule, to conduct a site evaluation for any proposed 36601  
installation of a sewage treatment system; 36602

(3) Prescribe standards for the siting, design, installation, 36603  
operation, monitoring, maintenance, and abandonment of sewage 36604  
treatment systems that may be used in this state and for the 36605  
progressive or incremental alteration or repair of an existing 36606  
sewage treatment system or the progressive or incremental 36607  
installation of a new system to replace an existing sewage 36608  
treatment system. The rules shall be adopted so as to establish a 36609  
preference for the repair of an existing sewage treatment system, 36610  
when technically and economically feasible, rather than its 36611  
replacement with a new system. The standards shall include at a 36612

minimum all of the following: 36613

(a) Soil absorption specifications and vertical separation 36614  
distances. 36615

(i) Soil absorption specifications established in rules shall 36616  
include standards regarding the sizing of sewage treatment systems 36617  
in use in the state. 36618

(ii) In establishing soil absorption specifications and 36619  
vertical separation distances, the rules shall identify those soil 36620  
conditions that present a low or moderate risk of inadequate 36621  
treatment or dispersal of sewage from sewage treatment systems. 36622  
For low and moderate risk conditions, the required vertical 36623  
separation distance shall not exceed eighteen inches except as 36624  
authorized pursuant to rules adopted under divisions 36625  
(A)(3)(a)(iii) and (iv) of this section. 36626

In addition, the rules shall identify those soil conditions 36627  
that present a high risk of inadequate treatment or dispersal of 36628  
sewage. For such high risk conditions, the vertical separation 36629  
distance shall be set at a depth from twenty-four to thirty-six 36630  
inches and shall not be lowered unless a reduction of vertical 36631  
separation is granted in accordance with rules adopted under 36632  
division (A)(3)(a)(iii) of this section. 36633

(iii) The rules shall establish options to be utilized by a 36634  
board of health when approving the reductions of or compliance 36635  
with vertical separation distances that are established in rules 36636  
adopted under division (A)(3)(a)(ii) of this section. The options 36637  
for a board of health in providing such approval shall include, 36638  
but not be limited to: the use where deemed appropriate for a 36639  
particular site of subsurface interceptor drains, perimeter 36640  
drains, or engineered drainage; pretreatment of sewage; or soil 36641  
elevation. 36642

(iv) The rules shall provide that a board of health may 36643

petition the director to increase the vertical separation 36644  
distances required for sewage treatment systems in the applicable 36645  
health district or a portion of the district when conditions 36646  
present a high risk of inadequate treatment or dispersal of 36647  
sewage. The rules also shall provide that the director may approve 36648  
such a request upon a demonstration by the board of health that 36649  
unusual or unique local conditions relating to terrain, bedrock, 36650  
water table, soil fragments, or soil textures require the 36651  
establishment of greater vertical separation distances within the 36652  
jurisdiction of the board of health or a portion thereof. If, 36653  
under the rules, the director of health approves a greater 36654  
vertical separation distance, a board of health still may approve 36655  
a reduction of that vertical separation distance for an individual 36656  
sewage treatment system pursuant to rules adopted under division 36657  
(A)(3)(a)(iii) of this section. Further, if, under the rules, the 36658  
director approves a greater vertical separation distance, a person 36659  
who is denied permission by a board of health to install or 36660  
replace a sewage treatment system as a result of the director's 36661  
approval may request a hearing in accordance with section 3718.11 36662  
of the Revised Code. 36663

(b) Specifications for the quality of treated sewage effluent 36664  
from household sewage treatment systems that is applied to soil on 36665  
the property where a household sewage treatment system is located. 36666  
The specifications established in the rules for the quality of 36667  
effluent from discharging systems shall comply with discharge 36668  
requirements imposed by the national pollutant discharge 36669  
elimination system permit program established under section 36670  
6111.03 of the Revised Code and rules adopted under it. 36671

(c) Requirements for the reasonable maintenance of a system 36672  
according to maintenance requirements approved by the director of 36673  
health as recommended by the sewage treatment system technical 36674  
advisory committee or according to accepted standards and 36675

practices established in rules, as applicable. The requirements 36676  
may include standards for service contracts or other arrangements 36677  
that assure regular maintenance and upkeep of the system. In 36678  
determining the reasonableness of a maintenance requirement, the 36679  
director shall consider a manufacturer's maintenance requirements 36680  
as well as all other maintenance alternatives. 36681

(4) Prescribe procedures for notification to boards of health 36682  
of the approval of a sewage treatment system or components of a 36683  
system by the director of health under section 3718.04 of the 36684  
Revised Code; 36685

(5) Prescribe criteria and procedures under which boards of 36686  
health shall issue installation permits, operation permits, and 36687  
alteration permits for sewage treatment systems. The rules shall 36688  
require as a condition of an installation permit that the 36689  
installer of a system must warrant that the system was installed 36690  
in accordance with all applicable rules and design requirements. 36691  
In addition, the rules shall require a board of health, not later 36692  
than sixty days after the issuance of an installation, operation, 36693  
or alteration permit, to notify the director that the permit was 36694  
issued. The rules shall require the notification to be in a format 36695  
prescribed by the director and to include information related to 36696  
the issuance of the permit. With the assistance of the department 36697  
of health, a board of health, to the extent practicable, shall 36698  
computerize the process of the issuance of permits for sewage 36699  
treatment systems. 36700

(6) Require a board of health to inspect a sewage treatment 36701  
system not later than twelve months after its installation to 36702  
ensure that the system is operating properly. The rules shall 36703  
require a board of health, not later than sixty days after the 36704  
inspection, to certify to the director on a form provided by the 36705  
director that the inspection was performed. 36706

(7) Require each board of health to develop a program for the 36707



administration of maintenance requirements established in rules 36708  
adopted under division (A)(3)(c) of this section. The rules shall 36709  
include requirements and procedures under which a person may 36710  
demonstrate the required maintenance of a system in lieu of having 36711  
an inspection conducted when an inspection otherwise is required. 36712  
The rules shall require a board of health to provide written 36713  
notice to a person that is demonstrating maintenance of a system 36714  
in lieu of an inspection that if proof of the required maintenance 36715  
of the system is not provided as required by rules, the system is 36716  
subject to inspection by the board and the reasonable cost of the 36717  
inspection must be paid by the person. The rules shall authorize a 36718  
board of health to inspect any sewage treatment system if there is 36719  
a good-faith complaint regarding the system, there is probable 36720  
cause for the inspection, or proof of the required maintenance of 36721  
the system has not been provided as required by rules. In 36722  
addition, the rules shall authorize a board of health to inspect a 36723  
sewage treatment system without prior notice in any instance in 36724  
which the board has probable cause to believe that the system is 36725  
endangering or threatening to endanger public health. The rules 36726  
shall require that the reasonable costs for sewage effluent 36727  
testing or evaluation be paid by the owner of a sewage treatment 36728  
system that is being investigated. Further, the rules shall 36729  
establish a methodology for determining the reasonable costs of an 36730  
inspection in accordance with section 3709.09 of the Revised Code. 36731  
The rules shall allow, but shall not require, a board of health to 36732  
continue an inspection program that was established by the board 36733  
prior to the effective date of the rules, provided that the 36734  
program authorizes a person to demonstrate the required 36735  
maintenance of a system in lieu of an inspection. 36736

(8) Require a board of health to register installers, service 36737  
providers, and septage haulers that perform work within the health 36738  
district; prescribe criteria and procedures for the registration; 36739  
and prescribe criteria for a demonstration of competency as a part 36740

of the registration. The rules shall establish uniform statewide 36741  
bonding requirements or other financial security requirements for 36742  
installers, service providers, and septage haulers as a condition 36743  
of registration within any health district. The rules shall 36744  
establish a methodology by which the required amount of a bond or 36745  
other security may be calculated for each installer, service 36746  
provider, and septage hauler. The methodology, at a minimum, shall 36747  
consider the number of systems installed or serviced and the type 36748  
of system installed or serviced by an installer, service provider, 36749  
or septage hauler on an annual basis. The rules shall provide that 36750  
no board of health shall require an additional or different bond 36751  
or security requirement as a condition of registration beyond the 36752  
bonding and security requirements established in the rules adopted 36753  
under division (A)(8) of this section. 36754

The rules shall establish a cost methodology for determining 36755  
the fee for the registration of an installer, service provider, or 36756  
septage hauler in any health district. 36757

(9) Prescribe requirements for the collection, 36758  
transportation, disposal, and land application of domestic septage 36759  
in this state from a sewage treatment system; 36760

(10) Require boards of health to maintain records that are 36761  
determined necessary to ascertain compliance with this chapter and 36762  
the rules adopted under it; 36763

(11) Require the manufacturer of a sewage treatment system 36764  
that is authorized for use in this state in rules adopted under 36765  
this section or that is approved for use in this state under 36766  
section 3718.04 of the Revised Code to provide instructions for 36767  
the operation and maintenance of the system. The rules shall 36768  
provide that a board of health may require a copy of a 36769  
manufacturer's instructions for the operation and maintenance of a 36770  
system to be filed with the board prior to the installation and 36771  
use of the system in the health district in which the board has 36772

jurisdiction. In addition, the rules shall require a board of 36773  
health and a manufacturer to provide a copy of the operation and 36774  
maintenance instructions, if available, when a board of health or 36775  
a manufacturer receives a written request for instructions. 36776

(12) Prescribe criteria for the provision of written evidence 36777  
of compliance with rules pertaining to sewage treatment for 36778  
purposes of sections 711.05 and 711.10 of the Revised Code; 36779

(13) Pursuant to divisions (A)(1) and (3) of this section, 36780  
prescribe standards for the siting, design, installation, 36781  
operation, monitoring, maintenance, and abandonment of small flow 36782  
on-site sewage treatment systems that may be used in this state; 36783

(14) Prescribe minimum criteria and procedures under which 36784  
boards of health may establish household sewage treatment district 36785  
management programs for the purpose of providing a responsive 36786  
approach toward preventing or solving sewage treatment problems 36787  
resulting from household sewage treatment systems within the 36788  
districts established under the program. For purposes of division 36789  
(A)(14) of this section, a board of health may enter into a 36790  
contract with any entity to administer a household sewage 36791  
treatment district management program. 36792

(15) Prescribe standards for the use of subsurface 36793  
interceptor drains, perimeter drains, and engineered drainage to 36794  
remove or divert any subsurface water from an area to be used for 36795  
soil absorption of sewage in the soil of a sewage treatment 36796  
system; 36797

(16) Prescribe standards for the inspection of septage 36798  
hauling truck tanks by boards of health, including, but not 36799  
limited to, tank seal safety specifications; 36800

(17) Establish standards and testing methods to ensure that 36801  
all septic tanks, other disposal component tanks, dosing tanks, 36802  
pump vaults, household sewage treatment disposal system holding 36803

tanks and privy vaults, or other applicable sewage disposal system 36804  
components manufactured after ~~the effective date of this section~~ 36805  
September 17, 2010, and used in this state are watertight and 36806  
structurally sound; 36807

(18) Require a board of health to give notice and an 36808  
opportunity for a hearing, pursuant to section 3718.11 of the 36809  
Revised Code, to an affected property owner regarding any of the 36810  
following: 36811

(a) The denial of an installation, operation, or alteration 36812  
permit for a sewage treatment system; 36813

(b) The imposition of a condition on the installation of a 36814  
sewage treatment system; 36815

(c) The required replacement of a sewage treatment system; 36816

(d) Any other final order or decision of a board of health 36817  
that is made under this chapter concerning which a property owner 36818  
is claiming to be aggrieved or adversely affected. 36819

The rules also shall establish procedures for giving such 36820  
notice and for conducting the hearing required in rules adopted 36821  
under division (A)(18) of this section. 36822

(19) Prescribe standards for the regulation of gray water 36823  
recycling systems; 36824

(20) Prohibit a sewage treatment system from causing a public 36825  
health nuisance; 36826

(21) Define economic impact for purposes of division (B) of 36827  
this section and section 3718.022 of the Revised Code. 36828

The ~~council~~ director may adopt other rules under division (A) 36829  
of this section that ~~it~~ the director determines are necessary to 36830  
implement this chapter and to protect the public health and 36831  
welfare. 36832

At least sixty days prior to adopting a rule under division 36833

(A) of this section, the ~~council~~ director shall provide boards of health and any other interested parties an opportunity to comment on the rule.

(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 adopting the rules, a board of health shall consider and document the economic impact of the rules on property owners within the applicable health district.

(2) A board that intends to adopt rules shall notify the department of health of the proposed rules and submit a copy of the proposed rules and the documentation of the economic impact of the rules at least ninety days prior to the proposed date of adoption. The director shall approve or disapprove any such proposed rule within ninety days after receiving a copy of the proposed rule from the board of health.

(3) In reviewing a proposed rule, the director shall approve the rule if all of the following apply:

(a) The proposed rule is not in conflict with this chapter or rules adopted under it.

(b) The proposed rule is authorized by division (B) of this section.

(c) The proposed rule is no less stringent than rules adopted by the ~~public health council~~ director.

(d) Unless otherwise authorized by this chapter or rules adopted under it, the proposed rule does not require design changes to a sewage treatment system, or component thereof, that

differ from a design authorized in rules adopted under division 36865  
(A) of this section, including rules adopted under division (A)(1) 36866  
or (A)(3)(a)(iii) or (iv) of this section, or approved by the 36867  
director under section 3718.04 of the Revised Code. 36868

(e) The proposed rule does not require operation or 36869  
maintenance procedures for a sewage treatment system that conflict 36870  
with operation or maintenance procedures authorized in rules 36871  
adopted under division (A) of this section, including rules 36872  
adopted under division (A)(1) or (A)(3)(a)(iii) or (iv) of this 36873  
section, or approved by the director under section 3718.04 of the 36874  
Revised Code. 36875

(4) If a board of health fails to submit a proposed rule to 36876  
the director or fails to demonstrate that the board has considered 36877  
the economic impact of the proposed rule, the rule shall have no 36878  
force or effect and is not enforceable. 36879

**Sec. 3718.021.** (A) A board of health may regulate the siting, 36880  
design, installation, operation, monitoring, maintenance, and 36881  
abandonment of small flow on-site sewage treatment systems in 36882  
accordance with rules adopted by the ~~public~~ director of health 36883  
~~council~~ under division (A)(13) of section 3718.02 of the Revised 36884  
Code. If a board of health chooses to regulate small flow on-site 36885  
sewage treatment systems, the board first shall send written 36886  
notification to the director of health and the director of 36887  
environmental protection. 36888

(B) If a board of health chooses to regulate small flow 36889  
on-site sewage treatment systems under division (A) of this 36890  
section and later determines that it no longer wants to regulate 36891  
those systems, the board shall notify the director of health and 36892  
the director of environmental protection. Upon the receipt of the 36893  
notification by the director of environmental protection, the 36894  
board of health shall cease regulating small flow on-site sewage 36895

treatment systems, and the environmental protection agency shall regulate those systems.

(C) If after a survey conducted under section 3718.07 of the Revised Code the director of health finds that a board of health that has chosen to regulate small flow on-site sewage treatment systems is not complying with the rules adopted under division (A)(13) of section 3718.02 of the Revised Code, the director shall notify the director of environmental protection and the board of health. Upon receipt of the notification, the board shall cease regulating small flow on-site sewage treatment systems, and the environmental protection agency shall regulate those systems.

**Sec. 3718.022.** Notwithstanding any provision in this chapter to the contrary, in adopting rules under division (A) of section 3718.02 of the Revised Code, the ~~public director of health council~~ shall consider the economic impact of the rules on property owners, the state of available technology, and the nature and economics of the available ~~alternatives~~ alternatives.

**Sec. 3718.05.** The director of health shall do all of the following:

(A) Administer and enforce this chapter and the rules ~~of the public health council~~ adopted under it;

(B) Examine records of boards of health, in accordance with rules adopted by the ~~council~~ director, that are determined necessary to ascertain compliance with this chapter and rules adopted under it;

(C) Review and approve or disapprove rules proposed by boards of health under division (B) of section 3718.02 of the Revised Code. The director shall not disapprove a proposed rule unless the director determines that the proposed rule conflicts with this chapter or rules adopted under division (A) of section 3718.02 of

the Revised Code ~~by the public health council~~ or fails to promote 36926  
public health or environmental protection. If the director 36927  
disapproves a proposed rule, the director shall provide a written 36928  
explanation of the director's disapproval to the board of health 36929  
that proposed the rule. 36930

(D) Survey boards of health as required by section 3718.07 of 36931  
the Revised Code; 36932

(E) Develop with the sewage treatment system technical 36933  
advisory committee standards, guidelines, and protocols for use by 36934  
the director in approving or disapproving a sewage treatment 36935  
system under section 3718.04 of the Revised Code and an 36936  
application form for use by applicants for that approval, 36937  
including identification of the information that must be included 36938  
with the form; 36939

(F) Provide instructions on the operation and maintenance of 36940  
a sewage treatment system. The director shall provide the 36941  
operation and maintenance instructions on the department of 36942  
health's web site. In addition, the director shall provide a copy 36943  
of the operation and maintenance instructions when the director 36944  
receives a written request for the instructions. 36945

(G) Develop educational programs, in conjunction with boards 36946  
of health, to educate owners of sewage treatment systems regarding 36947  
the proper operation and maintenance of those systems. 36948

**Sec. 3718.06.** (A)~~(1)~~ A board of health shall establish fees 36949  
in accordance with section 3709.09 of the Revised Code for the 36950  
purpose of carrying out its duties under this chapter and rules 36951  
adopted under it, including fees for installation permits, 36952  
operation permits, and alteration permits issued by the board. All 36953  
fees so established and collected by the board shall be deposited 36954  
in a special fund of the district to be used exclusively by the 36955  
board in carrying out those duties. 36956



~~(2)(B)~~ In accordance with Chapter 119. of the Revised Code, 36957  
the ~~public director of~~ health ~~council~~ may establish by rule a fee 36958  
to be collected from applicants for installation permits and 36959  
alteration permits issued under rules adopted under this chapter. 36960  
The director of health shall use not more than seventy-five per 36961  
cent of the proceeds from that fee for administering and enforcing 36962  
this chapter and the rules adopted under it by the ~~council~~ 36963  
director. The director shall use not less than twenty-five per 36964  
cent of the proceeds from that fee to establish a program in 36965  
cooperation with boards of health to fund installation and 36966  
evaluation of sewage treatment system new technology pilot 36967  
projects through grants or other agreements. In the selection of 36968  
pilot projects, the director shall consult with the sewage 36969  
treatment system technical advisory committee. A board of health 36970  
shall collect and transmit the fee to the director pursuant to 36971  
section 3709.092 of the Revised Code. 36972

~~(B) The director may submit recommendations to the public 36973  
health council regarding the amount of the fee collected under 36974  
division (A)(2) of this section for installation and alteration 36975  
permits. When making the recommendations, the director shall 36976  
submit a report stating the current and projected expenses of 36977  
administering and enforcing this chapter and the rules adopted 36978  
under it and of the sewage treatment system new technology pilot 36979  
projects program established under this section and the total of 36980  
all money that has been deposited to the credit of the general 36981  
operations fund under division (A)(2) of this section. The 36982  
director may include in the report any recommendations for 36983  
modifying the requirements established under this chapter and the 36984  
rules adopted under it by the council. 36985~~

**Sec. 3718.07.** The director of health shall survey each city 36987  
and general health district at least once every three years to 36988  
determine whether there is substantial compliance with the 36989

requirements of this chapter pertaining to health districts and 36990  
the applicable rules adopted by the ~~public health council~~ director 36991  
under this chapter. Upon determining that there is substantial 36992  
compliance, the director shall place the district on an approved 36993  
list. The director may resurvey an approved district if it is 36994  
determined by the director to be necessary and may remove from the 36995  
list a district that is found not to be substantially complying 36996  
with the requirements of this chapter pertaining to health 36997  
districts and the applicable rules. 36998

If the director determines that a district is not eligible to 36999  
be placed on the approved list or to continue on the list after a 37000  
resurvey, the director shall certify that determination to the 37001  
board of health, and the director shall carry out the duties of 37002  
the unapproved health district under this chapter and the 37003  
applicable rules adopted under it within the district or shall 37004  
contract with an approved health district to conduct those duties 37005  
until the unapproved district is placed on or returned to the 37006  
approved list. The director or the contracting district shall have 37007  
within the unapproved district the authority to exercise powers 37008  
and perform duties granted to or imposed on the board under this 37009  
chapter and the applicable rules adopted under it. 37010

Until the unapproved district is placed on or returned to the 37011  
approved list, the director or the contracting district shall 37012  
collect all fees payable to the board of health under this chapter 37013  
and all such fees previously paid to the unapproved district that 37014  
have not been expended or encumbered. The director shall deposit 37015  
those fees in the state treasury to the credit of a special fund, 37016  
which is hereby created, to be used by the director for the 37017  
purpose of carrying out the duties of the unapproved health 37018  
district under this chapter and the applicable rules adopted under 37019  
it. A contracting district shall deposit those fees to the credit 37020  
of its fund created under section 3718.06 of the Revised Code to 37021

be used by the district for the purpose of carrying out the duties 37022  
of the unapproved district under this chapter and the applicable 37023  
rules adopted under it. The director or contracting district shall 37024  
repay to the unapproved district any balance remaining in the 37025  
applicable fund from all sources when the unapproved district is 37026  
placed on or returned to the approved list by the director. 37027

If a health district is removed from the approved list under 37028  
this section and the board of health of the district is regulating 37029  
small flow on-site sewage treatment systems in the district under 37030  
section 3718.021 of the Revised Code, the director of 37031  
environmental protection shall regulate those systems in that 37032  
district in accordance with division (C) of that section. 37033

**Sec. 3718.09.** (A) A board of health may issue, modify, 37034  
suspend, or revoke enforcement orders to a registration or permit 37035  
holder or other person directing the holder or person to abate a 37036  
violation of this chapter, any rule adopted or order issued under 37037  
it, or a condition of a registration or permit issued under it 37038  
within a specified, reasonable time. If an order issued under this 37039  
division is neglected or disregarded, the applicable board of 37040  
health may proceed in accordance with section 3707.02 of the 37041  
Revised Code. 37042

(B) The health commissioner or the commissioner's designated 37043  
representative, without prior notice or hearing and in accordance 37044  
with ~~the rules of~~ adopted by the public director of health 37045  
~~council~~, may issue an emergency order requiring any action 37046  
necessary to meet a public health emergency or to prevent or abate 37047  
an imminent and substantial threat to surface water or ground 37048  
water regarding domestic septage management or regarding a sewage 37049  
treatment system that is being operated in a manner that does not 37050  
comply with this chapter or rules adopted under it. A person to 37051  
whom such an emergency order is issued immediately shall comply 37052

with the order. A person so ordered may apply to the issuer of the 37053  
order for a hearing, which shall be held as soon as possible, but 37054  
not later than twenty days after the issuer's receipt of the 37055  
application for a hearing. 37056

**Sec. 3721.01.** (A) As used in sections 3721.01 to 3721.09 and 37057  
3721.99 of the Revised Code: 37058

(1)(a) "Home" means an institution, residence, or facility 37059  
that provides, for a period of more than twenty-four hours, 37060  
whether for a consideration or not, accommodations to three or 37061  
more unrelated individuals who are dependent upon the services of 37062  
others, including a nursing home, residential care facility, home 37063  
for the aging, and a veterans' home operated under Chapter 5907. 37064  
of the Revised Code. 37065

(b) "Home" also means both of the following: 37066

(i) Any facility that a person, as defined in section 3702.51 37067  
of the Revised Code, proposes for certification as a skilled 37068  
nursing facility or nursing facility under Title XVIII or XIX of 37069  
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 37070  
as amended, and for which a certificate of need, other than a 37071  
certificate to recategorize hospital beds as described in section 37072  
~~3702.522~~ 3702.521 of the Revised Code or division (R)(7)(d) of the 37073  
version of section 3702.51 of the Revised Code in effect 37074  
immediately prior to April 20, 1995, has been granted to the 37075  
person under sections 3702.51 to 3702.62 of the Revised Code after 37076  
August 5, 1989; 37077

(ii) A county home or district home that is or has been 37078  
licensed as a residential care facility. 37079

(c) "Home" does not mean any of the following: 37080

(i) Except as provided in division (A)(1)(b) of this section, 37081  
a public hospital or hospital as defined in section 3701.01 or 37082

5122.01 of the Revised Code;	37083
(ii) A residential facility <del>for mentally ill persons</del> as defined <del>under</del> <u>in</u> section 5119.22 of the Revised Code;	37084 37085
(iii) A residential facility as defined in section 5123.19 of the Revised Code;	37086 37087
(iv) <del>An adult care facility as defined in section 5119.70 of the Revised Code;</del>	37088 37089
<del>(v)</del> An alcohol or drug addiction program as defined in section 3793.01 of the Revised Code;	37090 37091
<del>(vi)</del> <u>(v)</u> A facility licensed to provide methadone treatment under section 3793.11 of the Revised Code;	37092 37093
<del>(vii)</del> <u>(vi)</u> A facility providing services under contract with the department of developmental disabilities under section 5123.18 of the Revised Code <del>unless section 5123.192 of the Revised Code makes the facility subject to the requirements of this chapter;</del>	37094 37095 37096 37097
<del>(viii)</del> <u>(vii)</u> A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;	37098 37099 37100
<del>(ix)</del> <u>(viii)</u> A facility, infirmary, or other entity that is operated by a religious order, provides care exclusively to members of religious orders who take vows of celibacy and live by virtue of their vows within the orders as if related, and does not participate in the medicare program established under Title XVIII of the "Social Security Act" or the medical assistance program established under Chapter 5111. of the Revised Code and Title XIX of the "Social Security Act," if on January 1, 1994, the facility, infirmary, or entity was providing care exclusively to members of the religious order;	37101 37102 37103 37104 37105 37106 37107 37108 37109 37110
<del>(x)</del> <u>(ix)</u> A county home or district home that has never been licensed as a residential care facility.	37111 37112

(2) "Unrelated individual" means one who is not related to 37113  
the owner or operator of a home or to the spouse of the owner or 37114  
operator as a parent, grandparent, child, grandchild, brother, 37115  
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 37116  
uncle. 37117

(3) "Mental impairment" does not mean mental illness as 37118  
defined in section 5122.01 of the Revised Code or mental 37119  
retardation as defined in section 5123.01 of the Revised Code. 37120

(4) "Skilled nursing care" means procedures that require 37121  
technical skills and knowledge beyond those the untrained person 37122  
possesses and that are commonly employed in providing for the 37123  
physical, mental, and emotional needs of the ill or otherwise 37124  
incapacitated. "Skilled nursing care" includes, but is not limited 37125  
to, the following: 37126

(a) Irrigations, catheterizations, application of dressings, 37127  
and supervision of special diets; 37128

(b) Objective observation of changes in the patient's 37129  
condition as a means of analyzing and determining the nursing care 37130  
required and the need for further medical diagnosis and treatment; 37131

(c) Special procedures contributing to rehabilitation; 37132

(d) Administration of medication by any method ordered by a 37133  
physician, such as hypodermically, rectally, or orally, including 37134  
observation of the patient after receipt of the medication; 37135

(e) Carrying out other treatments prescribed by the physician 37136  
that involve a similar level of complexity and skill in 37137  
administration. 37138

(5)(a) "Personal care services" means services including, but 37139  
not limited to, the following: 37140

(i) Assisting residents with activities of daily living; 37141

(ii) Assisting residents with self-administration of 37142

medication, in accordance with rules adopted under section 3721.04 37143  
of the Revised Code; 37144

(iii) Preparing special diets, other than complex therapeutic 37145  
diets, for residents pursuant to the instructions of a physician 37146  
or a licensed dietitian, in accordance with rules adopted under 37147  
section 3721.04 of the Revised Code. 37148

(b) "Personal care services" does not include "skilled 37149  
nursing care" as defined in division (A)(4) of this section. A 37150  
facility need not provide more than one of the services listed in 37151  
division (A)(5)(a) of this section to be considered to be 37152  
providing personal care services. 37153

(6) "Nursing home" means a home used for the reception and 37154  
care of individuals who by reason of illness or physical or mental 37155  
impairment require skilled nursing care and of individuals who 37156  
require personal care services but not skilled nursing care. A 37157  
nursing home is licensed to provide personal care services and 37158  
skilled nursing care. 37159

(7) "Residential care facility" means a home that provides 37160  
either of the following: 37161

(a) Accommodations for seventeen or more unrelated 37162  
individuals and supervision and personal care services for three 37163  
or more of those individuals who are dependent on the services of 37164  
others by reason of age or physical or mental impairment; 37165

(b) Accommodations for three or more unrelated individuals, 37166  
supervision and personal care services for at least three of those 37167  
individuals who are dependent on the services of others by reason 37168  
of age or physical or mental impairment, and, to at least one of 37169  
those individuals, any of the skilled nursing care authorized by 37170  
section 3721.011 of the Revised Code. 37171

(8) "Home for the aging" means a home that provides services 37172  
as a residential care facility and a nursing home, except that the 37173

home provides its services only to individuals who are dependent 37174  
on the services of others by reason of both age and physical or 37175  
mental impairment. 37176

The part or unit of a home for the aging that provides 37177  
services only as a residential care facility is licensed as a 37178  
residential care facility. The part or unit that may provide 37179  
skilled nursing care beyond the extent authorized by section 37180  
3721.011 of the Revised Code is licensed as a nursing home. 37181

(9) "County home" and "district home" mean a county home or 37182  
district home operated under Chapter 5155. of the Revised Code. 37183

(B) The ~~public director of health council~~ may further 37184  
classify homes. For the purposes of this chapter, any residence, 37185  
institution, hotel, congregate housing project, or similar 37186  
facility that meets the definition of a home under this section is 37187  
such a home regardless of how the facility holds itself out to the 37188  
public. 37189

(C) For purposes of this chapter, personal care services or 37190  
skilled nursing care shall be considered to be provided by a 37191  
facility if they are provided by a person employed by or 37192  
associated with the facility or by another person pursuant to an 37193  
agreement to which neither the resident who receives the services 37194  
nor the resident's sponsor is a party. 37195

(D) Nothing in division (A)(4) of this section shall be 37196  
construed to permit skilled nursing care to be imposed on an 37197  
individual who does not require skilled nursing care. 37198

Nothing in division (A)(5) of this section shall be construed 37199  
to permit personal care services to be imposed on an individual 37200  
who is capable of performing the activity in question without 37201  
assistance. 37202

(E) Division (A)(1)(c)~~(ix)~~(viii) of this section does not 37203  
prohibit a facility, infirmary, or other entity described in that 37204



division from seeking licensure under sections 3721.01 to 3721.09 37205  
of the Revised Code or certification under Title XVIII or XIX of 37206  
the "Social Security Act." However, such a facility, infirmary, or 37207  
entity that applies for licensure or certification must meet the 37208  
requirements of those sections or titles and the rules adopted 37209  
under them and obtain a certificate of need from the director of 37210  
health under section 3702.52 of the Revised Code. 37211

(F) Nothing in this chapter, or rules adopted pursuant to it, 37212  
shall be construed as authorizing the supervision, regulation, or 37213  
control of the spiritual care or treatment of residents or 37214  
patients in any home who rely upon treatment by prayer or 37215  
spiritual means in accordance with the creed or tenets of any 37216  
recognized church or religious denomination. 37217

**Sec. 3721.011.** (A) In addition to providing accommodations, 37218  
supervision, and personal care services to its residents, a 37219  
residential care facility may do the following: 37220

(1) Provide the following skilled nursing care to its 37221  
residents: 37222

(a) Supervision of special diets; 37223

(b) Application of dressings, in accordance with rules 37224  
adopted under section 3721.04 of the Revised Code; 37225

(c) Subject to division (B)(1) of this section, 37226  
administration of medication. 37227

(2) Subject to division (C) of this section, provide other 37228  
skilled nursing care on a part-time, intermittent basis for not 37229  
more than a total of one hundred twenty days in a twelve-month 37230  
period; 37231

(3) Provide skilled nursing care for more than one hundred 37232  
twenty days in a twelve-month period to a resident when the 37233  
requirements of division (D) of this section are met. 37234

A residential care facility may not admit or retain an individual requiring skilled nursing care that is not authorized by this section. A residential care facility may not provide skilled nursing care beyond the limits established by this section.

(B)(1) A residential care facility may admit or retain an individual requiring medication, including biologicals, only if the individual's personal physician has determined in writing that the individual is capable of self-administering the medication or the facility provides for the medication to be administered to the individual by a home health agency certified under Title XVIII of the "Social Security Act," 79 Stat. 620 (1965), 42 U.S.C. 1395, as amended; a hospice care program licensed under Chapter 3712. of the Revised Code; or a member of the staff of the residential care facility who is qualified to perform medication administration. Medication may be administered in a residential care facility only by the following persons authorized by law to administer medication:

(a) A registered nurse licensed under Chapter 4723. of the Revised Code;

(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;

(c) A medication aide certified under Chapter 4723. of the Revised Code;

(d) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and

surgery. 37266

(2) In assisting a resident with self-administration of 37267  
medication, any member of the staff of a residential care facility 37268  
may do the following: 37269

(a) Remind a resident when to take medication and watch to 37270  
ensure that the resident follows the directions on the container; 37271

(b) Assist a resident by taking the medication from the 37272  
locked area where it is stored, in accordance with rules adopted 37273  
pursuant to section 3721.04 of the Revised Code, and handing it to 37274  
the resident. If the resident is physically unable to open the 37275  
container, a staff member may open the container for the resident. 37276

(c) Assist a physically impaired but mentally alert resident, 37277  
such as a resident with arthritis, cerebral palsy, or Parkinson's 37278  
disease, in removing oral or topical medication from containers 37279  
and in consuming or applying the medication, upon request by or 37280  
with the consent of the resident. If a resident is physically 37281  
unable to place a dose of medicine to the resident's mouth without 37282  
spilling it, a staff member may place the dose in a container and 37283  
place the container to the mouth of the resident. 37284

(C) Except as provided in division (D) of this section, a 37285  
residential care facility may admit or retain individuals who 37286  
require skilled nursing care beyond the supervision of special 37287  
diets, application of dressings, or administration of medication, 37288  
only if the care will be provided on a part-time, intermittent 37289  
basis for not more than a total of one hundred twenty days in any 37290  
twelve-month period. In accordance with Chapter 119. of the 37291  
Revised Code, the ~~public~~ director of health council shall adopt 37292  
rules specifying what constitutes the need for skilled nursing 37293  
care on a part-time, intermittent basis. The ~~council~~ director 37294  
shall adopt rules that are consistent with rules pertaining to 37295  
home health care adopted by the director of job and family 37296

services for the medicaid program established under Chapter 5111. 37297  
of the Revised Code. Skilled nursing care provided pursuant to 37298  
this division may be provided by a home health agency certified 37299  
under Title XVIII of the "Social Security Act," a hospice care 37300  
program licensed under Chapter 3712. of the Revised Code, or a 37301  
member of the staff of a residential care facility who is 37302  
qualified to perform skilled nursing care. 37303

A residential care facility that provides skilled nursing 37304  
care pursuant to this division shall do both of the following: 37305

(1) Evaluate each resident receiving the skilled nursing care 37306  
at least once every seven days to determine whether the resident 37307  
should be transferred to a nursing home; 37308

(2) Meet the skilled nursing care needs of each resident 37309  
receiving the care. 37310

(D)(1) A residential care facility may admit or retain an 37311  
individual who requires skilled nursing care for more than one 37312  
hundred twenty days in any twelve-month period only if the 37313  
facility has entered into a written agreement with each of the 37314  
following: 37315

(a) The individual or individual's sponsor; 37316

(b) The individual's personal physician; 37317

(c) Unless the individual's personal physician oversees the 37318  
skilled nursing care, the provider of the skilled nursing care; 37319

(d) If the individual is a hospice patient as defined in 37320  
section 3712.01 of the Revised Code, a hospice care program 37321  
licensed under Chapter 3712. of the Revised Code. 37322

(2) The agreement required by division (D)(1) of this section 37323  
shall include all of the following provisions: 37324

(a) That the individual will be provided skilled nursing care 37325  
in the facility only if a determination has been made that the 37326

individual's needs can be met at the facility; 37327

(b) That the individual will be retained in the facility only 37328  
if periodic redeterminations are made that the individual's needs 37329  
are being met at the facility; 37330

(c) That the redeterminations will be made according to a 37331  
schedule specified in the agreement; 37332

(d) If the individual is a hospice patient, that the 37333  
individual has been given an opportunity to choose the hospice 37334  
care program that best meets the individual's needs; 37335

(e) Unless the individual is a hospice patient, that the 37336  
individual's personal physician has determined that the skilled 37337  
nursing care the individual needs is routine. 37338

(E) Notwithstanding any other provision of this chapter, a 37339  
residential care facility in which residents receive skilled 37340  
nursing care pursuant to this section is not a nursing home. 37341

**Sec. 3721.02.** (A) As used in this section, "residential 37342  
facility" means a residential facility licensed under section 37343  
5119.22 of the Revised Code that provides accommodations, 37344  
supervision, and personal care services for three to sixteen 37345  
unrelated adults. 37346

(B) The director of health shall license homes and establish 37347  
procedures to be followed in inspecting and licensing homes. The 37348  
director may inspect a home at any time. Each home shall be 37349  
inspected by the director at least once prior to the issuance of a 37350  
license and at least once every fifteen months thereafter. The 37351  
state fire marshal or a township, municipal, or other legally 37352  
constituted fire department approved by the marshal shall also 37353  
inspect a home prior to issuance of a license, at least once every 37354  
fifteen months thereafter, and at any other time requested by the 37355  
director. A home does not have to be inspected prior to issuance 37356

of a license by the director, state fire marshal, or a fire 37357  
department if ownership of the home is assigned or transferred to 37358  
a different person and the home was licensed under this chapter 37359  
immediately prior to the assignment or transfer. The director may 37360  
enter at any time, for the purposes of investigation, any 37361  
institution, residence, facility, or other structure that has been 37362  
reported to the director or that the director has reasonable cause 37363  
to believe is operating as a nursing home, residential care 37364  
facility, or home for the aging without a valid license required 37365  
by section 3721.05 of the Revised Code or, in the case of a county 37366  
home or district home, is operating despite the revocation of its 37367  
residential care facility license. The director may delegate the 37368  
director's authority and duties under this chapter to any 37369  
division, bureau, agency, or official of the department of health. 37370

~~(B)~~(C) A single facility may be licensed both as a nursing 37371  
home pursuant to this chapter and as ~~an adult care~~ a residential 37372  
facility pursuant to ~~Chapter 5119.~~ section 5119.22 of the Revised 37373  
Code if the director determines that the part or unit to be 37374  
licensed as a nursing home can be maintained separate and discrete 37375  
from the part or unit to be licensed as ~~an adult care~~ a 37376  
residential facility. 37377

~~(C)~~(D) In determining the number of residents in a home for 37378  
the purpose of licensing, the director shall consider all the 37379  
individuals for whom the home provides accommodations as one group 37380  
unless one of the following is the case: 37381

(1) The home is a home for the aging, in which case all the 37382  
individuals in the part or unit licensed as a nursing home shall 37383  
be considered as one group, and all the individuals in the part or 37384  
unit licensed as a rest home shall be considered as another group. 37385

(2) The home is both a nursing home and ~~an adult care~~ a 37386  
residential facility. In that case, all the individuals in the 37387  
part or unit licensed as a nursing home shall be considered as one 37388

group, and all the individuals in the part or unit licensed as an 37389  
adult care facility shall be considered as another group. 37390

(3) The home maintains, in addition to a nursing home or 37391  
residential care facility, a separate and discrete part or unit 37392  
that provides accommodations to individuals who do not require or 37393  
receive skilled nursing care and do not receive personal care 37394  
services from the home, in which case the individuals in the 37395  
separate and discrete part or unit shall not be considered in 37396  
determining the number of residents in the home if the separate 37397  
and discrete part or unit is in compliance with the Ohio basic 37398  
building code established by the board of building standards under 37399  
Chapters 3781. and 3791. of the Revised Code and the home permits 37400  
the director, on request, to inspect the separate and discrete 37401  
part or unit and speak with the individuals residing there, if 37402  
they consent, to determine whether the separate and discrete part 37403  
or unit meets the requirements of this division. 37404

~~(D)~~(E)(1) The director of health shall charge the following 37405  
application fee and annual renewal licensing and inspection fee 37406  
for each fifty persons or part thereof of a home's licensed 37407  
capacity: 37408

(a) For state fiscal year 2010, two hundred twenty dollars; 37409

(b) For state fiscal year 2011, two hundred seventy dollars; 37410

(c) For each state fiscal year thereafter, three hundred 37411  
twenty dollars. 37412

(2) All fees collected by the director for the issuance or 37413  
renewal of licenses shall be deposited into the state treasury to 37414  
the credit of the general operations fund created in section 37415  
3701.83 of the Revised Code for use only in administering and 37416  
enforcing this chapter and rules adopted under it. 37417

~~(E)~~(F)(1) Except as otherwise provided in this section, the 37418  
results of an inspection or investigation of a home that is 37419

conducted under this section, including any statement of 37420  
deficiencies and all findings and deficiencies cited in the 37421  
statement on the basis of the inspection or investigation, shall 37422  
be used solely to determine the home's compliance with this 37423  
chapter or another chapter of the Revised Code in any action or 37424  
proceeding other than an action commenced under division (I) of 37425  
section 3721.17 of the Revised Code. Those results of an 37426  
inspection or investigation, that statement of deficiencies, and 37427  
the findings and deficiencies cited in that statement shall not be 37428  
used in any court or in any action or proceeding that is pending 37429  
in any court and are not admissible in evidence in any action or 37430  
proceeding unless that action or proceeding is an appeal of an 37431  
action by the department of health under this chapter or is an 37432  
action by any department or agency of the state to enforce this 37433  
chapter or another chapter of the Revised Code. 37434

(2) Nothing in division (E)(1) of this section prohibits the 37435  
results of an inspection or investigation conducted under this 37436  
section from being used in a criminal investigation or 37437  
prosecution. 37438

**Sec. 3721.03.** (A) As used in this section, "person" has the 37439  
same meaning as in section 1.59 of the Revised Code. 37440

(B) The director of health shall enforce the provisions of 37441  
sections 3721.01 to 3721.13 and 3721.99 of the Revised Code and 37442  
may issue orders to secure compliance with the provisions of these 37443  
sections and the rules adopted under them. The director may hold 37444  
hearings, issue subpoenas, compel testimony, and make 37445  
adjudications. 37446

The director may issue an order revoking a license in the 37447  
event the director finds, upon hearing or opportunity afforded 37448  
pursuant to Chapter 119. of the Revised Code, that any of the 37449  
following apply to a person, county home, or district home 37450



licensed under section 3721.07 of the Revised Code: 37451

(1) Has violated any of the provisions of Chapter 3721. of 37452  
the Revised Code or rules adopted by the ~~public health council~~ 37453  
director under it; 37454

(2) Has violated any order issued by the director; 37455

(3) Is not, or any of its principals are not suitable, 37456  
morally or financially to operate such an institution; 37457

(4) Is not furnishing humane, kind, and adequate treatment 37458  
and care; 37459

(5) Has had a long-standing pattern of violations of this 37460  
chapter or the rules adopted under it that has caused physical, 37461  
emotional, mental, or psychosocial harm to one or more residents. 37462

Upon the issuance of any order of revocation, the person 37463  
whose license is revoked, or the county home or district home that 37464  
has its license revoked, may appeal in accordance with Chapter 37465  
119. of the Revised Code. 37466

(C) Once the director notifies a person, county home, or 37467  
district home licensed to operate a home that the license may be 37468  
revoked or issues any order under this section, the person, county 37469  
home, or district home shall not assign or transfer to another 37470  
person or entity the right to operate the home. This prohibition 37471  
shall remain in effect until proceedings under Chapter 119. of the 37472  
Revised Code concerning the order or license revocation have been 37473  
concluded or the director notifies the person, county home, or 37474  
district home that the prohibition has been lifted. 37475

If a license is revoked under this section, the former 37476  
license holder shall not assign or transfer or consent to 37477  
assignment or transfer of the right to operate the home. Any 37478  
attempted assignment or transfer to another person or entity is 37479  
void. 37480

On revocation of a license, the former licensee shall take 37481  
all necessary steps to cease operation of the home. 37482

The director of health shall not accept a certificate of need 37483  
application under section 3702.52 of the Revised Code regarding a 37484  
home if the license to operate the home has been revoked under 37485  
this section. 37486

**Sec. 3721.032.** The state fire marshal shall enforce all 37487  
statutes and rules pertaining to fire safety in homes and shall 37488  
adopt rules pertaining to fire safety in homes as the marshal 37489  
determines necessary. The rules adopted by the marshal shall be in 37490  
addition to those fire safety rules that the board of building 37491  
standards and the ~~public director of health council~~ are empowered 37492  
to adopt. In the event of a dispute between the marshal and 37493  
another officer having responsibilities under sections 3721.01 to 37494  
3721.09 of the Revised Code with respect to the interpretation or 37495  
application of a specific fire safety statute or rule, the 37496  
interpretation of the marshal shall prevail. 37497

**Sec. 3721.04.** (A) The ~~public director of health council~~ shall 37498  
adopt and publish rules governing the operation of homes, which 37499  
shall have uniform application throughout the state, and shall 37500  
prescribe standards for homes with respect to, but not limited to, 37501  
the following matters: 37502

(1) The minimum space requirements for occupants and 37503  
equipping of the buildings in which homes are housed so as to 37504  
ensure healthful, safe, sanitary, and comfortable conditions for 37505  
all residents, so long as they are not inconsistent with Chapters 37506  
3781. and 3791. of the Revised Code or with any rules adopted by 37507  
the board of building standards and by the state fire marshal; 37508

(2) The number and qualifications of personnel, including 37509  
management and nursing staff, for each class of home, and the 37510

qualifications of nurse aides, as defined in section 3721.21 of 37511  
the Revised Code, used by long-term care facilities, as defined in 37512  
that section; 37513

(3) The medical, rehabilitative, and recreational services to 37514  
be provided by each class of home; 37515

(4) Dietetic services, including but not limited to 37516  
sanitation, nutritional adequacy, and palatability of food; 37517

(5) The personal and social services to be provided by each 37518  
class of home; 37519

(6) The business and accounting practices to be followed and 37520  
the type of patient and business records to be kept by such homes; 37521

(7) The operation of adult day-care programs provided by and 37522  
on the same site as homes licensed under this chapter; 37523

(8) The standards and procedures to be followed by 37524  
residential care facilities in admitting and retaining a resident 37525  
who requires the application of dressings, including requirements 37526  
for charting and evaluating on a weekly basis; 37527

(9) The requirements for conducting weekly evaluations of 37528  
residents receiving skilled nursing care in residential care 37529  
facilities. 37530

(B) The ~~public health council~~ director may adopt whatever 37531  
additional rules are necessary to carry out or enforce the 37532  
provisions of sections 3721.01 to 3721.09 and 3721.99 of the 37533  
Revised Code. 37534

(C) The following apply to the ~~public health council~~ director 37535  
when adopting rules under division (A)(1) of this section 37536  
regarding the equipping of the buildings in which homes are 37537  
housed: 37538

(1) The rules shall not require that each resident sleeping 37539  
room, or a percentage of the resident sleeping rooms, have a 37540

bathtub or shower that is directly accessible from or exclusively for the room. 37541  
37542

(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. 37543  
37544  
37545

(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: 37546  
37547  
37548

(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: 37549  
37550  
37551  
37552

(a) Provision of personal care services; 37553

(b) Provision of part-time, intermittent skilled nursing care pursuant to division (C) of section 3721.011 of the Revised Code; 37554  
37555

(c) Provision of skilled nursing care to residents pursuant to division (D) of section 3721.011 of the Revised Code. 37556  
37557

(2) When adopting rules applicable to nursing homes, the ~~public health council~~ director shall require each nursing home to do both of the following: 37558  
37559  
37560

(a) Have sufficient direct care staff on each shift to meet the needs of the residents in an appropriate and timely manner; 37561  
37562

(b) Have the following individuals provide a minimum daily average of two and one-half hours of direct care per resident: 37563  
37564

(i) Registered nurses, including registered nurses who perform administrative and supervisory duties; 37565  
37566

(ii) Licensed practical nurses, including licensed practical nurses who perform administrative and supervisory duties; 37567  
37568

(iii) Nurse aides. 37569

(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.

(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.

**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, 37601  
inspection of the home, the following requirements or conditions 37602  
are satisfied or complied with: 37603

(A) The applicant has not been convicted of a felony or a 37604  
crime involving moral turpitude; 37605

(B) The applicant is not violating any of the rules ~~made~~ 37606  
adopted by the ~~public director of health council~~ or any order 37607  
issued by the director ~~of health~~; 37608

(C) The applicant has not had a license to operate the home 37609  
revoked pursuant to section 3721.03 of the Revised Code because of 37610  
any act or omission that jeopardized a resident's health, welfare, 37611  
or safety nor has the applicant had a long-standing pattern of 37612  
violations of this chapter or rules adopted under it that caused 37613  
physical, emotional, mental, or psychosocial harm to one or more 37614  
residents. 37615

(D) The buildings in which the home is housed have been 37616  
approved by the state fire marshal or a township, municipal, or 37617  
other legally constituted fire department approved by the marshal. 37618  
In the approval of a home such agencies shall apply standards 37619  
prescribed by the board of building standards, and by the state 37620  
fire marshal, and by section 3721.071 of the Revised Code. 37621

(E) The applicant, if it is an individual, or the principal 37622  
participants, if it is an association or a corporation, is or are 37623  
suitable financially and morally to operate a home; 37624

(F) The applicant is equipped to furnish humane, kind, and 37625  
adequate treatment and care; 37626

(G) The home does not maintain or contain: 37627

(1) Facilities for the performance of major surgical 37628  
procedures; 37629

(2) Facilities for providing therapeutic radiation; 37630

(3) An emergency ward; 37631

(4) A clinical laboratory unless it is under the supervision 37632  
of a clinical pathologist who is a licensed physician in this 37633  
state; 37634

(5) Facilities for radiological examinations unless such 37635  
examinations are performed only by a person licensed to practice 37636  
medicine, surgery, or dentistry in this state. 37637

(H) The home does not accept or treat outpatients, except 37638  
upon the written orders of a physician licensed in this state, 37639  
maternity cases, boarding children, and does not house transient 37640  
guests, other than participants in an adult day-care program, for 37641  
twenty-four hours or less; 37642

(I) The home is in compliance with sections 3721.28 and 37643  
3721.29 of the Revised Code. 37644

When the director issues a license, the license shall remain 37645  
in effect until revoked by the director or voided at the request 37646  
of the applicant; provided, there shall be an annual renewal fee 37647  
payable during the month of January of each calendar year. Any 37648  
licensed home that does not pay its renewal fee in January shall 37649  
pay, beginning the first day of February, a late fee of one 37650  
hundred dollars for each week or part thereof that the renewal fee 37651  
is not paid. If either the renewal fee or the late fee is not paid 37652  
by the fifteenth day of February, the director may, in accordance 37653  
with Chapter 119. of the Revised Code, revoke the home's license. 37654

If, under division (B)(5) of section 3721.03 of the Revised 37655  
Code, the license of a person has been revoked or the license of a 37656  
county home or district home to operate as a residential care 37657  
facility has been revoked, the director of health shall not issue 37658  
a license to the person or home at any time. A person whose 37659  
license is revoked, and a county home or district home that has 37660  
its license as a residential care facility revoked other than 37661

under division (B)(5) of section 3721.03 of the Revised Code, for 37662  
any reason other than nonpayment of the license renewal fee or 37663  
late fees shall not be issued a new license under this chapter 37664  
until a period of one year following the date of revocation has 37665  
elapsed. 37666

Any applicant who is denied a license may appeal in 37667  
accordance with Chapter 119. of the Revised Code. 37668

**Sec. 3721.071.** The buildings in which a home is housed shall 37669  
be equipped with both an automatic fire extinguishing system and 37670  
fire alarm system. Such systems shall conform to standards set 37671  
forth in the regulations of the board of building standards and 37672  
the state fire marshal. 37673

The time for compliance with the requirements imposed by this 37674  
section shall be January 1, 1975, except that the date for 37675  
compliance with the automatic fire extinguishing requirements is 37676  
extended to January 1, 1976, provided the buildings of the home 37677  
are otherwise in compliance with fire safety laws and regulations 37678  
and: 37679

(A) The home within thirty days after August 4, 1975, files a 37680  
written plan with the state fire marshal's office that: 37681

(1) Outlines the interim safety procedures which shall be 37682  
carried out to reduce the possibility of a fire; 37683

(2) Provides evidence that the home has entered into an 37684  
agreement for a fire safety inspection to be conducted not less 37685  
than monthly by a qualified independent safety engineer consultant 37686  
or a township, municipal, or other legally constituted fire 37687  
department, or by a township or municipal fire prevention officer; 37688

(3) Provides verification that the home has entered into a 37689  
valid contract for the installation of an automatic fire 37690  
extinguishing system or fire alarm system, or both, as required to 37691



comply with this section; 37692

(4) Includes a statement regarding the expected date for the 37693  
completion of the fire extinguishing system or fire alarm system, 37694  
or both. 37695

(B) Inspections by a qualified independent safety engineer 37696  
consultant or a township, municipal, or other legally constituted 37697  
fire department, or by a township or municipal fire prevention 37698  
officer are initiated no later than sixty days after August 4, 37699  
1975, and are conducted no less than monthly thereafter, and 37700  
reports of the consultant, fire department, or fire prevention 37701  
officer identifying existing hazards and recommended corrective 37702  
actions are submitted to the state fire marshal, the division of 37703  
~~labor~~ industrial compliance in the department of commerce, and the 37704  
department of health. 37705

It is the express intent of the general assembly that the 37706  
department of job and family services shall terminate payments 37707  
under Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 37708  
42 U.S.C. 301, as amended, to those homes which do not comply with 37709  
the requirements of this section for the submission of a written 37710  
fire safety plan and the deadline for entering into contracts for 37711  
the installation of systems. 37712

**Sec. 3721.121.** (A) As used in this section: 37713

(1) "Adult day-care program" means a program operated 37714  
pursuant to rules adopted by the ~~public~~ director of health council 37715  
under section 3721.04 of the Revised Code and provided by and on 37716  
the same site as homes licensed under this chapter. 37717

(2) "Applicant" means a person who is under final 37718  
consideration for employment with a home or adult day-care program 37719  
in a full-time, part-time, or temporary position that involves 37720  
providing direct care to an older adult. "Applicant" does not 37721

include a person who provides direct care as a volunteer without 37722  
receiving or expecting to receive any form of remuneration other 37723  
than reimbursement for actual expenses. 37724

(3) "Criminal records check" ~~and "older adult"~~ have has the 37725  
same ~~meanings~~ meaning as in section 109.572 of the Revised Code. 37726

(4) "Home" means a home as defined in section 3721.10 of the 37727  
Revised Code. 37728

(5) "Older adult" means a person age sixty or older. 37729

(B)(1) Except as provided in division (I) of this section, 37730  
the chief administrator of a home or adult day-care program shall 37731  
request that the superintendent of the bureau of criminal 37732  
identification and investigation conduct a criminal records check 37733  
~~with respect to~~ of each applicant. If an applicant for whom a 37734  
criminal records check request is required under this division 37735  
does not present proof of having been a resident of this state for 37736  
the five-year period immediately prior to the date the criminal 37737  
records check is requested or provide evidence that within that 37738  
five-year period the superintendent has requested information 37739  
about the applicant from the federal bureau of investigation in a 37740  
criminal records check, the chief administrator shall request that 37741  
the superintendent obtain information from the federal bureau of 37742  
investigation as part of the criminal records check of the 37743  
applicant. Even if an applicant for whom a criminal records check 37744  
request is required under this division presents proof of having 37745  
been a resident of this state for the five-year period, the chief 37746  
administrator may request that the superintendent include 37747  
information from the federal bureau of investigation in the 37748  
criminal records check. 37749

(2) A person required by division (B)(1) of this section to 37750  
request a criminal records check shall do both of the following: 37751

(a) Provide to each applicant for whom a criminal records 37752

check request is required under that division a copy of the form 37753  
prescribed pursuant to division (C)(1) of section 109.572 of the 37754  
Revised Code and a standard fingerprint impression sheet 37755  
prescribed pursuant to division (C)(2) of that section, and obtain 37756  
the completed form and impression sheet from the applicant; 37757

(b) Forward the completed form and impression sheet to the 37758  
superintendent of the bureau of criminal identification and 37759  
investigation. 37760

(3) An applicant provided the form and fingerprint impression 37761  
sheet under division (B)(2)(a) of this section who fails to 37762  
complete the form or provide fingerprint impressions shall not be 37763  
employed in any position for which a criminal records check is 37764  
required by this section. 37765

(C)(1) Except as provided in rules adopted by the director of 37766  
health in accordance with division (F) of this section and subject 37767  
to division (C)(2) of this section, no home or adult day-care 37768  
program shall employ a person in a position that involves 37769  
providing direct care to an older adult if the person has been 37770  
convicted of or pleaded guilty to any of the following: 37771

(a) A violation of section 2903.01, 2903.02, 2903.03, 37772  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 37773  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 37774  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 37775  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 37776  
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 37777  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 37778  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 37779  
2925.22, 2925.23, or 3716.11 of the Revised Code. 37780

(b) A violation of an existing or former law of this state, 37781  
any other state, or the United States that is substantially 37782  
equivalent to any of the offenses listed in division (C)(1)(a) of 37783

this section. 37784

(2)(a) A home or an adult day-care program may employ 37785  
conditionally an applicant for whom a criminal records check 37786  
request is required under division (B) of this section prior to 37787  
obtaining the results of a criminal records check regarding the 37788  
individual, provided that the home or program shall request a 37789  
criminal records check regarding the individual in accordance with 37790  
division (B)(1) of this section not later than five business days 37791  
after the individual begins conditional employment. In the 37792  
circumstances described in division (I)(2) of this section, a home 37793  
or adult day-care program may employ conditionally an applicant 37794  
who has been referred to the home or adult day-care program by an 37795  
employment service that supplies full-time, part-time, or 37796  
temporary staff for positions involving the direct care of older 37797  
adults and for whom, pursuant to that division, a criminal records 37798  
check is not required under division (B) of this section. 37799

(b) A home or adult day-care program that employs an 37800  
individual conditionally under authority of division (C)(2)(a) of 37801  
this section shall terminate the individual's employment if the 37802  
results of the criminal records check requested under division (B) 37803  
of this section or described in division (I)(2) of this section, 37804  
other than the results of any request for information from the 37805  
federal bureau of investigation, are not obtained within the 37806  
period ending thirty days after the date the request is made. 37807  
Regardless of when the results of the criminal records check are 37808  
obtained, if the results indicate that the individual has been 37809  
convicted of or pleaded guilty to any of the offenses listed or 37810  
described in division (C)(1) of this section, the home or program 37811  
shall terminate the individual's employment unless the home or 37812  
program chooses to employ the individual pursuant to division (F) 37813  
of this section. Termination of employment under this division 37814  
shall be considered just cause for discharge for purposes of 37815

division (D)(2) of section 4141.29 of the Revised Code if the 37816  
individual makes any attempt to deceive the home or program about 37817  
the individual's criminal record. 37818

(D)(1) Each home or adult day-care program shall pay to the 37819  
bureau of criminal identification and investigation the fee 37820  
prescribed pursuant to division (C)(3) of section 109.572 of the 37821  
Revised Code for each criminal records check conducted pursuant to 37822  
a request made under division (B) of this section. 37823

(2) A home or adult day-care program may charge an applicant 37824  
a fee not exceeding the amount the home or program pays under 37825  
division (D)(1) of this section. A home or program may collect a 37826  
fee only if both of the following apply: 37827

(a) The home or program notifies the person at the time of 37828  
initial application for employment of the amount of the fee and 37829  
that, unless the fee is paid, the person will not be considered 37830  
for employment; 37831

(b) The medical assistance program established under Chapter 37832  
5111. of the Revised Code does not reimburse the home or program 37833  
the fee it pays under division (D)(1) of this section. 37834

(E) The report of any criminal records check conducted 37835  
pursuant to a request made under this section is not a public 37836  
record for the purposes of section 149.43 of the Revised Code and 37837  
shall not be made available to any person other than the 37838  
following: 37839

(1) The individual who is the subject of the criminal records 37840  
check or the individual's representative; 37841

(2) The chief administrator of the home or program requesting 37842  
the criminal records check or the administrator's representative; 37843

(3) The administrator of any other facility, agency, or 37844  
program that provides direct care to older adults that is owned or 37845

operated by the same entity that owns or operates the home or program; 37846  
37847

(4) A court, hearing officer, or other necessary individual 37848  
involved in a case dealing with a denial of employment of the 37849  
applicant or dealing with employment or unemployment benefits of 37850  
the applicant; 37851

(5) Any person to whom the report is provided pursuant to, 37852  
and in accordance with, division (I)(1) or (2) of this section; 37853

(6) The board of nursing for purposes of accepting and 37854  
processing an application for a medication aide certificate issued 37855  
under Chapter 4723. of the Revised Code. 37856

(F) In accordance with section 3721.11 of the Revised Code, 37857  
the director of health shall adopt rules to implement this 37858  
section. The rules shall specify circumstances under which a home 37859  
or adult day-care program may employ a person who has been 37860  
convicted of or pleaded guilty to an offense listed or described 37861  
in division (C)(1) of this section but meets personal character 37862  
standards set by the director. 37863

(G) The chief administrator of a home or adult day-care 37864  
program shall inform each individual, at the time of initial 37865  
application for a position that involves providing direct care to 37866  
an older adult, that the individual is required to provide a set 37867  
of fingerprint impressions and that a criminal records check is 37868  
required to be conducted if the individual comes under final 37869  
consideration for employment. 37870

(H) In a tort or other civil action for damages that is 37871  
brought as the result of an injury, death, or loss to person or 37872  
property caused by an individual who a home or adult day-care 37873  
program employs in a position that involves providing direct care 37874  
to older adults, all of the following shall apply: 37875

(1) If the home or program employed the individual in good 37876

faith and reasonable reliance on the report of a criminal records 37877  
check requested under this section, the home or program shall not 37878  
be found negligent solely because of its reliance on the report, 37879  
even if the information in the report is determined later to have 37880  
been incomplete or inaccurate; 37881

(2) If the home or program employed the individual in good 37882  
faith on a conditional basis pursuant to division (C)(2) of this 37883  
section, the home or program shall not be found negligent solely 37884  
because it employed the individual prior to receiving the report 37885  
of a criminal records check requested under this section; 37886

(3) If the home or program in good faith employed the 37887  
individual according to the personal character standards 37888  
established in rules adopted under division (F) of this section, 37889  
the home or program shall not be found negligent solely because 37890  
the individual prior to being employed had been convicted of or 37891  
pleaded guilty to an offense listed or described in division 37892  
(C)(1) of this section. 37893

(I)(1) The chief administrator of a home or adult day-care 37894  
program is not required to request that the superintendent of the 37895  
bureau of criminal identification and investigation conduct a 37896  
criminal records check of an applicant if the applicant has been 37897  
referred to the home or program by an employment service that 37898  
supplies full-time, part-time, or temporary staff for positions 37899  
involving the direct care of older adults and both of the 37900  
following apply: 37901

(a) The chief administrator receives from the employment 37902  
service or the applicant a report of the results of a criminal 37903  
records check regarding the applicant that has been conducted by 37904  
the superintendent within the one-year period immediately 37905  
preceding the applicant's referral; 37906

(b) The report of the criminal records check demonstrates 37907

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 home or adult day-care program chooses to employ the individual pursuant to division (F) of this section.

(2) The chief administrator of a home or adult day-care program 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 home or program by an employment service that supplies full-time, part-time, or temporary staff for positions involving the direct care of older adults 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 the superintendent to conduct a criminal records check regarding the applicant, that the requested criminal records check will include a determination of whether the applicant has been convicted of or pleaded guilty to any offense listed or described in division (C)(1) of this section, that, as of the date set forth on the letter, the employment service had not received the results of the criminal records check, and that, when the employment service receives the results of the criminal records check, it promptly will send a copy of the results to the home or adult day-care program. If a home or adult day-care program employs an applicant conditionally in accordance with this division, the employment service, upon its receipt of the results of the criminal records check, promptly shall send a copy of the results to the home or adult day-care program, and division (C)(2)(b) of



this section applies regarding the conditional employment. 37941

**Sec. 3721.13.** (A) The rights of residents of a home shall 37942  
include, but are not limited to, the following: 37943

(1) The right to a safe and clean living environment pursuant 37944  
to the medicare and medicaid programs and applicable state laws 37945  
and ~~regulations prescribed~~ rules adopted by the ~~public~~ director of 37946  
health ~~council~~; 37947

(2) The right to be free from physical, verbal, mental, and 37948  
emotional abuse and to be treated at all times with courtesy, 37949  
respect, and full recognition of dignity and individuality; 37950

(3) Upon admission and thereafter, the right to adequate and 37951  
appropriate medical treatment and nursing care and to other 37952  
ancillary services that comprise necessary and appropriate care 37953  
consistent with the program for which the resident contracted. 37954  
This care shall be provided without regard to considerations such 37955  
as race, color, religion, national origin, age, or source of 37956  
payment for care. 37957

(4) The right to have all reasonable requests and inquiries 37958  
responded to promptly; 37959

(5) The right to have clothes and bed sheets changed as the 37960  
need arises, to ensure the resident's comfort or sanitation; 37961

(6) The right to obtain from the home, upon request, the name 37962  
and any specialty of any physician or other person responsible for 37963  
the resident's care or for the coordination of care; 37964

(7) The right, upon request, to be assigned, within the 37965  
capacity of the home to make the assignment, to the staff 37966  
physician of the resident's choice, and the right, in accordance 37967  
with the rules and written policies and procedures of the home, to 37968  
select as the attending physician a physician who is not on the 37969  
staff of the home. If the cost of a physician's services is to be 37970

met under a federally supported program, the physician shall meet 37971  
the federal laws and regulations governing such services. 37972

(8) The right to participate in decisions that affect the 37973  
resident's life, including the right to communicate with the 37974  
physician and employees of the home in planning the resident's 37975  
treatment or care and to obtain from the attending physician 37976  
complete and current information concerning medical condition, 37977  
prognosis, and treatment plan, in terms the resident can 37978  
reasonably be expected to understand; the right of access to all 37979  
information in the resident's medical record; and the right to 37980  
give or withhold informed consent for treatment after the 37981  
consequences of that choice have been carefully explained. When 37982  
the attending physician finds that it is not medically advisable 37983  
to give the information to the resident, the information shall be 37984  
made available to the resident's sponsor on the resident's behalf, 37985  
if the sponsor has a legal interest or is authorized by the 37986  
resident to receive the information. The home is not liable for a 37987  
violation of this division if the violation is found to be the 37988  
result of an act or omission on the part of a physician selected 37989  
by the resident who is not otherwise affiliated with the home. 37990

(9) The right to withhold payment for physician visitation if 37991  
the physician did not visit the resident; 37992

(10) The right to confidential treatment of personal and 37993  
medical records, and the right to approve or refuse the release of 37994  
these records to any individual outside the home, except in case 37995  
of transfer to another home, hospital, or health care system, as 37996  
required by law or rule, or as required by a third-party payment 37997  
contract; 37998

(11) The right to privacy during medical examination or 37999  
treatment and in the care of personal or bodily needs; 38000

(12) The right to refuse, without jeopardizing access to 38001

appropriate medical care, to serve as a medical research subject; 38002

(13) The right to be free from physical or chemical 38003  
restraints or prolonged isolation except to the minimum extent 38004  
necessary to protect the resident from injury to self, others, or 38005  
to property and except as authorized in writing by the attending 38006  
physician for a specified and limited period of time and 38007  
documented in the resident's medical record. Prior to authorizing 38008  
the use of a physical or chemical restraint on any resident, the 38009  
attending physician shall make a personal examination of the 38010  
resident and an individualized determination of the need to use 38011  
the restraint on that resident. 38012

Physical or chemical restraints or isolation may be used in 38013  
an emergency situation without authorization of the attending 38014  
physician only to protect the resident from injury to self or 38015  
others. Use of the physical or chemical restraints or isolation 38016  
shall not be continued for more than twelve hours after the onset 38017  
of the emergency without personal examination and authorization by 38018  
the attending physician. The attending physician or a staff 38019  
physician may authorize continued use of physical or chemical 38020  
restraints for a period not to exceed thirty days, and at the end 38021  
of this period and any subsequent period may extend the 38022  
authorization for an additional period of not more than thirty 38023  
days. The use of physical or chemical restraints shall not be 38024  
continued without a personal examination of the resident and the 38025  
written authorization of the attending physician stating the 38026  
reasons for continuing the restraint. 38027

If physical or chemical restraints are used under this 38028  
division, the home shall ensure that the restrained resident 38029  
receives a proper diet. In no event shall physical or chemical 38030  
restraints or isolation be used for punishment, incentive, or 38031  
convenience. 38032

(14) The right to the pharmacist of the resident's choice and 38033

the right to receive pharmaceutical supplies and services at 38034  
reasonable prices not exceeding applicable and normally accepted 38035  
prices for comparably packaged pharmaceutical supplies and 38036  
services within the community; 38037

(15) The right to exercise all civil rights, unless the 38038  
resident has been adjudicated incompetent pursuant to Chapter 38039  
2111. of the Revised Code and has not been restored to legal 38040  
capacity, as well as the right to the cooperation of the home's 38041  
administrator in making arrangements for the exercise of the right 38042  
to vote; 38043

(16) The right of access to opportunities that enable the 38044  
resident, at the resident's own expense or at the expense of a 38045  
third-party payer, to achieve the resident's fullest potential, 38046  
including educational, vocational, social, recreational, and 38047  
habilitation programs; 38048

(17) The right to consume a reasonable amount of alcoholic 38049  
beverages at the resident's own expense, unless not medically 38050  
advisable as documented in the resident's medical record by the 38051  
attending physician or unless contradictory to written admission 38052  
policies; 38053

(18) The right to use tobacco at the resident's own expense 38054  
under the home's safety rules and under applicable laws and rules 38055  
of the state, unless not medically advisable as documented in the 38056  
resident's medical record by the attending physician or unless 38057  
contradictory to written admission policies; 38058

(19) The right to retire and rise in accordance with the 38059  
resident's reasonable requests, if the resident does not disturb 38060  
others or the posted meal schedules and upon the home's request 38061  
remains in a supervised area, unless not medically advisable as 38062  
documented by the attending physician; 38063

(20) The right to observe religious obligations and 38064

participate in religious activities; the right to maintain 38065  
individual and cultural identity; and the right to meet with and 38066  
participate in activities of social and community groups at the 38067  
resident's or the group's initiative; 38068

(21) The right upon reasonable request to private and 38069  
unrestricted communications with the resident's family, social 38070  
worker, and any other person, unless not medically advisable as 38071  
documented in the resident's medical record by the attending 38072  
physician, except that communications with public officials or 38073  
with the resident's attorney or physician shall not be restricted. 38074  
Private and unrestricted communications shall include, but are not 38075  
limited to, the right to: 38076

(a) Receive, send, and mail sealed, unopened correspondence; 38077

(b) Reasonable access to a telephone for private 38078  
communications; 38079

(c) Private visits at any reasonable hour. 38080

(22) The right to assured privacy for visits by the spouse, 38081  
or if both are residents of the same home, the right to share a 38082  
room within the capacity of the home, unless not medically 38083  
advisable as documented in the resident's medical record by the 38084  
attending physician; 38085

(23) The right upon reasonable request to have room doors 38086  
closed and to have them not opened without knocking, except in the 38087  
case of an emergency or unless not medically advisable as 38088  
documented in the resident's medical record by the attending 38089  
physician; 38090

(24) The right to retain and use personal clothing and a 38091  
reasonable amount of possessions, in a reasonably secure manner, 38092  
unless to do so would infringe on the rights of other residents or 38093  
would not be medically advisable as documented in the resident's 38094  
medical record by the attending physician; 38095

(25) The right to be fully informed, prior to or at the time of admission and during the resident's stay, in writing, of the basic rate charged by the home, of services available in the home, and of any additional charges related to such services, including charges for services not covered under the medicare or medicaid program. The basic rate shall not be changed unless thirty days' notice is given to the resident or, if the resident is unable to understand this information, to the resident's sponsor.

(26) The right of the resident and person paying for the care to examine and receive a bill at least monthly for the resident's care from the home that itemizes charges not included in the basic rates;

(27)(a) The right to be free from financial exploitation;

(b) The right to manage the resident's own personal financial affairs, or, if the resident has delegated this responsibility in writing to the home, to receive upon written request at least a quarterly accounting statement of financial transactions made on the resident's behalf. The statement shall include:

(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;

(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.

(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;

(29) The right to receive reasonable notice before the

resident's room or roommate is changed, including an explanation	38127
of the reason for either change.	38128
(30) The right not to be transferred or discharged from the	38129
home unless the transfer is necessary because of one of the	38130
following:	38131
(a) The welfare and needs of the resident cannot be met in	38132
the home.	38133
(b) The resident's health has improved sufficiently so that	38134
the resident no longer needs the services provided by the home.	38135
(c) The safety of individuals in the home is endangered.	38136
(d) The health of individuals in the home would otherwise be	38137
endangered.	38138
(e) The resident has failed, after reasonable and appropriate	38139
notice, to pay or to have the medicare or medicaid program pay on	38140
the resident's behalf, for the care provided by the home. A	38141
resident shall not be considered to have failed to have the	38142
resident's care paid for if the resident has applied for medicaid,	38143
unless both of the following are the case:	38144
(i) The resident's application, or a substantially similar	38145
previous application, has been denied by the county department of	38146
job and family services.	38147
(ii) If the resident appealed the denial pursuant to division	38148
(C) of section 5101.35 of the Revised Code, the director of job	38149
and family services has upheld the denial.	38150
(f) The home's license has been revoked, the home is being	38151
closed pursuant to section 3721.08, sections 5111.35 to 5111.62,	38152
or section 5155.31 of the Revised Code, or the home otherwise	38153
ceases to operate.	38154
(g) The resident is a recipient of medicaid, and the home's	38155
participation in the medicaid program is involuntarily terminated	38156

or denied. 38157

(h) The resident is a beneficiary under the medicare program, 38158  
and the home's participation in the medicare program is 38159  
involuntarily terminated or denied. 38160

(31) The right to voice grievances and recommend changes in 38161  
policies and services to the home's staff, to employees of the 38162  
department of health, or to other persons not associated with the 38163  
operation of the home, of the resident's choice, free from 38164  
restraint, interference, coercion, discrimination, or reprisal. 38165  
This right includes access to a residents' rights advocate, and 38166  
the right to be a member of, to be active in, and to associate 38167  
with persons who are active in organizations of relatives and 38168  
friends of nursing home residents and other organizations engaged 38169  
in assisting residents. 38170

(32) The right to have any significant change in the 38171  
resident's health status reported to the resident's sponsor. As 38172  
soon as such a change is known to the home's staff, the home shall 38173  
make a reasonable effort to notify the sponsor within twelve 38174  
hours. 38175

(B) A sponsor may act on a resident's behalf to assure that 38176  
the home does not deny the residents' rights under sections 38177  
3721.10 to 3721.17 of the Revised Code. 38178

(C) Any attempted waiver of the rights listed in division (A) 38179  
of this section is void. 38180

**Sec. 3721.21.** As used in sections 3721.21 to 3721.34 of the 38181  
Revised Code: 38182

(A) "Long-term care facility" means either of the following: 38183

(1) A nursing home as defined in section 3721.01 of the 38184  
Revised Code, ~~other than a nursing home or part of a nursing home~~ 38185  
~~certified as an intermediate care facility for the mentally~~ 38186



~~retarded under Title XIX of the "Social Security Act," 49 Stat.~~ 38187  
~~620 (1935), 42 U.S.C.A. 301, as amended;~~ 38188

(2) A facility or part of a facility that is certified as a 38189  
skilled nursing facility or a nursing facility under Title XVIII 38190  
or XIX of the "Social Security Act." 38191

(B) "Residential care facility" has the same meaning as in 38192  
section 3721.01 of the Revised Code. 38193

(C) "Abuse" means knowingly causing physical harm or 38194  
recklessly causing serious physical harm to a resident by physical 38195  
contact with the resident or by use of physical or chemical 38196  
restraint, medication, or isolation as punishment, for staff 38197  
convenience, excessively, as a substitute for treatment, or in 38198  
amounts that preclude habilitation and treatment. 38199

(D) "Neglect" means recklessly failing to provide a resident 38200  
with any treatment, care, goods, or service necessary to maintain 38201  
the health or safety of the resident when the failure results in 38202  
serious physical harm to the resident. "Neglect" does not include 38203  
allowing a resident, at the resident's option, to receive only 38204  
treatment by spiritual means through prayer in accordance with the 38205  
tenets of a recognized religious denomination. 38206

(E) "Misappropriation" means depriving, defrauding, or 38207  
otherwise obtaining the real or personal property of a resident by 38208  
any means prohibited by the Revised Code, including violations of 38209  
Chapter 2911. or 2913. of the Revised Code. 38210

(F) "Resident" includes a resident, patient, former resident 38211  
or patient, or deceased resident or patient of a long-term care 38212  
facility or a residential care facility. 38213

(G) "Physical restraint" has the same meaning as in section 38214  
3721.10 of the Revised Code. 38215

(H) "Chemical restraint" has the same meaning as in section 38216

3721.10 of the Revised Code.	38217
(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 <del>public</del> <u>director of health council</u> shall adopt in accordance with Chapter 119. of the Revised Code.	38218 38219 38220 38221 38222
(J) "Personal care services" has the same meaning as in section 3721.01 of the Revised Code.	38223 38224
(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.	38225 38226 38227 38228 38229 38230
(2) "Nurse aide" does not include either of the following:	38231
(a) A licensed health professional practicing within the scope of the professional's license;	38232 38233
(b) An individual providing nursing and nursing-related services in a religious nonmedical health care institution, if the individual has been trained in the principles of nonmedical care and is recognized by the institution as being competent in the administration of care within the religious tenets practiced by the residents of the institution.	38234 38235 38236 38237 38238 38239
(L) "Licensed health professional" means all of the following:	38240 38241
(1) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	38242 38243
(2) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	38244 38245
(3) A physician authorized under Chapter 4731. of the Revised	38246

Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatry;	38247
	38248
(4) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	38249
	38250
(5) A registered nurse or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	38251
	38252
(6) A social worker or independent social worker licensed under Chapter 4757. of the Revised Code or a social work assistant registered under that chapter;	38253
	38254
	38255
(7) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	38256
	38257
(8) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	38258
	38259
(9) An optometrist licensed under Chapter 4725. of the Revised Code;	38260
	38261
(10) A pharmacist licensed under Chapter 4729. of the Revised Code;	38262
	38263
(11) A psychologist licensed under Chapter 4732. of the Revised Code;	38264
	38265
(12) A chiropractor licensed under Chapter 4734. of the Revised Code;	38266
	38267
(13) A nursing home administrator licensed or temporarily licensed under Chapter 4751. of the Revised Code;	38268
	38269
(14) A professional counselor or professional clinical counselor licensed under Chapter 4757. of the Revised Code.	38270
	38271
(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	38272
	38273
	38274
	38275

post-hospital extended care services furnished to an individual in 38276  
a religious nonmedical health care institution, as defined in 38277  
section 1861(ss)(1) of the "Social Security Act," 79 Stat. 286 38278  
(1965), 42 U.S.C. 1395x(ss)(1), as amended. 38279

(N) "Competency evaluation program" means a program through 38280  
which the competency of a nurse aide to provide nursing and 38281  
nursing-related services is evaluated. 38282

(O) "Training and competency evaluation program" means a 38283  
program of nurse aide training and evaluation of competency to 38284  
provide nursing and nursing-related services. 38285

**Sec. 3721.28.** (A)(1) Each nurse aide used by a long-term care 38286  
facility on a full-time, temporary, per diem, or other basis on 38287  
July 1, 1989, shall be provided by the facility a competency 38288  
evaluation program approved by the director of health under 38289  
division (A) of section 3721.31 of the Revised Code or conducted 38290  
by ~~him~~ the director under division (C) of that section. Each 38291  
long-term care facility using a nurse aide on July 1, 1989, shall 38292  
provide the nurse aide the preparation necessary to complete the 38293  
competency evaluation program by January 1, 1990. 38294

(2) Each nurse aide used by a long-term care facility on a 38295  
full-time, temporary, per diem, or other basis on January 1, 1990, 38296  
who either was not used by the facility on July 1, 1989, or was 38297  
used by the facility on July 1, 1989, but had not successfully 38298  
completed a competency evaluation program by January 1, 1990, 38299  
shall be provided by the facility a competency evaluation program 38300  
approved by the director under division (A) of section 3721.31 of 38301  
the Revised Code or conducted by ~~him~~ the director under division 38302  
(C) of that section. Each long-term care facility using a nurse 38303  
aide described in division (A)(2) of this section shall provide 38304  
the nurse aide the preparation necessary to complete the 38305  
competency evaluation program by October 1, 1990, and shall assist 38306

the nurse aide in registering for the program. 38307

(B) Effective June 1, 1990, no long-term care facility shall 38308  
use an individual as a nurse aide for more than four months unless 38309  
the individual is competent to provide the services ~~he~~ the 38310  
individual is to provide, the facility has received from the nurse 38311  
aide registry established under section 3721.32 of the Revised 38312  
Code the information concerning the individual provided through 38313  
the registry, and one of the following is the case: 38314

(1) The individual was used by a facility as a nurse aide on 38315  
a full-time, temporary, per diem, or other basis at any time 38316  
during the period commencing July 1, 1989, and ending January 1, 38317  
1990, and successfully completed, not later than October 1, 1990, 38318  
a competency evaluation program approved by the director under 38319  
division (A) of section 3721.31 of the Revised Code or conducted 38320  
by ~~him~~ the director under division (C) of that section. 38321

(2) The individual has successfully completed a training and 38322  
competency evaluation program approved by the director under 38323  
division (A) of section 3721.31 of the Revised Code or conducted 38324  
by ~~him~~ the director under division (C) of that section or has met 38325  
the conditions specified in division (F) of this section and, in 38326  
addition, if the training and competency evaluation program or the 38327  
training, instruction, or education the individual completed in 38328  
meeting the conditions specified in division (F) of this section 38329  
was conducted by or in a long-term care facility, or if the 38330  
director pursuant to division (E) of section 3721.31 of the 38331  
Revised Code so requires, the individual has successfully 38332  
completed a competency evaluation program conducted by the 38333  
director. 38334

(3) Prior to July 1, 1989, if the long-term care facility is 38335  
certified as a skilled nursing facility or a nursing facility 38336  
under Title XVIII or XIX of the "Social Security Act," 49 Stat. 38337  
620 (1935), 42 U.S.C.A. 301, as amended, or prior to January 1, 38338

1990, if the facility is not so certified, the individual 38339  
completed a program that the director determines included a 38340  
competency evaluation component no less stringent than the 38341  
competency evaluation programs approved by ~~him~~ the director under 38342  
division (A) of section 3721.31 of the Revised Code or conducted 38343  
by ~~him~~ the director under division (C) of that section, and was 38344  
otherwise comparable to the training and competency evaluation 38345  
programs being approved by the director under division (A) of that 38346  
section. 38347

(4) The individual is listed in a nurse aide registry 38348  
maintained by another state and that state certifies that its 38349  
program for training and evaluation of competency of nurse aides 38350  
complies with Titles XVIII and XIX of the "Social Security Act" 38351  
and regulations adopted thereunder. 38352

(5) Prior to July 1, 1989, the individual was found competent 38353  
to serve as a nurse aide after the completion of a course of nurse 38354  
aide training of at least one hundred hours' duration. 38355

(6) The individual is enrolled in a prelicensure program of 38356  
nursing education approved by the board of nursing or by an agency 38357  
of another state that regulates nursing education, has provided 38358  
the long-term care facility with a certificate from the program 38359  
indicating that the individual has successfully completed the 38360  
courses that teach basic nursing skills including infection 38361  
control, safety and emergency procedures, and personal care, and 38362  
has successfully completed a competency evaluation program 38363  
conducted by the director under division (C) of section 3721.31 of 38364  
the Revised Code. 38365

(7) The individual has the equivalent of twelve months or 38366  
more of full-time employment in the preceding five years as a 38367  
hospital aide or orderly and has successfully completed a 38368  
competency evaluation program conducted by the director under 38369  
division (C) of section 3721.31 of the Revised Code. 38370

(C) Effective June 1, 1990, no long-term care facility shall  
continue for longer than four months to use as a nurse aide an  
individual who previously met the requirements of division (B) of  
this section but since most recently doing so has not performed  
nursing and nursing-related services for monetary compensation for  
twenty-four consecutive months, unless the individual successfully  
completes additional training and competency evaluation by  
complying with divisions (C)(1) and (2) of this section:

(1) Doing one of the following:

(a) Successfully completing a training and competency  
evaluation program approved by the director under division (A) of  
section 3721.31 of the Revised Code or conducted by ~~him~~ the  
director under division (C) of that section;

(b) Successfully completing a training and competency  
evaluation program described in division (B)(4) of this section;

(c) Meeting the requirements specified in division (B)(6) or  
(7) of this section.

(2) If the training and competency evaluation program  
completed under division (C)(1)(a) of this section was conducted  
by or in a long-term care facility, or if the director pursuant to  
division (E) of section 3721.31 of the Revised Code so requires,  
successfully completing a competency evaluation program conducted  
by the director.

(D)(1) The four-month periods provided for in divisions (B)  
and (C) of this section include any time, on or after June 1,  
1990, that an individual is used as a nurse aide on a full-time,  
temporary, per diem, or any other basis by the facility or any  
other long-term care facility.

(2) During the four-month period provided for in division (B)  
of this section, during which a long-term care facility may,  
subject to division (E) of this section, use as a nurse aide an

individual who does not have the qualifications specified in 38402  
divisions (B)(1) to (7) of this section, a facility shall require 38403  
the individual to comply with divisions (D)(2)(a) and (b) of this 38404  
section: 38405

(a) Participate in one of the following: 38406

(i) If the individual has successfully completed a training 38407  
and competency evaluation program approved by the director under 38408  
division (A) of section 3721.31 of the Revised Code, and the 38409  
program was conducted by or in a long-term care facility, or the 38410  
director pursuant to division (E) of section 3721.31 of the 38411  
Revised Code so requires, a competency evaluation program 38412  
conducted by the director; 38413

(ii) If the individual is enrolled in a prelicensure program 38414  
of nursing education described in division (B)(6) of this section 38415  
and has completed or is working toward completion of the courses 38416  
described in that division, or the individual has the experience 38417  
described in division (B)(7) of this section, a competency 38418  
evaluation program conducted by the director; 38419

(iii) A training and competency evaluation program approved 38420  
by the director under division (A) of section 3721.31 of the 38421  
Revised Code or conducted by ~~him~~ the director under division (C) 38422  
of that section. 38423

(b) If the individual participates in or has successfully 38424  
completed a training and competency evaluation program under 38425  
division (D)(2)(a)(iii) of this section that is conducted by or in 38426  
a long-term care facility, or the director pursuant to division 38427  
(E) of section 3721.31 of the Revised Code so requires, ~~participate~~ 38428  
participate in a competency evaluation program conducted by the 38429  
director. 38430

(3) During the four-month period provided for in division (C) 38431  
of this section, during which a long-term care facility may, 38432



subject to division (E) of this section, use as a nurse aide an 38433  
individual who does not have the qualifications specified in 38434  
divisions (C)(1) and (2) of this section, a facility shall require 38435  
the individual to comply with divisions (D)(3)(a) and (b) of this 38436  
section: 38437

(a) Participate in one of the following: 38438

(i) If the individual has successfully completed a training 38439  
and competency evaluation program approved by the director, and 38440  
the program was conducted by or in a long-term care facility, or 38441  
the director pursuant to division (E) of section 3721.31 of the 38442  
Revised Code so requires, a competency evaluation program 38443  
conducted by the director; 38444

(ii) If the individual is enrolled in a prelicensure program 38445  
of nursing education described in division (B)(6) of this section 38446  
and has completed or is working toward completion of the courses 38447  
described in that division, or the individual has the experience 38448  
described in division (B)(7) of this section, a competency 38449  
evaluation program conducted by the director; 38450

(iii) A training and competency evaluation program approved 38451  
or conducted by the director. 38452

(b) If the individual participates in or has successfully 38453  
completed a training and competency evaluation program under 38454  
division (D)(3)(a)(iii) of this section that is conducted by or in 38455  
a long-term care facility, or the director pursuant to division 38456  
(E) of section 3721.31 of the Revised Code so requires, 38457  
participate in a competency evaluation program conducted by the 38458  
director. 38459

(E) A long-term care facility shall not permit an individual 38460  
used by the facility as a nurse aide while participating in a 38461  
training and competency evaluation program to provide nursing and 38462  
nursing-related services unless both of the following are the 38463

case: 38464

(1) The individual has completed the number of hours of 38465  
training that ~~he must complete~~ be completed prior to providing 38466  
services to residents as prescribed by rules that shall be adopted 38467  
by the director in accordance with Chapter 119. of the Revised 38468  
Code; 38469

(2) The individual is under the personal supervision of a 38470  
registered or licensed practical nurse licensed under Chapter 38471  
4723. of the Revised Code. 38472

(F) An individual shall be considered to have satisfied the 38473  
requirement, under division (B)(2) of this section, of having 38474  
successfully completed a training and competency evaluation 38475  
program conducted or approved by the director, if the individual 38476  
meets both of the following conditions: 38477

(1) The individual, as of July 1, 1989, completed at least 38478  
sixty hours divided between skills training and classroom 38479  
instruction in the topic areas described in divisions (B)(1) to 38480  
(8) of section 3721.30 of the Revised Code; 38481

(2) The individual received, as of that date, at least the 38482  
difference between seventy-five hours and the number of hours 38483  
actually spent in training and competency evaluation in supervised 38484  
practical nurse aide training or regular in-service nurse aide 38485  
education. 38486

(G) The ~~public health council~~ director shall adopt rules in 38487  
accordance with Chapter 119. of the Revised Code specifying 38488  
persons, in addition to the director, who may establish competence 38489  
of nurse aides under division (B)(5) of this section, and 38490  
establishing criteria for determining whether an individual meets 38491  
the conditions specified in division (F) of this section. 38492

(H) The rules adopted pursuant to divisions (E)(1) and (G) of 38493  
this section shall be no less stringent than the requirements, 38494

guidelines, and procedures established by the United States 38495  
secretary of health and human services under sections 1819 and 38496  
1919 of the "Social Security Act." 38497

**Sec. 3721.29.** In addition to competency evaluation programs 38498  
and training and competency evaluation programs required by this 38499  
chapter, each long-term care facility shall provide both of the 38500  
following to each nurse aide it uses: 38501

(A) An orientation program that includes at least an 38502  
explanation of the organizational structure of the facility, its 38503  
policies and procedures, its philosophy of care, a description of 38504  
its resident population, and an enumeration of its employee rules; 38505

(B) Regular performance review and in-service education to 38506  
assure that individuals working in the facility as nurse aides are 38507  
competent to perform the nursing and nursing-related services they 38508  
perform. In-service education shall include training for nurse 38509  
aides providing nursing and nursing-related services to residents 38510  
and patients with cognitive impairments. 38511

The ~~public director of health council~~ shall adopt rules to 38512  
implement the purposes of this section. The rules shall be no less 38513  
stringent than the requirements, guidelines, and procedures 38514  
established by the United States secretary of health and human 38515  
services under sections 1819 and 1919 of the "Social Security 38516  
Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended. 38517

**Sec. 3721.50.** As used in sections 3721.50 to 3721.58 of the 38518  
Revised Code: 38519

(A) "Bed surrender" means the following: 38520

(1) In the case of a nursing home, the removal of a bed from 38521  
a nursing home's licensed capacity in a manner that reduces the 38522  
total licensed capacity of all nursing homes; 38523

(2) In the case of a hospital, the removal of a hospital bed 38524  
from registration under section 3701.07 of the Revised Code as a 38525  
skilled nursing facility bed or long-term care bed in a manner 38526  
that reduces the total number of hospital beds registered under 38527  
that section as skilled nursing facility beds or long-term care 38528  
beds. 38529

(B) "Change of operator" means an entering operator becoming 38530  
the operator of a nursing home or hospital in the place of the 38531  
exiting operator. 38532

(1) Actions that constitute a change of operator include the 38533  
following: 38534

(a) A change in an exiting operator's form of legal 38535  
organization, including the formation of a partnership or 38536  
corporation from a sole proprietorship; 38537

(b) A transfer of all the exiting operator's ownership 38538  
interest in the operation of the nursing home or hospital to the 38539  
entering operator, regardless of whether ownership of any or all 38540  
of the real property or personal property associated with the 38541  
nursing home or hospital is also transferred; 38542

(c) A lease of the nursing home or hospital to the entering 38543  
operator or the exiting operator's termination of the exiting 38544  
operator's lease; 38545

(d) If the exiting operator is a partnership, dissolution of 38546  
the partnership; 38547

(e) If the exiting operator is a partnership, a change in 38548  
composition of the partnership unless both of the following apply: 38549

(i) The change in composition does not cause the 38550  
partnership's dissolution under state law. 38551

(ii) The partners agree that the change in composition does 38552  
not constitute a change in operator. 38553

(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.

(2) The following, alone, do not constitute a change of operator:

(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;

(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;

(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.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(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.

(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.

(F) "Franchise permit fee rate" means the following:

(1) For fiscal year 2012, eleven dollars and forty-seven cents;

(2) For fiscal year 2013 and each fiscal year thereafter,

eleven dollars and sixty-seven cents. 38584

(G) "Hospital" has the same meaning as in section 3727.01 of 38585  
the Revised Code. 38586

(H) "Hospital long-term care unit" means any distinct part of 38587  
a hospital in which any of the following beds are located: 38588

(1) Beds registered pursuant to section 3701.07 of the 38589  
Revised Code as skilled nursing facility beds or long-term care 38590  
beds; 38591

(2) Beds licensed as nursing home beds under section 3721.02 38592  
or 3721.09 of the Revised Code. 38593

(I) "Indirect guarantee percentage" means the percentage 38594  
specified in section 1903(w)(4)(C)(ii) of the "Social Security 38595  
Act," 120 Stat. 2994 (2006), 42 U.S.C. 1396b(w)(4)(C)(ii) that is 38596  
to be used in determining whether a class of providers is 38597  
indirectly held harmless for any portion of the costs of a 38598  
broad-based health-care-related tax. If the indirect guarantee 38599  
percentage changes during a fiscal year, the indirect guarantee 38600  
percentage is the following: 38601

(1) For the part of the fiscal year before the change takes 38602  
effect, the percentage in effect before the change; 38603

(2) For the part of the fiscal year beginning with the date 38604  
the indirect guarantee percentage changes, the new percentage. 38605

(J) ~~"Inpatient days" means all days during which a resident 38606  
of a nursing facility, regardless of payment source, occupies a 38607  
bed in the nursing facility that is included in the facility's 38608  
certified capacity under Title XIX. Therapeutic or hospital leave 38609  
days for which payment is made under section 5111.26 of the 38610  
Revised Code are considered inpatient days proportionate to the 38611  
percentage of the facility's per resident per day rate paid for 38612  
those days. 38613~~

~~(K)~~ "Medicaid" has the same meaning as in section 5111.01 of the Revised Code. 38614  
38615

~~(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. 38616  
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~~(M)~~(K) "Medicare" means the program established by Title XVIII. 38623  
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~~(N)~~(L) "Nursing facility" has the same meaning as in section 5111.20 of the Revised Code. 38625  
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~~(O)~~(M)(1) "Nursing home" means all of the following: 38627

(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; 38628  
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(b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII; 38631  
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(c) A nursing facility, other than a portion of a hospital certified as a nursing facility. 38633  
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(2) "Nursing home" does not include ~~any~~ either of the following: 38635  
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(a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code; 38637  
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(b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code; 38639  
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~~(c) A nursing home or part of a nursing home licensed under section 3721.02 or 3721.09 of the Revised Code that is certified as an intermediate care facility for the mentally retarded under~~ 38641  
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38643

~~Title XIX.~~ 38644

~~(P)~~(N) "Operator" means the person or government entity 38645  
responsible for the daily operating and management decisions for a 38646  
nursing home or hospital. 38647

~~(Q)~~(O) "Title XIX" means Title XIX of the "Social Security 38648  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 38649

~~(R)~~(P) "Title XVIII" means Title XVIII of the "Social 38650  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 38651

**Sec. 3721.51.** The department of job and family services shall 38652  
do all of the following: 38653

(A) Subject to sections 3721.512, 3721.513, and 3721.531 of 38654  
the Revised Code and divisions (C) and (D) of this section and for 38655  
the purposes specified in section 3721.56 of the Revised Code, 38656  
determine an annual franchise permit fee on each nursing home in 38657  
an amount equal to the franchise permit fee rate multiplied by the 38658  
product of the following: 38659

(1) The number of beds licensed as nursing home beds, plus 38660  
any other beds certified as skilled nursing facility beds under 38661  
Title XVIII or nursing facility beds under Title XIX on the first 38662  
day of May of the calendar year in which the fee is determined 38663  
pursuant to division (A) of section 3721.53 of the Revised Code; 38664

(2) The number of days in the fiscal year beginning on the 38665  
first day of July of the calendar year in which the fee is 38666  
determined pursuant to division (A) of section 3721.53 of the 38667  
Revised Code. 38668

(B) Subject to sections 3721.512, 3721.513, and 3721.531 of 38669  
the Revised Code and divisions (C) and (D) of this section and for 38670  
the purposes specified in section 3721.56 of the Revised Code, 38671  
determine an annual franchise permit fee on each hospital in an 38672  
amount equal to the franchise permit fee rate multiplied by the 38673



product of the following: 38674

(1) The number of beds registered pursuant to section 3701.07 38675  
of the Revised Code as skilled nursing facility beds or long-term 38676  
care beds, plus any other beds licensed as nursing home beds under 38677  
section 3721.02 or 3721.09 of the Revised Code, on the first day 38678  
of May of the calendar year in which the fee is determined 38679  
pursuant to division (A) of section 3721.53 of the Revised Code; 38680

(2) The number of days in the fiscal year beginning on the 38681  
first day of July of the calendar year in which the fee is 38682  
determined pursuant to division (A) of section 3721.53 of the 38683  
Revised Code. 38684

(C) If the total amount of the franchise permit fee assessed 38685  
under divisions (A) and (B) of this section for a fiscal year 38686  
exceeds the indirect guarantee percentage of the actual net 38687  
patient revenue for all nursing homes and hospital long-term care 38688  
units for that fiscal year and seventy-five per cent or more of 38689  
the combined total number of nursing homes and hospital long-term 38690  
care units receive enhanced medicaid payments or other state 38691  
payments equal to seventy-five per cent or more of their total 38692  
franchise permit fee assessments, do both of the following: 38693

(1) Recalculate the assessments under divisions (A) and (B) 38694  
of this section using a per bed per day rate equal to the indirect 38695  
guarantee percentage of actual net patient revenue for all nursing 38696  
homes and hospital long-term care units for that fiscal year; 38697

(2) Refund the difference between the amount of the franchise 38698  
permit fee assessed for that fiscal year under divisions (A) and 38699  
(B) of this section and the amount recalculated under division 38700  
(C)(1) of this section as a credit against the assessments imposed 38701  
under divisions (A) and (B) of this section for the subsequent 38702  
fiscal year. 38703

(D) If the United States centers for medicare and medicaid 38704

services determines that the franchise permit fee established by 38705  
sections 3721.50 to 3721.58 of the Revised Code is an 38706  
impermissible health care-related tax under section 1903(w) of the 38707  
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as 38708  
amended, take all necessary actions to cease implementation of 38709  
sections 3721.50 to 3721.58 of the Revised Code in accordance with 38710  
rules adopted under section 3721.58 of the Revised Code. 38711

**Sec. 3723.06.** (A) The director of health shall license radon 38712  
testers, mitigation specialists, and mitigation contractors. Each 38713  
applicant for a license shall submit a completed application to 38714  
the director on a form the director shall prescribe and furnish. 38715

(B) In accordance with rules adopted ~~by the public health~~ 38716  
~~council~~ under section 3723.09 of the Revised Code, the director 38717  
shall issue the appropriate license to each applicant that pays 38718  
the license fee prescribed by the ~~council~~ director, meets the 38719  
licensing criteria established by the ~~council~~ director, and 38720  
complies with any other licensing and training requirements 38721  
established by the ~~council~~ director. An individual, business 38722  
entity, or government entity may hold more than one license issued 38723  
under this section, but a separate application is required for 38724  
each license. 38725

(C) Notwithstanding division (B) of this section, the 38726  
director shall issue a radon mitigation contractor license on 38727  
request to the holder of a radon mitigation specialist license if 38728  
the license holder is the owner or chief stockholder of a business 38729  
entity for which ~~he~~ the license holder is the only individual who 38730  
will work as a radon mitigation specialist. The licensing criteria 38731  
and any other licensing and training requirements the individual 38732  
was required to meet to qualify for the radon mitigation 38733  
specialist license are hereby deemed to satisfy any and all 38734  
criteria and requirements for a radon mitigation contractor 38735

license. A license issued under this division shall expire at the 38736  
same time as the individual's radon mitigation specialist license. 38737  
No license fee shall be imposed for a license issued under this 38738  
division. 38739

(D) A license issued under this section expires biennially 38740  
and may be renewed by the director in accordance with criteria and 38741  
procedures established ~~by the public health council~~ in rules 38742  
adopted under section 3723.09 of the Revised Code and on payment 38743  
of the license renewal fee prescribed ~~by the council~~ in those 38744  
rules. 38745

(E) In accordance with Chapter 119. of the Revised Code, the 38746  
director may do either of the following: 38747

(1) Refuse to issue a license to an individual, business 38748  
entity, or government entity that does not meet the requirements 38749  
of this chapter or the rules adopted under it or has been in 38750  
violation of those requirements; 38751

(2) Suspend, revoke, or refuse to renew the license of an 38752  
individual, business entity, or government entity that is or has 38753  
been in violation of the requirements of this chapter or the rules 38754  
adopted under it. 38755

**Sec. 3723.07.** The director of health shall approve all of the 38756  
following: 38757

(A) Licensure training courses for radon testers and 38758  
mitigation specialists; 38759

(B) Training courses for employees of mitigation contractors; 38760

(C) Radon laboratories. 38761

Each applicant for approval shall submit a completed 38762  
application to the director on a form the director shall prescribe 38763  
and furnish. 38764

In accordance with rules adopted by the ~~public health council~~ 38765  
under section 3723.09 of the Revised Code, the director shall 38766  
issue the appropriate approval to each applicant that pays the 38767  
approval fee prescribed by the ~~council~~ director and meets the 38768  
criteria for approval established by the ~~council~~ director. 38769

In accordance with Chapter 119. of the Revised Code, the 38770  
director may refuse to issue an approval and may revoke or suspend 38771  
an approval issued under this section if the operator of the 38772  
course or laboratory fails to meet the criteria established by the 38773  
~~public health council~~ director. 38774

**Sec. 3723.09.** (A) To protect the health of individuals 38775  
inhabiting, occupying, or frequenting buildings, the ~~public~~ 38776  
director of health ~~council~~ shall adopt rules to implement the 38777  
requirements of this chapter. All rules adopted under this section 38778  
shall be adopted in accordance with Chapter 119. of the Revised 38779  
Code. 38780

(B) The ~~public health council~~ director shall adopt rules 38781  
establishing criteria and procedures ~~to be followed by the~~ 38782  
~~director of health in~~ for issuing and renewing licenses under 38783  
section 3723.06 of the Revised Code to radon testers, mitigation 38784  
specialists, and mitigation contractors. The rules may require 38785  
that all applicants for licensure as a radon tester or mitigation 38786  
specialist pass an examination. If an examination is required, the 38787  
rules may require applicants to pass an examination conducted by 38788  
the department or an appropriate examination conducted by the 38789  
United States environmental protection agency. 38790

(C) The ~~public health council~~ director shall adopt rules 38791  
establishing criteria and procedures ~~to be followed by the~~ 38792  
~~director of health in~~ for approving training courses under section 38793  
3723.07 of the Revised Code. The rules may require that 38794  
participants in training courses pass an examination conducted by 38795

the operator of the course and may require that the examinations 38796  
be approved by the director ~~of health~~. 38797

(D) The ~~public health council~~ director shall adopt rules 38798  
establishing criteria and procedures ~~to be followed by the~~ 38799  
~~director of health in~~ for approving radon laboratories under 38800  
section 3723.07 of the Revised Code. 38801

(E) The ~~public health council~~ director shall adopt rules 38802  
establishing reasonable fees for licenses, license renewals, radon 38803  
laboratory approvals, and training course approvals. 38804

(F) The ~~public health council~~ director shall adopt rules 38805  
establishing standards to be followed by licensed radon testers, 38806  
mitigation specialists, and mitigation contractors for the 38807  
prevention of hazards to the public health, including standards 38808  
for worker protection, record keeping, and training of employees 38809  
of licensed radon mitigation contractors. 38810

(G) The ~~public health council~~ director shall adopt rules 38811  
establishing procedures to be followed by any individual, business 38812  
entity, or government entity licensed by another state to practice 38813  
as a radon tester, mitigation specialist, or mitigation contractor 38814  
in providing notice to the director of health prior to commencing 38815  
practice in this state pursuant to section 3723.03 of the Revised 38816  
Code. 38817

(H) The ~~public health council~~ director may adopt rules that 38818  
require licensed radon testers and mitigation specialists to 38819  
report to the director ~~of health~~, by street address, radon test 38820  
results that indicate the presence of radon at a level considered 38821  
to be dangerous as determined by the ~~council~~ director. The rules 38822  
may require the reporting of screening measurements, follow-up 38823  
measurements, post-mitigation measurements, and, if it is known 38824  
that radon mitigation has been performed, the methods of 38825  
mitigation that were used. Any information required to be reported 38826

to the director under these rules is not a public record under 38827  
section 149.43 of the Revised Code, and shall not be released 38828  
except in aggregate statistical form. 38829

**Sec. 3725.02.** (A) No person other than a hospital shall 38830  
collect plasma, regardless of the use for which the plasma is 38831  
intended, except at a plasmapheresis center holding a current, 38832  
valid certificate of approval issued by the director of health. 38833

Whoever violates this division is guilty of a misdemeanor of 38834  
the fourth degree. 38835

(B) The ~~public health council~~ director shall adopt such rules 38836  
as are necessary to carry out this chapter. 38837

**Sec. 3727.01.** (A) As used in this section, "health 38838  
maintenance organization" means a public or private organization 38839  
organized under the law of any state that is qualified under 38840  
section 1310(d) of Title XIII of the "Public Health Service Act," 38841  
87 Stat. 931 (1973), 42 U.S.C. 300e-9, or that does all of the 38842  
following: 38843

(1) Provides or otherwise makes available to enrolled 38844  
participants health care services including at least the following 38845  
basic health care services: usual physician services, 38846  
hospitalization, laboratory, x-ray, emergency and preventive 38847  
service, and out-of-area coverage; 38848

(2) Is compensated, except for copayments, for the provision 38849  
of basic health care services to enrolled participants by a 38850  
payment that is paid on a periodic basis without regard to the 38851  
date the health care services are provided and that is fixed 38852  
without regard to the frequency, extent, or kind of health service 38853  
actually provided; 38854

(3) Provides physician services primarily in either of the 38855  
following ways: 38856

(a) Directly through physicians who are either employees or partners of the organization; 38857  
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(b) Through arrangements with individual physicians or one or more groups of physicians organized on a group-practice or individual-practice basis. 38859  
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(B) As used in this chapter: 38862

(1) "~~Children's hospital~~" ~~has the same meaning as in section 3702.51 of the Revised Code~~ means any of the following: 38863  
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(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; 38865  
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(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 inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age; 38870  
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(c) 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 (B)(1)(a) of this section. 38877  
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(2) "Hospital" means an institution classified as a hospital under section 3701.07 of the Revised Code in which are provided to inpatients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care for a continuous period longer than twenty-four hours or a hospital operated by a health maintenance organization. "Hospital" does not include a facility licensed under Chapter 3721. of the Revised Code, a health care 38881  
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facility operated by the department of mental health or the 38888  
department of developmental disabilities, a health maintenance 38889  
organization that does not operate a hospital, the office of any 38890  
private licensed health care professional, whether organized for 38891  
individual or group practice, or a clinic that provides ambulatory 38892  
patient services and where patients are not regularly admitted as 38893  
inpatients. "Hospital" also does not include an institution for 38894  
the sick that is operated exclusively for patients who use 38895  
spiritual means for healing and for whom the acceptance of medical 38896  
care is inconsistent with their religious beliefs, accredited by a 38897  
national accrediting organization, exempt from federal income 38898  
taxation under section 501 of the Internal Revenue Code of 1986, 38899  
100 Stat. 2085, 26 U.S.C.A. 1, as amended, and providing 38900  
twenty-four hour nursing care pursuant to the exemption in 38901  
division (E) of section 4723.32 of the Revised Code from the 38902  
licensing requirements of Chapter 4723. of the Revised Code. 38903

(3) "Joint commission" means the commission formerly known as 38904  
the joint commission on accreditation of healthcare organizations 38905  
or the joint commission on accreditation of hospitals. 38906

**Sec. 3727.42.** (A) Every hospital shall compile and make 38907  
available for inspection by the public a price information list 38908  
containing the information specified in division (B) of this 38909  
section and shall periodically update the list to maintain current 38910  
information. The price information list shall be compiled and made 38911  
available in a format that complies with the electronic 38912  
transaction standards and code sets adopted by the United States 38913  
secretary of health and human services under 42 U.S.C. 1320d-2. 38914

(B) Each price information list required by division (A) of 38915  
this section shall contain all of the following information: 38916

(1) The usual and customary room and board charges for each 38917  
level of care within the hospital, including but not limited to 38918



private rooms, semiprivate rooms, other multiple patient rooms,	38919
and intensive care and other specialty units;	38920
(2) Rates charged for nursing care, if the hospital charges	38921
separately for nursing care;	38922
(3) The usual and customary charges, stated separately for	38923
inpatients and outpatients if different charges are imposed, for	38924
any of the following services provided by the hospital:	38925
(a) The thirty most common x-ray and radiological procedures;	38926
(b) The thirty most common laboratory procedures;	38927
(c) Emergency room services;	38928
(d) Operating room services;	38929
(e) Delivery room services;	38930
(f) Physical, occupational, and pulmonary therapy services;	38931
(g) Any other services designated as high volume services by	38932
a rule which shall be adopted by the <u>public director of health</u>	38933
<u>council</u> .	38934
(4) The hospital's billing policies, including whether the	38935
hospital charges interest on an amount not paid in full by any	38936
person or government entity and the interest rate charged;	38937
(5) Whether or not the charges listed include fees for the	38938
services of hospital-based anesthesiologists, radiologists,	38939
pathologists, and emergency room physicians and, if a charge does	38940
not include such fees, how such fee information can be obtained.	38941
(C) Every hospital shall do all of the following with the	38942
price information list required by this section:	38943
(1) At the time of admission, or as soon as practical	38944
thereafter, inform each patient of the availability of the list	38945
and on request provide the patient with a free copy of the list;	38946
(2) On request, provide a paper copy of the list to any	38947

person or governmental agency, subject to payment of a reasonable fee for copying and processing; 38948  
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(3) Make the list available free of charge on the hospital's internet web site. 38950  
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**Sec. 3729.01.** As used in this chapter: 38952

(A) "Camp operator" means the operator of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp. 38953  
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(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. 38956  
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(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 subdivided for lease or other contract of the individual lots is a combined park-camp if a combination of five or more recreational vehicles or portable camping units are placed on it for recreation, vacation, or business purposes. 38960  
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"Combined park-camp" does not include any tract of land used solely as a temporary park-camp or solely as a manufactured home park. 38969  
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(D) "Dependent recreational vehicle" means a recreational vehicle other than a self-contained recreational vehicle. 38972  
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"Dependent recreational vehicle" includes a park model. 38974

(E) "Development" means any artificial change to improved or unimproved real estate, including, without limitation, buildings or structures, dredging, filling, grading, paving, excavation or 38975  
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drilling operations, or storage of equipment or materials, and the 38978  
construction, expansion, or substantial alteration of a 38979  
recreational vehicle park, recreation camp, or combined park-camp, 38980  
for which plan review is required under division (A) of section 38981  
3729.03 of the Revised Code. "Development" does not include the 38982  
building, construction, erection, or manufacture of any building 38983  
to which section 3781.06 of the Revised Code is applicable. 38984

(F) "Director of health" means the director of health or the 38985  
director's authorized representative. 38986

(G) "Flood" or "flooding" means either of the following: 38987

(1) A general and temporary condition of partial or complete 38988  
inundation of normally dry land areas from any of the following: 38989

(a) The overflow of inland or tidal waters; 38990

(b) The unusual and rapid accumulation or runoff of surface 38991  
waters from any source; 38992

(c) Mudslides that are proximately caused by flooding as 38993  
defined in division (G)(1)(b) of this section and that are akin to 38994  
a river of liquid and flowing mud on the surface of normally dry 38995  
land areas, as when earth is carried by a current of water and 38996  
deposited along the path of the current. 38997

(2) The collapse or subsidence of land along the shore of a 38998  
lake or other body of water as a result of erosion or undermining 38999  
that is caused by waves or currents of water exceeding anticipated 39000  
cyclical levels or that is suddenly caused by an unusually high 39001  
water level in a natural body of water, and that is accompanied by 39002  
a severe storm, by an unanticipated force of nature, such as a 39003  
flash flood, by an abnormal tidal surge, or by some similarly 39004  
unusual and unforeseeable event, that results in flooding as 39005  
defined in division (G)(1)(a) of this section. 39006

(H) "Flood plain" means the area adjoining any river, stream, 39007

watercourse, or lake that has been or may be covered by flood 39008  
water. 39009

(I) "Licensor" means either the board of health of a city or 39010  
general health district, or the authority having the duties of a 39011  
board of health in any city as authorized by section 3709.05 of 39012  
the Revised Code, or the director of health, when required under 39013  
division (B) of section 3729.06 of the Revised Code. "Licensor" 39014  
also means an authorized representative of any of those entities 39015  
or of the director. 39016

(J) "Manufactured home park" has the same meaning as in 39017  
section ~~3733.01~~ 4781.01 of the Revised Code. 39018

(K) "One-hundred-year flood" means a flood having a one per 39019  
cent chance of being equaled or exceeded in any given year. 39020

(L) "One-hundred-year flood plain" means that portion of a 39021  
flood plain inundated by a one-hundred-year flood. 39022

(M) "Operator" means the person who has responsible charge of 39023  
a recreational vehicle park, recreation camp, combined park-camp, 39024  
or temporary park-camp and who is licensed under this chapter. 39025

(N) "Park model" means a recreational vehicle that meets the 39026  
American national standard institute standard A119.5(1988) for 39027  
park trailers, is built on a single chassis, has a gross trailer 39028  
area of not more than four hundred square feet when set up, is 39029  
designed for seasonal or temporary living quarters, and may be 39030  
connected to utilities necessary for operation of installed 39031  
features and appliances. 39032

(O) "Person" has the same meaning as in section 1.59 of the 39033  
Revised Code and also includes this state, any political 39034  
subdivision of this state, and any other state or local body of 39035  
this state. 39036

(P) "Portable camping units" means dependent recreational 39037

vehicles, tents, portable sleeping equipment, and similar camping 39038  
equipment used for travel, recreation, vacation, or business 39039  
purposes. 39040

(Q) "Recreation camp" means any tract of land upon which five 39041  
or more portable camping units are placed and includes any 39042  
roadway, building, structure, vehicle, or enclosure used or 39043  
intended for use as a part of the facilities of the camp. A tract 39044  
of land that is subdivided for lease or other contract of the 39045  
individual lots is a recreation camp if five or more portable 39046  
camping units are placed on it for recreation, vacation, or 39047  
business purposes. 39048

"Recreation camp" does not include any tract of land used 39049  
solely for the storage or display for sale of dependent 39050  
recreational vehicles, solely as a temporary park-camp, or solely 39051  
as a manufactured home park. 39052

(R) "Recreational vehicle" has the same meaning as in section 39053  
4501.01 of the Revised Code. 39054

(S) "Recreational vehicle park" means any tract of land used 39055  
for parking five or more self-contained recreational vehicles and 39056  
includes any roadway, building, structure, vehicle, or enclosure 39057  
used or intended for use as part of the park facilities and any 39058  
tract of land that is subdivided for lease or other contract of 39059  
the individual lots for the express or implied purpose of placing 39060  
self-contained recreational vehicles for recreation, vacation, or 39061  
business purposes. 39062

"Recreational vehicle park" does not include any tract of 39063  
land used solely for the storage or display for sale of 39064  
self-contained recreational vehicles, solely as a temporary 39065  
park-camp, or solely as a manufactured home park. 39066

(T) "Self-contained recreational vehicle" means a 39067  
recreational vehicle that can operate independent of connections 39068

to sewer and water and has plumbing fixtures or appliances all of 39069  
which are connected to sewage holding tanks located within the 39070  
vehicle. "Self-contained recreational vehicle" includes a park 39071  
model. 39072

(U) "Substantially alter" means a change in the layout or 39073  
design of a recreational vehicle park, recreation camp, combined 39074  
park-camp, or temporary park-camp, including, without limitation, 39075  
the movement of utilities or changes in established streets, lots, 39076  
or sites or in other facilities. 39077

(V) "Temporary park-camp" means any tract of land used for a 39078  
period not to exceed a total of twenty-one days per calendar year 39079  
for the purpose of parking five or more recreational vehicles, 39080  
dependent recreational vehicles, or portable camping units, or any 39081  
combination thereof, for one or more periods of time that do not 39082  
exceed seven consecutive days or parts thereof. 39083

(W) "Tract" means a contiguous area of land that consists of 39084  
one or more parcels, lots, or sites that have been separately 39085  
surveyed regardless of whether the individual parcels, lots, or 39086  
sites have been recorded and regardless of whether the one or more 39087  
parcels, lots, or sites are under common or different ownership. 39088

**Sec. 3729.02.** (A) The ~~public~~ director of health council, 39089  
subject to Chapter 119. of the Revised Code, shall adopt rules of 39090  
uniform application throughout the state governing the review of 39091  
plans and issuance of licenses for and the location, layout, 39092  
construction, drainage, sanitation, safety, and operation of 39093  
recreational vehicle parks, recreation camps, and combined 39094  
park-camps. The rules shall not apply to the construction, 39095  
erection, or manufacture of any building to which section 3781.06 39096  
of the Revised Code is applicable. 39097

(B) The ~~public health council~~ director, subject to Chapter 39098  
119. of the Revised Code, shall adopt rules of uniform application 39099

throughout the state governing the review of plans and issuance of 39100  
licenses for and the layout, sanitation, safety, and operation of 39101  
temporary park-camps. The rules shall not apply to the 39102  
construction, erection, or manufacture of any building to which 39103  
section 3781.06 of the Revised Code is applicable. 39104

**Sec. 3729.03.** (A) No person shall cause development to occur 39105  
within any portion of a recreational vehicle park, recreation 39106  
camp, or combined park-camp until the plans for the development 39107  
have been submitted to and reviewed and approved by the director 39108  
of health. This division does not require that plans be submitted 39109  
to the director for approval for the replacement of recreational 39110  
vehicles or portable camping units on previously approved sites in 39111  
a recreational vehicle park, recreation camp, or combined 39112  
park-camp when no development is to occur in connection with the 39113  
replacement. Within thirty days after receipt of the plans, all 39114  
supporting documents and materials required to complete the 39115  
review, and the applicable plan review fee established under 39116  
division (D) of this section, the director shall approve or 39117  
disapprove the plans. 39118

(B) Any person aggrieved by the director's disapproval of a 39119  
set of plans under division (A) of this section may request a 39120  
hearing on the matter within thirty days after receipt of the 39121  
director's notice of the disapproval. The hearing shall be held in 39122  
accordance with Chapter 119. of the Revised Code. Thereafter, the 39123  
disapproval may be appealed in the manner provided in section 39124  
119.12 of the Revised Code. 39125

(C) The director shall establish a system by which 39126  
development occurring within a recreational vehicle park, 39127  
recreation camp, or combined park-camp is inspected or verified in 39128  
accordance with rules adopted under division (A) of section 39129  
3729.02 of the Revised Code to ensure that the development 39130

complies with the plans approved under division (A) of this section. 39131  
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(D) The ~~public health council~~ director shall establish fees for reviewing plans under division (A) of this section and conducting inspections under division (C) of this section. 39133  
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(E) The director shall charge the appropriate fees established under division (D) of this section for reviewing plans under division (A) of this section and conducting inspections under division (C) of this section. All such plan review and inspection fees received by the director shall be transmitted to the treasurer of state and shall be credited to the general operations fund created in section 3701.83 of the Revised Code. Moneys so credited to the fund shall be used only for the purpose of administering and enforcing this chapter and rules adopted under it. 39136  
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(F) Plan approvals issued under this section do not constitute an exemption from the land use and building requirements of the political subdivision in which the recreational vehicle park, recreation camp, or combined park-camp is or is to be located. 39146  
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**Sec. 3729.04.** (A) No person shall cause development to occur within any portion of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp that is located within a one-hundred-year flood plain in a municipal corporation unless the person first obtains a permit therefor from the municipal corporation in accordance with the flood plain management ordinance of the municipal corporation. 39151  
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(B) No person shall cause development to occur within any portion of a recreational vehicle park, recreation camp, combined park-camp, or temporary park-camp that is located within a one-hundred-year flood plain in an unincorporated area unless the 39158  
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person first obtains a permit therefor from the board of county commissioners of the county in which the development is to occur in accordance with the flood plain management resolution of the county adopted under section 307.37 of the Revised Code.

(C) If development for which a permit is required under division (A) or (B) of this section is to occur on a site where a recreational vehicle or portable camping unit is or is to be located, the owner of the recreational vehicle or portable camping unit and the operator of the recreational vehicle park, recreation camp, or combined park-camp shall jointly obtain the permit. Each of the persons to whom a permit is jointly issued is responsible for compliance with the provisions of the approved permit that are applicable to that person.

If development for which a permit is required under division (A) or (B) of this section is to occur within a temporary park-camp on a site where a recreational vehicle or portable camping unit is or is to be located, the owner of the temporary park-camp shall obtain the permit.

(D) Fees established by a municipal corporation or county for the issuance of permits under division (A) or (B) of this section are not subject to regulation by the ~~public~~ director of health council.

**Sec. 3729.07.** The licensor of a recreational vehicle park, recreation camp, or combined park-camp may charge a fee for an annual license to operate such a park, camp, or park-camp. In the case of a temporary park-camp, the licensor may charge a fee for a license to operate the temporary park-camp for the period specified in division (A) of section 3729.05 of the Revised Code. The fees for both types of licenses shall be determined in accordance with section 3709.09 of the Revised Code and shall include the cost of licensing and all inspections.

Except for the fee for a temporary park-camp license, the fee 39193  
also shall include any additional amount determined by rule of the 39194  
~~public director of health council~~, which shall be collected and 39195  
transmitted by the board of health to the director ~~of health~~ 39196  
pursuant to section 3709.092 of the Revised Code and used only for 39197  
the purpose of administering and enforcing this chapter and rules 39198  
adopted under it. The portion of any fee retained by the board of 39199  
health shall be paid into a special fund and used only for the 39200  
purpose of administering and enforcing this chapter and rules 39201  
adopted under it. 39202

**Sec. 3729.08.** The licenser of the health district in which a 39203  
recreational vehicle park, recreation camp, combined park-camp, or 39204  
temporary park-camp is or is to be located, in accordance with 39205  
Chapter 119. of the Revised Code, may refuse to grant, may 39206  
suspend, or may revoke any license granted to any person for 39207  
failure to comply with this chapter or with any rule adopted by 39208  
the ~~public director of health council~~ under section 3729.02 of the 39209  
Revised Code. 39210

**Sec. 3730.10.** (A) ~~Not later than ninety days after the~~ 39211  
~~effective date of this section, the public~~ The director of health 39212  
~~council~~ shall adopt rules in accordance with Chapter 119. of the 39213  
Revised Code as necessary for the implementation and enforcement 39214  
of this chapter. The rules shall include all of the following: 39215

(1) Safety and sanitation standards and procedures to be 39216  
followed to prevent the transmission of infectious diseases during 39217  
the performance of tattooing and body piercing procedures; 39218

(2) Standards and procedures to be followed for appropriate 39219  
disinfection and sterilization of all invasive equipment or parts 39220  
of equipment used in tattooing procedures, body piercing 39221  
procedures, and ear piercing procedures performed with an ear 39222

piercing gun;	39223
(3) Procedures for suspending and revoking approvals under section 3730.05 of the Revised Code.	39224 39225
(B) The rules adopted under division (A)(1) of this section shall establish universal blood and body fluid precautions to be used by any individual who performs tattooing or body piercing procedures. The precautions shall include all of the following:	39226 39227 39228 39229
(1) The appropriate use of hand washing;	39230
(2) The handling and disposal of all needles and other sharp instruments used in tattooing or body piercing procedures;	39231 39232
(3) The wearing and disposal of gloves and other protective garments and devices.	39233 39234
(C) The rules adopted under division (A) of this section may include standards and procedures to be followed by a business that offers tattooing or body piercing services to ensure that the individuals who perform tattooing or body piercing procedures for the business are adequately trained to perform the procedures properly.	39235 39236 39237 39238 39239 39240
<b>Sec. 3733.41.</b> As used in sections 3733.41 to 3733.49 of the Revised Code:	39241 39242
(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. "Agricultural labor camp" does not include a hotel or motel, or a manufactured home park regulated pursuant to <del>section 3733.01</del> <u>sections 4781.26 to 4781.52</u> of the Revised Code, and rules adopted thereunder.	39243 39244 39245 39246 39247 39248 39249 39250 39251 39252

(B) "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 in any city as authorized by section 3709.05 of the Revised Code or an authorized representative of the board of health.

(C) "Director" means the director of ~~the department of~~ health or the authorized representative of the director of health.

(D) "Licensor" means the director of health.

(E) "Person" means the state, any political subdivision, public or private corporation, partnership, association, trust, individual, or other entity.

~~(F) "Public health council" means the public health council as created by section 3701.33 of the Revised Code.~~

**Sec. 3733.42.** The ~~public director of health council~~, subject to sections 119.01 to 119.13 of the Revised Code, shall adopt rules having a uniform application throughout the state, governing the issuance of licenses, location, layout, construction, approval of plans, sanitation, safety, operation, use, and maintenance of agricultural labor camps. The rules shall establish minimum standards of habitability with which a licensee shall comply in operating an agricultural labor camp. The rules shall establish, beyond minimum standards of habitability, additional standards of habitability for those camps and shall establish priorities for those additional standards with which a licensee may ~~voluntary~~ voluntarily comply.

In addition to meeting the requirements of section 119.03 of the Revised Code, the director of health shall mail a notice of the date, time, and place of any hearing on the adoption, amendment, or rescission of such rules and the full text of the proposed rule, amendment, or rule to be rescinded, at least thirty

days prior to the hearing date, to all persons currently 39283  
authorized or licensed to operate camps by the department of 39284  
health, or authorized or licensed to operate camps in the previous 39285  
calendar year. 39286

**Sec. 3734.01.** As used in this chapter: 39287

(A) "Board of health" means the board of health of a city or 39288  
general health district or the authority having the duties of a 39289  
board of health in any city as authorized by section 3709.05 of 39290  
the Revised Code. 39291

(B) "Director" means the director of environmental 39292  
protection. 39293

(C) "Health district" means a city or general health district 39294  
as created by or under authority of Chapter 3709. of the Revised 39295  
Code. 39296

(D) "Agency" means the environmental protection agency. 39297

(E) "Solid wastes" means such unwanted residual solid or 39298  
semisolid material as results from industrial, commercial, 39299  
agricultural, and community operations, excluding earth or 39300  
material from construction, mining, or demolition operations, or 39301  
other waste materials of the type that normally would be included 39302  
in demolition debris, nontoxic fly ash and bottom ash, including 39303  
at least ash that results from the combustion of coal and ash that 39304  
results from the combustion of coal in combination with scrap 39305  
tires where scrap tires comprise not more than fifty per cent of 39306  
heat input in any month, spent nontoxic foundry sand, and slag and 39307  
other substances that are not harmful or inimical to public 39308  
health, and includes, but is not limited to, garbage, scrap tires, 39309  
combustible and noncombustible material, street dirt, and debris. 39310  
"Solid wastes" does not include any material that is an infectious 39311  
waste or a hazardous waste. 39312

(F) "Disposal" means the discharge, deposit, injection, 39313  
dumping, spilling, leaking, emitting, or placing of any solid 39314  
wastes or hazardous waste into or on any land or ground or surface 39315  
water or into the air, except if the disposition or placement 39316  
constitutes storage or treatment or, if the solid wastes consist 39317  
of scrap tires, the disposition or placement constitutes a 39318  
beneficial use or occurs at a scrap tire recovery facility 39319  
licensed under section 3734.81 of the Revised Code. 39320

(G) "Person" includes the state, any political subdivision 39321  
and other state or local body, the United States and any agency or 39322  
instrumentality thereof, and any legal entity defined as a person 39323  
under section 1.59 of the Revised Code. 39324

(H) "Open burning" means the burning of solid wastes in an 39325  
open area or burning of solid wastes in a type of chamber or 39326  
vessel that is not approved or authorized in rules adopted by the 39327  
director under section 3734.02 of the Revised Code or, if the 39328  
solid wastes consist of scrap tires, in rules adopted under 39329  
division (V) of this section or section 3734.73 of the Revised 39330  
Code, or the burning of treated or untreated infectious wastes in 39331  
an open area or in a type of chamber or vessel that is not 39332  
approved in rules adopted by the director under section 3734.021 39333  
of the Revised Code. 39334

(I) "Open dumping" means the depositing of solid wastes into 39335  
a body or stream of water or onto the surface of the ground at a 39336  
site that is not licensed as a solid waste facility under section 39337  
3734.05 of the Revised Code or, if the solid wastes consist of 39338  
scrap tires, as a scrap tire collection, storage, monocell, 39339  
monofill, or recovery facility under section 3734.81 of the 39340  
Revised Code; the depositing of solid wastes that consist of scrap 39341  
tires onto the surface of the ground at a site or in a manner not 39342  
specifically identified in divisions (C)(2) to (5), (7), or (10) 39343  
of section 3734.85 of the Revised Code; the depositing of 39344

untreated infectious wastes into a body or stream of water or onto 39345  
the surface of the ground; or the depositing of treated infectious 39346  
wastes into a body or stream of water or onto the surface of the 39347  
ground at a site that is not licensed as a solid waste facility 39348  
under section 3734.05 of the Revised Code. 39349

(J) "Hazardous waste" means any waste or combination of 39350  
wastes in solid, liquid, semisolid, or contained gaseous form that 39351  
in the determination of the director, because of its quantity, 39352  
concentration, or physical or chemical characteristics, may do 39353  
either of the following: 39354

(1) Cause or significantly contribute to an increase in 39355  
mortality or an increase in serious irreversible or incapacitating 39356  
reversible illness; 39357

(2) Pose a substantial present or potential hazard to human 39358  
health or safety or to the environment when improperly stored, 39359  
treated, transported, disposed of, or otherwise managed. 39360

"Hazardous waste" includes any substance identified by 39361  
regulation as hazardous waste under the "Resource Conservation and 39362  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 39363  
amended, and does not include any substance that is subject to the 39364  
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 39365  
amended. 39366

(K) "Treat" or "treatment," when used in connection with 39367  
hazardous waste, means any method, technique, or process designed 39368  
to change the physical, chemical, or biological characteristics or 39369  
composition of any hazardous waste; to neutralize the waste; to 39370  
recover energy or material resources from the waste; to render the 39371  
waste nonhazardous or less hazardous, safer to transport, store, 39372  
or dispose of, or amenable for recovery, storage, further 39373  
treatment, or disposal; or to reduce the volume of the waste. When 39374  
used in connection with infectious wastes, "treat" or "treatment" 39375

means any method, technique, or process designed to render the 39376  
wastes noninfectious, including, without limitation, steam 39377  
sterilization and incineration, or, in the instance of wastes 39378  
identified in division (R)(7) of this section, to substantially 39379  
reduce or eliminate the potential for the wastes to cause 39380  
lacerations or puncture wounds. 39381

(L) "Manifest" means the form used for identifying the 39382  
quantity, composition, origin, routing, and destination of 39383  
hazardous waste during its transportation from the point of 39384  
generation to the point of disposal, treatment, or storage. 39385

(M) "Storage," when used in connection with hazardous waste, 39386  
means the holding of hazardous waste for a temporary period in 39387  
such a manner that it remains retrievable and substantially 39388  
unchanged physically and chemically and, at the end of the period, 39389  
is treated; disposed of; stored elsewhere; or reused, recycled, or 39390  
reclaimed in a beneficial manner. When used in connection with 39391  
solid wastes that consist of scrap tires, "storage" means the 39392  
holding of scrap tires for a temporary period in such a manner 39393  
that they remain retrievable and, at the end of that period, are 39394  
beneficially used; stored elsewhere; placed in a scrap tire 39395  
monocell or monofill facility licensed under section 3734.81 of 39396  
the Revised Code; processed at a scrap tire recovery facility 39397  
licensed under that section or a solid waste incineration or 39398  
energy recovery facility subject to regulation under this chapter; 39399  
or transported to a scrap tire monocell, monofill, or recovery 39400  
facility, any other solid waste facility authorized to dispose of 39401  
scrap tires, or a facility that will beneficially use the scrap 39402  
tires, that is located in another state and is operating in 39403  
compliance with the laws of the state in which the facility is 39404  
located. 39405

(N) "Facility" means any site, location, tract of land, 39406  
installation, or building used for incineration, composting, 39407



sanitary landfilling, or other methods of disposal of solid wastes 39408  
or, if the solid wastes consist of scrap tires, for the 39409  
collection, storage, or processing of the solid wastes; for the 39410  
transfer of solid wastes; for the treatment of infectious wastes; 39411  
or for the storage, treatment, or disposal of hazardous waste. 39412

(O) "Closure" means the time at which a hazardous waste 39413  
facility will no longer accept hazardous waste for treatment, 39414  
storage, or disposal, the time at which a solid waste facility 39415  
will no longer accept solid wastes for transfer or disposal or, if 39416  
the solid wastes consist of scrap tires, for storage or 39417  
processing, or the effective date of an order revoking the permit 39418  
for a hazardous waste facility or the registration certificate, 39419  
permit, or license for a solid waste facility, as applicable. 39420  
"Closure" includes measures performed to protect public health or 39421  
safety, to prevent air or water pollution, or to make the facility 39422  
suitable for other uses, if any, including, but not limited to, 39423  
the removal of processing residues resulting from solid wastes 39424  
that consist of scrap tires; the establishment and maintenance of 39425  
a suitable cover of soil and vegetation over cells in which 39426  
hazardous waste or solid wastes are buried; minimization of 39427  
erosion, the infiltration of surface water into such cells, the 39428  
production of leachate, and the accumulation and runoff of 39429  
contaminated surface water; the final construction of facilities 39430  
for the collection and treatment of leachate and contaminated 39431  
surface water runoff, except as otherwise provided in this 39432  
division; the final construction of air and water quality 39433  
monitoring facilities, except as otherwise provided in this 39434  
division; the final construction of methane gas extraction and 39435  
treatment systems; or the removal and proper disposal of hazardous 39436  
waste or solid wastes from a facility when necessary to protect 39437  
public health or safety or to abate or prevent air or water 39438  
pollution. With regard to a solid waste facility that is a scrap 39439  
tire facility, "closure" includes the final construction of 39440

facilities for the collection and treatment of leachate and 39441  
contaminated surface water runoff and the final construction of 39442  
air and water quality monitoring facilities only if those actions 39443  
are determined to be necessary. 39444

(P) "Premises" means either of the following: 39445

(1) Geographically contiguous property owned by a generator; 39446

(2) Noncontiguous property that is owned by a generator and 39447  
connected by a right-of-way that the generator controls and to 39448  
which the public does not have access. Two or more pieces of 39449  
property that are geographically contiguous and divided by public 39450  
or private right-of-way or rights-of-way are a single premises. 39451

(Q) "Post-closure" means that period of time following 39452  
closure during which a hazardous waste facility is required to be 39453  
monitored and maintained under this chapter and rules adopted 39454  
under it, including, without limitation, operation and maintenance 39455  
of methane gas extraction and treatment systems, or the period of 39456  
time after closure during which a scrap tire monocell or monofill 39457  
facility licensed under section 3734.81 of the Revised Code is 39458  
required to be monitored and maintained under this chapter and 39459  
rules adopted under it. 39460

(R) "Infectious wastes" includes all of the following 39461  
substances or categories of substances: 39462

(1) Cultures and stocks of infectious agents and associated 39463  
biologicals, including, without limitation, specimen cultures, 39464  
cultures and stocks of infectious agents, wastes from production 39465  
of biologicals, and discarded live and attenuated vaccines; 39466

(2) Laboratory wastes that were, or are likely to have been, 39467  
in contact with infectious agents that may present a substantial 39468  
threat to public health if improperly managed; 39469

(3) Pathological wastes, including, without limitation, human 39470

and animal tissues, organs, and body parts, and body fluids and 39471  
excreta that are contaminated with or are likely to be 39472  
contaminated with infectious agents, removed or obtained during 39473  
surgery or autopsy or for diagnostic evaluation, provided that, 39474  
with regard to pathological wastes from animals, the animals have 39475  
or are likely to have been exposed to a zoonotic or infectious 39476  
agent; 39477

(4) Waste materials from the rooms of humans, or the 39478  
enclosures of animals, that have been isolated because of 39479  
diagnosed communicable disease that are likely to transmit 39480  
infectious agents. Such waste materials from the rooms of humans 39481  
do not include any wastes of patients who have been placed on 39482  
blood and body fluid precautions under the universal precaution 39483  
system established by the centers for disease control in the 39484  
public health service of the United States department of health 39485  
and human services, except to the extent specific wastes generated 39486  
under the universal precautions system have been identified as 39487  
infectious wastes by rules adopted under division (R)(8) of this 39488  
section. 39489

(5) Human and animal blood specimens and blood products that 39490  
are being disposed of, provided that, with regard to blood 39491  
specimens and blood products from animals, the animals were or are 39492  
likely to have been exposed to a zoonotic or infectious agent. 39493  
"Blood products" does not include patient care waste such as 39494  
bandages or disposable gowns that are lightly soiled with blood or 39495  
other body fluids unless those wastes are soiled to the extent 39496  
that the generator of the wastes determines that they should be 39497  
managed as infectious wastes. 39498

(6) Contaminated carcasses, body parts, and bedding of 39499  
animals that were intentionally exposed to infectious agents from 39500  
zoonotic or human diseases during research, production of 39501  
biologicals, or testing of pharmaceuticals, and carcasses and 39502

bedding of animals otherwise infected by zoonotic or infectious 39503  
agents that may present a substantial threat to public health if 39504  
improperly managed; 39505

(7) Sharp wastes used in the treatment, diagnosis, or 39506  
inoculation of human beings or animals or that have, or are likely 39507  
to have, come in contact with infectious agents in medical, 39508  
research, or industrial laboratories, including, without 39509  
limitation, hypodermic needles and syringes, scalpel blades, and 39510  
glass articles that have been broken; 39511

(8) Any other waste materials generated in the diagnosis, 39512  
treatment, or immunization of human beings or animals, in research 39513  
pertaining thereto, or in the production or testing of 39514  
biologicals, that the ~~public director of health council created in~~ 39515  
~~section 3701.33 of the Revised Code~~, by rules adopted in 39516  
accordance with Chapter 119. of the Revised Code, identifies as 39517  
infectious wastes after determining that the wastes present a 39518  
substantial threat to human health when improperly managed because 39519  
they are contaminated with, or are likely to be contaminated with, 39520  
infectious agents. 39521

(S) "Infectious agent" means a type of microorganism, 39522  
helminth, or virus that causes, or significantly contributes to 39523  
the cause of, increased morbidity or mortality of human beings. 39524

(T) "Zoonotic agent" means a type of microorganism, helminth, 39525  
or virus that causes disease in vertebrate animals and that is 39526  
transmissible to human beings and causes or significantly 39527  
contributes to the cause of increased morbidity or mortality of 39528  
human beings. 39529

(U) "Solid waste transfer facility" means any site, location, 39530  
tract of land, installation, or building that is used or intended 39531  
to be used primarily for the purpose of transferring solid wastes 39532  
that were generated off the premises of the facility from vehicles 39533

or containers into other vehicles for transportation to a solid waste disposal facility. "Solid waste transfer facility" does not include any facility that consists solely of portable containers that have an aggregate volume of fifty cubic yards or less nor any facility where legitimate recycling activities are conducted.

(V) "Beneficially use" means to use a scrap tire in a manner that results in a commodity for sale or exchange or in any other manner authorized as a beneficial use in rules adopted by the director in accordance with Chapter 119. of the Revised Code.

(W) "Commercial car," "commercial tractor," "farm machinery," "motor bus," "vehicles," "motor vehicle," and "semitrailer" have the same meanings as in section 4501.01 of the Revised Code.

(X) "Construction equipment" means road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work, or in mining or producing or processing aggregates, and not designed for or used in general highway transportation.

(Y) "Motor vehicle salvage dealer" has the same meaning as in section 4738.01 of the Revised Code.

(Z) "Scrap tire" means an unwanted or discarded tire.

(AA) "Scrap tire collection facility" means any facility that meets all of the following qualifications:

(1) The facility is used for the receipt and storage of whole scrap tires from the public prior to their transportation to a scrap tire storage, monocell, monofill, or recovery facility licensed under section 3734.81 of the Revised Code; a solid waste incineration or energy recovery facility subject to regulation under this chapter; a premises within the state where the scrap tires will be beneficially used; or a scrap tire storage, monocell, monofill, or recovery facility, any other solid waste disposal facility authorized to dispose of scrap tires, or a

facility that will beneficially use the scrap tires, that is 39565  
located in another state, and that is operating in compliance with 39566  
the laws of the state in which the facility is located. 39567

(2) The facility exclusively stores scrap tires in portable 39568  
containers. 39569

(3) The aggregate storage of the portable containers in which 39570  
the scrap tires are stored does not exceed five thousand cubic 39571  
feet. 39572

(BB) "Scrap tire monocell facility" means an individual site 39573  
within a solid waste landfill that is used exclusively for the 39574  
environmentally sound storage or disposal of whole scrap tires or 39575  
scrap tires that have been shredded, chipped, or otherwise 39576  
mechanically processed. 39577

(CC) "Scrap tire monofill facility" means an engineered 39578  
facility used or intended to be used exclusively for the storage 39579  
or disposal of scrap tires, including at least facilities for the 39580  
submergence of whole scrap tires in a body of water. 39581

(DD) "Scrap tire recovery facility" means any facility, or 39582  
portion thereof, for the processing of scrap tires for the purpose 39583  
of extracting or producing usable products, materials, or energy 39584  
from the scrap tires through a controlled combustion process, 39585  
mechanical process, or chemical process. "Scrap tire recovery 39586  
facility" includes any facility that uses the controlled 39587  
combustion of scrap tires in a manufacturing process to produce 39588  
process heat or steam or any facility that produces usable heat or 39589  
electric power through the controlled combustion of scrap tires in 39590  
combination with another fuel, but does not include any solid 39591  
waste incineration or energy recovery facility that is designed, 39592  
constructed, and used for the primary purpose of incinerating 39593  
mixed municipal solid wastes and that burns scrap tires in 39594  
conjunction with mixed municipal solid wastes, or any tire 39595

retreading business, tire manufacturing finishing center, or tire 39596  
adjustment center having on the premises of the business a single, 39597  
covered scrap tire storage area at which not more than four 39598  
thousand scrap tires are stored. 39599

(EE) "Scrap tire storage facility" means any facility where 39600  
whole scrap tires are stored prior to their transportation to a 39601  
scrap tire monocell, monofill, or recovery facility licensed under 39602  
section 3734.81 of the Revised Code; a solid waste incineration or 39603  
energy recovery facility subject to regulation under this chapter; 39604  
a premises within the state where the scrap tires will be 39605  
beneficially used; or a scrap tire storage, monocell, monofill, or 39606  
recovery facility, any other solid waste disposal facility 39607  
authorized to dispose of scrap tires, or a facility that will 39608  
beneficially use the scrap tires, that is located in another 39609  
state, and that is operating in compliance with the laws of the 39610  
state in which the facility is located. 39611

(FF) "Used oil" means any oil that has been refined from 39612  
crude oil, or any synthetic oil, that has been used and, as a 39613  
result of that use, is contaminated by physical or chemical 39614  
impurities. "Used oil" includes only those substances identified 39615  
as used oil by the United States environmental protection agency 39616  
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 39617  
U.S.C.A. 6901a, as amended. 39618

(GG) "Accumulated speculatively" has the same meaning as in 39619  
rules adopted by the director under section 3734.12 of the Revised 39620  
Code. 39621

**Sec. 3734.131.** (A)(1) Except as provided in divisions (D)(1) 39622  
and (2) of this section, no person shall transport any solid 39623  
wastes from outside this state to a solid waste facility in this 39624  
state unless that person has first irrevocably consented in 39625  
writing to the jurisdiction of the courts of this state and 39626

service of process in this state, including, without limitation, 39627  
summonses and subpoenas, for any civil or criminal proceeding 39628  
arising out of or relating to the wastes that are shipped to a 39629  
facility in this state. 39630

(2) The original of the consent-to-jurisdiction document 39631  
shall be legible and shall be filed with the director of 39632  
environmental protection on a form provided by the director. A 39633  
legible copy of the completed document shall be filed with the 39634  
owner or operator of each solid waste facility to which the wastes 39635  
are transported. A consent-to-jurisdiction document applies only 39636  
to shipments into this state of wastes described in division 39637  
(A)(1) of this section. 39638

(3) All consent-to-jurisdiction documents required under 39639  
division (A)(1) or (3) of this section shall be refiled during the 39640  
month of December, 1995, and during the month of December of every 39641  
fourth year thereafter. Except as provided in division (D)(1) of 39642  
this section, after December 31, 1995, or after the thirty-first 39643  
day of December of every fourth year thereafter, whichever is 39644  
applicable, no person shall continue to transport any solid wastes 39645  
from outside this state to a solid waste facility in this state 39646  
unless the person refiles with the director and the owner or 39647  
operator of each facility to which the wastes are transported 39648  
consent-to-jurisdiction documents, in the manner prescribed in 39649  
division (A)(2) of this section, during the month of December next 39650  
preceding the period for which the refiled document is required. 39651

(4) If the address of a person changes from that listed on 39652  
the current consent-to-jurisdiction document filed under division 39653  
(A)(1) or (3) of this section, the person shall file amended 39654  
consent-to-jurisdiction documents containing the new address with 39655  
the director and the owner or operator of each facility to which 39656  
the wastes are transported. 39657

(5)(a) Except as provided in division (D)(1) of this section, 39658



no person identified in divisions (D)(2)(a) to (d) of this section 39659  
shall transport any solid wastes from outside this state to a 39660  
solid waste facility in this state unless the person has first 39661  
filed a notification and authorization document naming the 39662  
person's agent who is authorized to accept service of process in 39663  
this state, including, without limitation, summonses and 39664  
subpoenas, for any civil or criminal proceeding arising out of or 39665  
relating to the wastes that are shipped to a facility in this 39666  
state. 39667

The original of the notification and authorization document 39668  
shall be legible and shall be filed with the director on a form 39669  
provided by the director. A legible copy of the completed document 39670  
shall be filed with the owner or operator of each solid waste 39671  
facility to which the wastes are transported. 39672

(b) All notification and authorization documents required 39673  
under division (A)(5) of this section shall be refiled during the 39674  
month of December, 1995, and during the month of December of every 39675  
fourth year thereafter. Except as provided in division (D)(1) of 39676  
this section, after December 31, 1995, or after the thirty-first 39677  
day of December of every fourth year thereafter, whichever is 39678  
applicable, no person identified in divisions (D)(2)(a) to (d) of 39679  
this section shall continue to transport any solid wastes from 39680  
outside this state to a solid waste facility in this state unless 39681  
the person refiles with the director and the owner or operator of 39682  
each facility to which the wastes are transported notification and 39683  
authorization documents, in the manner prescribed in division 39684  
(A)(5)(a) of this section, during the month of December next 39685  
preceding the period for which the refiled document is required. 39686

(c) If a person's agent or the address of a person's agent 39687  
changes from that listed on the current notification and 39688  
authorization document filed under division (A)(5)(a) or (b) of 39689  
this section, the person shall file amended notification and 39690

authorization documents containing the name and address of the new 39691  
agent or the agent's new address with the director and the owner 39692  
or operator of each facility to which the wastes are transported. 39693

(B) A person who enters this state pursuant to a summons, 39694  
subpoena, or other form of process authorized by this section is 39695  
not subject to arrest or the service of process, whether civil or 39696  
criminal, in connection with other matters that arose before his 39697  
entrance into this state pursuant to the summons, subpoena, or 39698  
other form of process authorized by this section. 39699

(C)(1) Except as provided in division (D)(1) of this section, 39700  
no owner, operator, or employee of a solid waste facility shall 39701  
accept for treatment, transfer, storage, or disposal at the 39702  
facility any solid wastes from outside the boundaries of this 39703  
state unless the facility has received a copy of the 39704  
consent-to-jurisdiction document or notification and authorization 39705  
document required under this section and applicable to the wastes. 39706

(2) The owner or operator of a solid waste facility shall 39707  
keep the consent-to-jurisdiction documents and the notification 39708  
and authorization documents filed with him under this section at 39709  
the facility in such a location and manner that they are readily 39710  
accessible to the director or his authorized representative, and 39711  
the board of health having jurisdiction over the facility and its 39712  
authorized representative, for the purposes of sections 3734.07 39713  
and 3734.10 of the Revised Code. 39714

(D)(1) Divisions (A), (B), and (C) of this section do not 39715  
apply to the transportation, transfer, or disposal of solid wastes 39716  
from residential premises located less than ten miles outside the 39717  
boundaries of this state. 39718

(2) Divisions (A)(1) to (4) of this section do not apply to 39719  
any of the following: 39720

(a) A corporation incorporated under the laws of this state 39721

that has appointed a statutory agent pursuant to section 1701.07 39722  
of the Revised Code; 39723

(b) A foreign corporation licensed to transact business in 39724  
this state that has appointed a designated agent pursuant to 39725  
section 1703.041 of the Revised Code; 39726

(c) A ~~nonresident~~ motor carrier ~~that has designated an agent~~ 39727  
~~pursuant to, as defined in~~ section ~~4919.77~~ 4923.01 of the Revised 39728  
Code, that is a nonresident; 39729

(d) Any other person who is a resident of this state. 39730

**Sec. 3734.15.** (A) No person shall transport hazardous waste 39731  
anywhere in this state unless ~~he~~ the person has first registered 39732  
with and obtained a uniform permit from the public utilities 39733  
commission in accordance with ~~section 4905.80~~ Chapter 4921. of the 39734  
Revised Code. 39735

For the purposes of this section, "registered transporter" 39736  
means any person who is registered with and has received a uniform 39737  
permit from the public utilities commission pursuant to ~~section~~ 39738  
~~4905.80~~ Chapter 4921. of the Revised Code. 39739

(B) A registered transporter of hazardous waste shall be 39740  
responsible for the safe delivery of any hazardous waste that ~~he~~ 39741  
the registered transporter transports from such time as ~~he~~ the 39742  
registered transporter obtains the waste until ~~he~~ the registered 39743  
transporter delivers it to a treatment, storage, or disposal 39744  
facility specified in division (F) of section 3734.02 of the 39745  
Revised Code, as recorded on the manifest required in division (B) 39746  
of section 3734.12 of the Revised Code. Any registered transporter 39747  
who violates this chapter or any rule adopted under the chapter 39748  
while transporting hazardous waste shall be liable for any damage 39749  
or injury caused by the violation and for the costs of rectifying 39750  
the violation and conditions caused by the violation. 39751

(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 representatives, and fourteen members to be appointed by the governor with the advice and consent of the senate. Of the appointed members, one shall be an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter, two shall represent the interests of counties, two shall represent the interests of municipal corporations, two shall represent the interests of townships, one shall represent the interests of county solid waste management districts, one shall represent the interests of joint solid waste management districts, one shall represent the interests of industrial generators of

solid wastes, one shall be from the private recycling industry, 39784  
one shall be from the private solid waste management industry, one 39785  
shall be from a statewide environmental advocacy organization, and 39786  
one shall represent the public. ~~Within ninety days after June 24,~~ 39787  
~~1988, the governor shall make the initial appointments to the~~ 39788  
~~advisory council. Of those initial appointments, six shall be for~~ 39789  
~~a term ending June 24, 1989, and six shall be for a term ending~~ 39790  
~~June 24, 1990. The governor shall make the initial appointments to~~ 39791  
~~the advisory council of the members representing county and joint~~ 39792  
~~solid waste management districts within ninety days after the~~ 39793  
~~effective date of this amendment. Of the initial appointments of~~ 39794  
~~the members representing solid waste management districts, one~~ 39795  
~~shall be for a term ending June 24, 1993, and one shall be for a~~ 39796  
~~term ending June 24, 1994. Thereafter, terms~~ Terms of office shall 39797  
be for two years with each term ending on the same day of the same 39798  
month as did the term that it succeeds. Each member shall hold 39799  
office from the date of ~~his~~ appointment until the end of the term 39800  
for which ~~he~~ the member was appointed. Members may be reappointed. 39801  
Vacancies shall be filled in the manner provided for original 39802  
appointments. Any member appointed to fill a vacancy occurring 39803  
prior to the expiration of the term for which ~~his~~ the member's 39804  
predecessor was appointed shall hold office for the remainder of 39805  
that term. A member shall continue in office subsequent to the 39806  
expiration of ~~his~~ the member's term or until a period of sixty 39807  
days has elapsed, whichever occurs first. 39808

The advisory council shall hold at least four regular 39809  
quarterly meetings each year. Special meetings may be held at the 39810  
behest of the ~~chairman~~ chairperson or a majority of the members. 39811  
The director of environmental protection shall serve as ~~chairman~~ 39812  
chairperson of the advisory council. The advisory council annually 39813  
shall select from among its members a vice-~~chairman~~ chairperson 39814  
and a secretary to keep a record of its proceedings. A majority 39815  
vote of the members of the advisory council is necessary to take 39816

action on any matter. 39817

Serving as an appointed member of the advisory council does 39818  
not constitute holding a public office or position of employment 39819  
under the laws of this state and does not constitute grounds for 39820  
removal of public officers or employees from their offices or 39821  
positions of employment. The governor may remove an appointed 39822  
member of the advisory council at any time for misfeasance, 39823  
nonfeasance, or malfeasance in office. 39824

Appointed members of the advisory council shall serve without 39825  
compensation for attending council meetings. Members of the 39826  
advisory council shall be reimbursed for their actual and 39827  
necessary expenses incurred in the performance of their duties as 39828  
members of the council from moneys appropriated to the 39829  
environmental protection agency for administration and enforcement 39830  
of the solid waste provisions of this chapter. 39831

The advisory council shall do all of the following: 39832

(A) Advise and assist the director of environmental 39833  
protection with preparation of the state solid waste management 39834  
plan and periodic revisions to the plan under section 3734.50 of 39835  
the Revised Code; 39836

(B) Approve or disapprove the draft state solid waste 39837  
management plan and periodic revisions prior to adoption of the 39838  
plan under section 3734.50 of the Revised Code; 39839

(C) Annually review implementation of the state solid waste 39840  
management plan and the solid waste management plans of county and 39841  
joint solid waste management districts approved or ordered to be 39842  
implemented under section 3734.521 or 3734.55 of the Revised Code 39843  
or amendments to those plans approved or ordered to be implemented 39844  
under section 3734.521 or 3734.56 of the Revised Code, and report 39845  
its findings to the director. 39846

Sec. 3734.55. (A) Upon completion of its draft solid waste 39847  
management plan under section 3734.54 of the Revised Code, the 39848  
solid waste management policy committee of a county or joint solid 39849  
waste management district shall send a copy of the draft plan to 39850  
the director of environmental protection for preliminary review 39851  
and comment. Within forty-five days after receiving the draft 39852  
plan, the director shall provide the committee with a written, 39853  
nonbinding advisory opinion regarding the draft plan and any 39854  
recommended changes to it that the director considers necessary to 39855  
effect its approval. After receipt of the director's written 39856  
opinion, the committee may make such revisions to the draft plan 39857  
based on the director's opinion as it considers appropriate. Upon 39858  
receipt of the director's opinion and after making any such 39859  
revisions to the draft plan, the committee shall prepare and 39860  
publish in at least one newspaper of general circulation within 39861  
the county or joint district a public notice that describes the 39862  
draft plan, specifies the location where it is available for 39863  
review, and establishes a period of thirty days for comments 39864  
concerning the draft plan. The committee shall send written notice 39865  
of the draft plan to adjacent county and joint districts and shall 39866  
make it available for review by those districts, by the board of 39867  
county commissioners of each county forming the district, by all 39868  
municipal corporations and townships within the county or joint 39869  
district, and by the public. The committee also shall send written 39870  
notice of the plan to the director and to the fifty industrial, 39871  
commercial, or institutional generators of solid wastes within the 39872  
district that generate the largest quantities of solid wastes, as 39873  
determined by the board, and their local trade associations. The 39874  
board shall make good faith efforts to identify those generators 39875  
within the district and their local trade associations, but the 39876  
nonprovision of notice under this division to a particular 39877  
industrial, commercial, or institutional generator or local trade 39878

association does not invalidate the proceedings under this 39879  
section. All such written notices shall include the date, time, 39880  
and location of the public hearing; the dates when the comment 39881  
period begins and ends; and a description of the plan that 39882  
includes, without limitation, the proposed amount of the fees to 39883  
be levied under the plan pursuant to division (B) of section 39884  
3734.57 or division (A) of section 3734.573 of the Revised Code, 39885  
if any, and an indication as to whether the provision required to 39886  
be included in the plan under division (E)(1) of section 3734.53 39887  
of the Revised Code authorizes the board of county commissioners 39888  
or directors of the district to establish, or precludes the board 39889  
from establishing, facility designations under section 343.014 of 39890  
the Revised Code. Within fifteen days after expiration of the 39891  
comment period, the committee shall conduct a public hearing 39892  
concerning the draft plan and, at least fifteen days before the 39893  
hearing, shall publish in at least one newspaper of general 39894  
circulation within the county or joint district a notice 39895  
containing the time and place of the hearing and the location 39896  
where the draft plan is available for review. 39897

(B) After the public hearing, the committee may modify the 39898  
draft plan based upon the public's comments and shall adopt or 39899  
reject it by a majority vote. Within thirty days after adoption of 39900  
the draft plan, the committee shall deliver a copy of it to the 39901  
board of county commissioners of each county forming the district 39902  
and to the legislative authority of each municipal corporation and 39903  
township under the jurisdiction of the district. Within ninety 39904  
days after receiving a copy of the draft plan adopted by the 39905  
committee, each such board and legislative authority shall approve 39906  
or disapprove the draft plan, by ordinance or resolution, and 39907  
deliver a copy of the ordinance or resolution to the committee. 39908

The solid waste management policy committee of a county 39909  
district or a joint district formed by two or three counties shall 39910



declare the draft plan to be ratified as the solid waste 39911  
management plan of the district upon determining that the board of 39912  
county commissioners of each county forming the district has 39913  
approved the draft plan and that the legislative authorities of a 39914  
combination of municipal corporations and townships with a 39915  
combined population within the county or joint district comprising 39916  
at least sixty per cent of the total population of the district 39917  
have approved the draft plan, provided that in the case of a 39918  
county district, that combination shall include the municipal 39919  
corporation having the largest population within the boundaries of 39920  
the district, and provided further that in the case of a joint 39921  
district formed by two or three counties, that combination shall 39922  
include for each county forming the joint district the municipal 39923  
corporation having the largest population within the boundaries of 39924  
both the county in which the municipal corporation is located and 39925  
the joint district. The solid waste management policy committee of 39926  
a joint district formed by four or more counties shall declare the 39927  
draft plan to be ratified as the solid waste management plan of 39928  
the joint district upon determining that the boards of county 39929  
commissioners of a majority of the counties forming the district 39930  
have approved the draft plan; that, in each of a majority of the 39931  
counties forming the joint district, the draft plan has been 39932  
approved by the municipal corporation having the largest 39933  
population within the county and the joint district; and that the 39934  
legislative authorities of a combination of municipal corporations 39935  
and townships with a combined population within the joint district 39936  
comprising at least sixty per cent of the total population of the 39937  
joint district have approved the draft plan. 39938

For the purposes of this division and division (C)(2) of this 39939  
section, only the population of the unincorporated area of a 39940  
township shall be considered. For the purpose of determining the 39941  
largest municipal corporation within each county under this 39942  
division and division (C)(2) of this section, a municipal 39943

corporation that is located in more than one solid waste 39944  
management district, but that is under the jurisdiction of one 39945  
county or joint solid waste management district in accordance with 39946  
division (A) of section 3734.52 of the Revised Code shall be 39947  
considered to be within the boundaries of the county in which a 39948  
majority of the population of the municipal corporation resides. 39949

(C)(1) Upon ratification of the draft plan under division (B) 39950  
of this section, the committee shall submit it to the director for 39951  
review and approval for compliance with the requirements of 39952  
divisions (A), (B), (D), and (E)(1) of section 3734.53 of the 39953  
Revised Code. The director, by order, shall approve or disapprove 39954  
the plan within ninety days after its submission. The director 39955  
shall include with an order disapproving a plan a statement 39956  
outlining the deficiencies in the plan and directing the committee 39957  
to submit, within ninety days after issuance of the order, a 39958  
revised plan that remedies those deficiencies, except that if the 39959  
committee, by resolution, requests an extension of the time for 39960  
submission of a revised plan, the director, for good cause shown, 39961  
may grant one such extension for a period of not more than sixty 39962  
additional days. 39963

(2) Within sixty days after issuance of the order 39964  
disapproving its plan, the committee shall prepare a draft revised 39965  
plan, adopt a draft revised plan by a majority vote, and deliver a 39966  
copy of the draft revised plan to the board of county 39967  
commissioners of each county forming the district and to the 39968  
legislative authority of each municipal corporation and township 39969  
under the jurisdiction of the district. Within twenty-one days 39970  
after the delivery of the draft revised plan, each such board and 39971  
legislative authority shall approve or disapprove the draft 39972  
revised plan, by ordinance or resolution, and deliver a copy of 39973  
the ordinance or resolution to the committee. In the case of a 39974  
county district or a joint district formed by two or three 39975

counties, the committee shall declare the draft revised plan to be 39976  
ratified as the solid waste management plan of the county or joint 39977  
district upon determining that the board of county commissioners 39978  
of each county forming the district has approved the draft revised 39979  
plan and that the legislative authorities of a combination of 39980  
municipal corporations and townships with a combined population 39981  
within the district comprising at least sixty per cent of the 39982  
total population of the district have approved the draft revised 39983  
plan, provided that in the case of a county district, that 39984  
combination shall include the municipal corporation having the 39985  
largest population within the boundaries of the district, and 39986  
provided further that in the case of a joint district formed by 39987  
two or three counties, that combination shall include for each 39988  
county forming the joint district the municipal corporation having 39989  
the largest population within the boundaries of both the county in 39990  
which the municipal corporation is located and the joint district. 39991  
In the case of a joint district formed by four or more counties, 39992  
the committee shall declare the draft revised plan to be ratified 39993  
as the solid waste management plan of the joint district upon 39994  
determining that the boards of county commissioners of a majority 39995  
of the counties forming the district have approved the draft 39996  
revised plan; that, in each of a majority of the counties forming 39997  
the joint district, the draft revised plan has been approved by 39998  
the municipal corporation having the largest population within the 39999  
county and the joint district; and that the legislative 40000  
authorities of a combination of municipal corporations and 40001  
townships with a combined population within the joint district 40002  
comprising at least sixty per cent of the total population of the 40003  
joint district have approved the draft revised plan. Upon 40004  
ratification of the draft revised plan, the committee shall submit 40005  
it to the director for approval in accordance with division (C)(1) 40006  
of this section. The director, by order, shall approve or 40007  
disapprove the draft revised plan within thirty days after 40008

receiving it. 40009

(3) Notwithstanding section 119.06 of the Revised Code, the 40010  
director may approve or disapprove a plan or revised plan 40011  
submitted under division (C)(1) or (2) of this section by issuance 40012  
of a final order that is effective upon issuance, without the 40013  
necessity to hold any adjudication hearing in connection with the 40014  
order and without issuance of a proposed action under section 40015  
3745.07 of the Revised Code. In any appeal taken under section 40016  
3745.04 of the Revised Code pertaining to the director's 40017  
disapproval of the solid waste management plan or revised plan of 40018  
a county or joint district, the solid waste management policy 40019  
committee of the county or joint district and the director shall 40020  
be the parties. Upon a showing by the policy committee that there 40021  
is a substantial likelihood that it will prevail on the merits, 40022  
the environmental review appeals commission, within thirty days 40023  
after filing of the notice of appeal under that section and 40024  
pending final determination of the appeal, may grant temporary 40025  
relief from the director's order disapproving the district's plan, 40026  
including the issuance of appropriate orders to the director to 40027  
refrain from acting under division (D) of this section. 40028

(4) After approval of the plan or revised plan by the 40029  
director, the board of county commissioners of a county district 40030  
or board of directors of a joint district shall implement the plan 40031  
in compliance with the implementation schedule contained in the 40032  
approved plan. 40033

The committee annually shall review implementation of the 40034  
plan approved under this section or section 3734.521 of the 40035  
Revised Code and subsequent amended plans approved under section 40036  
3734.521 or 3734.56 of the Revised Code and report its findings 40037  
and recommendations regarding implementation of the plan to the 40038  
board of county commissioners or board of directors of the 40039  
district. 40040

(D) If the director finds that a county or joint solid waste management district has failed to obtain approval of its solid waste management plan within eighteen months after the applicable date prescribed for submission of its plan under division (A) of section 3734.54 of the Revised Code or within twenty-four months after that date if the date for submission was extended under that division, the director shall prepare a solid waste management plan for the county or joint district that complies with divisions (A) and (D) of section 3734.53 of the Revised Code. The plan shall not contain any of the provisions required or authorized to be included in plans submitted by districts under division (B), (C), or (E) of that section. Upon completion of the plan, the director shall issue an order in accordance with Chapter 3745. of the Revised Code directing the board of county commissioners or board of directors of the district to implement the plan in compliance with the implementation schedule contained in it.

Within thirty days after the effective date of the order to implement the plan, the board of county commissioners or board of directors of the district shall determine whether the solid waste management policy committee of the district should continue to exist to monitor implementation of the plan or for the purposes of division (B) of section 3734.57 or section 3734.574 of the Revised Code. The board, by resolution, may abolish the committee if it determines that the committee is not necessary for any of those purposes. If the board of county commissioners or directors of a district that has so abolished the policy committee of the district finds that it is necessary or appropriate for the district to consider levying fees under section 3734.574 of the Revised Code, the board shall reestablish and convene the policy committee to initiate proceedings to levy the fees. If the fees are levied, the policy committee shall continue to exist for as long as the district is levying the fees. If, after a policy committee is convened to initiate proceedings to levy those fees,

the fees are not levied or are abolished under section 3734.574 of 40074  
the Revised Code, the board, by resolution, may abolish the 40075  
committee if it determines that the committee is not necessary to 40076  
monitor implementation of the plan. 40077

(E) If the director finds that the board of county 40078  
commissioners or the board of directors of a district has 40079  
materially failed to implement the district's plan or amended plan 40080  
approved under division (C) of this section or section 3734.521 or 40081  
3734.56 of the Revised Code, or prepared and ordered to be 40082  
implemented under division (D) of this section or section 3734.521 40083  
or 3734.56 of the Revised Code, in compliance with the 40084  
implementation schedule contained in the plan or amended plan, the 40085  
director shall issue an enforcement order under division (A) of 40086  
section 3734.13 of the Revised Code directing the board to comply 40087  
with the implementation schedule in the plan or amended plan 40088  
within a specified, reasonable time. If the director finds that 40089  
the board of county commissioners or directors of a district for 40090  
which the provision included in the district's initial or amended 40091  
plan approved under section 3734.521, 3734.55, or 3734.56 of the 40092  
Revised Code pursuant to division (E)(1) or (2)(b) or (c) of 40093  
section 3734.53 of the Revised Code, or an amendment to the 40094  
district's approved initial or amended plan adopted and ratified 40095  
under division (F) of section 3734.56 of the Revised Code, 40096  
precludes the board from establishing facility designations under 40097  
section 343.014 of the Revised Code has initiated proceedings to 40098  
establish facility designations in violation of that section and 40099  
the district's initial or amended plan, the director shall issue 40100  
an enforcement order under division (A) of section 3734.13 of the 40101  
Revised Code directing the board, at the board's discretion, to 40102  
either abandon the proceedings or suspend them until after the 40103  
board has adopted and obtained ratification of an amendment to the 40104  
district's initial or amended plan under division (F) of section 40105  
3734.56 of the Revised Code that authorizes the board to establish 40106

facility designations under section 343.014 of the Revised Code. 40107  
If the director finds that a board of county commissioners or 40108  
directors of a district for which the provision included in the 40109  
district's initial or amended plan approved under section 40110  
3734.521, 3734.55, or 3734.56 of the Revised Code pursuant to 40111  
division (E)(1) or (2)(b) or (c) of section 3734.53 of the Revised 40112  
Code, or an amendment to the district's approved initial or 40113  
amended plan adopted and ratified under division (F) of section 40114  
3734.56 of the Revised Code, authorizes the board to establish 40115  
facility designations under section 343.014 of the Revised Code 40116  
has established facility designations under section 343.014 of the 40117  
Revised Code or continued facility designations under section 40118  
343.015 of the Revised Code and subsequently has initiated 40119  
proceedings to terminate any such facility designations in 40120  
violation of section 343.014 of the Revised Code and the 40121  
district's initial or amended plan, the director shall issue an 40122  
enforcement order under division (A) of section 3734.13 of the 40123  
Revised Code directing the board, at the board's discretion, to 40124  
either abandon the proceedings or adopt and obtain ratification of 40125  
an amendment to the district's initial or amended plan under 40126  
division (F) of section 3734.56 of the Revised Code that precludes 40127  
the board from establishing facility designations under section 40128  
343.014 of the Revised Code. 40129

(F) The director shall maintain a record of the county and 40130  
joint solid waste management district solid waste management plans 40131  
and amended plans that the director has approved or ordered to be 40132  
implemented under this section, section 3734.521, and section 40133  
3734.56 of the Revised Code. ~~Upon determining that each county 40134  
within the state is subject to such a plan or amended plan, the 40135  
director shall notify the chief of recycling and litter prevention 40136  
in the department of natural resources of that fact. 40137~~

(G)(1) As used in divisions (C)(4), (D)(1) and (2), and (E) 40138

of this section and section 3734.521 of the Revised Code, any 40139  
reference to a board of county commissioners of a county or a 40140  
board of directors of a joint solid waste management district is 40141  
deemed to include the board of trustees of a regional solid waste 40142  
management authority formed under section 343.011 of the Revised 40143  
Code. 40144

(2) As used in this section and sections 3734.521 and 3734.57 40145  
of the Revised Code, "deliver" includes mailing as well as 40146  
delivery by a means other than mailing. 40147

**Sec. 3734.79.** (A) Except as provided in division (B) of this 40148  
section, each application for a permit submitted under sections 40149  
3734.76 to 3734.78 of the Revised Code shall be accompanied by a 40150  
nonrefundable application fee of four hundred dollars that shall 40151  
be credited to the scrap tire management fund created in section 40152  
3734.82 of the Revised Code. If a permit is issued, the amount of 40153  
the application fee paid shall be deducted from the amount of the 40154  
applicable permit fee due under division ~~(G)~~(R) of section 3745.11 40155  
of the Revised Code. 40156

(B) Division (A) of this section does not apply to an 40157  
application for a permit for a scrap tire storage facility 40158  
submitted under section 3734.76 of the Revised Code if the owner 40159  
or operator of the facility or proposed facility is a motor 40160  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 40161  
Code. 40162

**Sec. 3734.82.** (A) The annual fee for a scrap tire recovery 40163  
facility license issued under section 3734.81 of the Revised Code 40164  
shall be in accordance with the following schedule: 40165

Daily Design	Annual	40166
Input Capacity	License	40167
(Tons)	Fee	40168



1 or less	\$ 100	40169
2 to 25	500	40170
26 to 50	1,000	40171
51 to 100	1,500	40172
101 to 200	2,500	40173
201 to 500	3,500	40174
501 or more	5,500	40175

For the purpose of determining the applicable license fee 40176  
under this division, the daily design input capacity shall be the 40177  
quantity of scrap tires the facility is designed to process daily 40178  
as set forth in the registration certificate or permit for the 40179  
facility, and any modifications to the permit, if applicable, 40180  
issued under section 3734.78 of the Revised Code. 40181

(B) The annual fee for a scrap tire monocell or monofill 40182  
facility license shall be in accordance with the following 40183  
schedule: 40184

Authorized Maximum	Annual	40185
Daily Waste Receipt	License	40186
(Tons)	Fee	40187
100 or less	\$ 5,000	40188
101 to 200	12,500	40189
201 to 500	30,000	40190
501 or more	60,000	40191

For the purpose of determining the applicable license fee 40192  
under this division, the authorized maximum daily waste receipt 40193  
shall be the maximum amount of scrap tires the facility is 40194  
authorized to receive daily that is established in the permit for 40195  
the facility, and any modification to that permit, issued under 40196  
section 3734.77 of the Revised Code. 40197

(C)(1) Except as otherwise provided in division (C)(2) of 40198  
this section, the annual fee for a scrap tire storage facility 40199  
license shall equal one thousand dollars times the number of acres 40200

on which scrap tires are to be stored at the facility during the 40201  
license year, as set forth on the application for the annual 40202  
license, except that the total annual license fee for any such 40203  
facility shall not exceed three thousand dollars. 40204

(2) The annual fee for a scrap tire storage facility license 40205  
for a storage facility that is owned or operated by a motor 40206  
vehicle salvage dealer licensed under Chapter 4738. of the Revised 40207  
Code is one hundred dollars. 40208

(D)(1) Except as otherwise provided in division (D)(2) of 40209  
this section, the annual fee for a scrap tire collection facility 40210  
license is two hundred dollars. 40211

(2) The annual fee for a scrap tire collection facility 40212  
license for a collection facility that is owned or operated by a 40213  
motor vehicle salvage dealer licensed under Chapter 4738. of the 40214  
Revised Code is fifty dollars. 40215

(E) Except as otherwise provided in divisions (C)(2) and 40216  
(D)(2) of this section, the same fees apply to private operators 40217  
and to the state and its political subdivisions and shall be paid 40218  
within thirty days after the issuance of a license. The fees 40219  
include the cost of licensing, all inspections, and other costs 40220  
associated with the administration of the scrap tire provisions of 40221  
this chapter and rules adopted under them. Each license shall 40222  
specify that it is conditioned upon payment of the applicable fee 40223  
to the board of health or the director of environmental 40224  
protection, as appropriate, within thirty days after the issuance 40225  
of the license. 40226

(F) The board of health shall retain fifteen thousand dollars 40227  
of each license fee collected by the board under division (B) of 40228  
this section, or the entire amount of any such fee that is less 40229  
than fifteen thousand dollars, and the entire amount of each 40230  
license fee collected by the board under divisions (A), (C), and 40231

(D) of this section. The moneys retained shall be paid into a 40232  
special fund, which is hereby created in each health district, and 40233  
used solely to administer and enforce the scrap tire provisions of 40234  
this chapter and rules adopted under them. The remainder, if any, 40235  
of each license fee collected by the board under division (B) of 40236  
this section shall be transmitted to the director within 40237  
forty-five days after receipt of the fee. 40238

(G) The director shall transmit the moneys received by the 40239  
director from license fees collected under division (B) of this 40240  
section to the treasurer of state to be credited to the scrap tire 40241  
management fund, which is hereby created in the state treasury. 40242  
The fund shall consist of all federal moneys received by the 40243  
environmental protection agency for the scrap tire management 40244  
program; all grants, gifts, and contributions made to the director 40245  
for that program; and all other moneys that may be provided by law 40246  
for that program. The director shall use moneys in the fund as 40247  
follows: 40248

(1) Expend amounts determined necessary by the director to 40249  
implement, administer, and enforce the scrap tire provisions of 40250  
this chapter and rules adopted under them; 40251

(2) During each fiscal year, request the director of budget 40252  
and management to, and the director of budget and management 40253  
shall, transfer one million dollars to the scrap tire grant fund 40254  
created in section ~~1502.12~~ 3734.822 of the Revised Code for 40255  
supporting market development activities for scrap tires and 40256  
synthetic rubber from tire manufacturing processes and tire 40257  
recycling processes. In addition, during a fiscal year, the 40258  
director of environmental protection may request the director of 40259  
budget and management to, and the director of budget and 40260  
management shall, transfer up to an additional five hundred 40261  
thousand dollars to the scrap tire grant fund for scrap tire 40262  
amnesty events and scrap tire cleanup events. 40263

(3) After the expenditures and transfers are made under 40264  
divisions (G)(1) and (2) of this section, expend the balance of 40265  
the money in the scrap tire management fund remaining in each 40266  
fiscal year to conduct removal actions under section 3734.85 of 40267  
the Revised Code and to provide grants to boards of health under 40268  
section 3734.042 of the Revised Code. 40269

**Sec. ~~1502.12~~ 3734.822.** (A) There is hereby created in the 40270  
state treasury the scrap tire grant fund, consisting of moneys 40271  
transferred to the fund under section 3734.82 of the Revised Code. 40272  
The ~~chief of the division of recycling and litter prevention, with~~ 40273  
~~the approval of the~~ director of ~~natural resources,~~ environmental 40274  
protection may make grants from the fund for the following 40275  
purposes: 40276

(1) Supporting market development activities for scrap tires 40277  
and synthetic rubber from tire manufacturing processes and tire 40278  
recycling processes; 40279

(2) Supporting scrap tire amnesty and cleanup events 40280  
sponsored by solid waste management districts. 40281

Grants awarded under division (A)(1) of this section may be 40282  
awarded to individuals, businesses, and entities certified under 40283  
division (A) of section ~~1502.04~~ 3736.04 of the Revised Code. 40284

(B) Projects and activities that are eligible for grants 40285  
under division (A)(1) of this section shall be evaluated for 40286  
funding using, at a minimum, the following criteria: 40287

(1) The degree to which a proposed project contributes to the 40288  
increased use of scrap tires generated in this state; 40289

(2) The degree of local financial support for a proposed 40290  
project; 40291

(3) The technical merit and quality of a proposed project. 40292

**Sec. 3735.37.** A metropolitan housing authority shall keep an accurate account of all its activities and of all receipts and expenditures and make an annual report ~~thereof to the director of development~~ of these publicly available. All moneys received in excess of operating expenditures shall be devoted to the payment of interest and sinking fund charges for the retirement of indebtedness, whether secured by mortgage or otherwise, and from the excess there shall be set aside such fund as the authority deems proper for the purpose of covering repairs, depreciation, and reserves. Whatever balance then remains shall be applied to the reduction of rentals thereafter falling due.

**Sec. ~~1502.01~~ 3736.01.** As used in this chapter:

(A) "Litter" means garbage, trash, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public property, on private property not owned by the person, or in or on waters of the state unless one of the following applies:

(1) The person has been directed to do so by a public official as part of a litter collection drive.

(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.

(J) "Synthetic rubber" means produced or extended rubber and products made from a synthetic rubber base material originating from petrochemical feedstocks, including scrap tires, tire molds, automobile engine belts, brake pads and hoses, weather stripping, fittings, electrical insulation, and other molded objects and parts.

**Sec. ~~1502.03~~ 3736.02.** (A) The chief director of ~~the division~~

~~of recycling and litter prevention~~ environmental protection shall 40353  
establish and implement statewide source reduction, recycling, 40354  
recycling market development, and litter prevention programs that 40355  
are consistent with the state solid waste management plan adopted 40356  
under section 3734.50 of the Revised Code. The programs shall 40357  
include all of the following: 40358

(1) The assessment of waste generation within the state and 40359  
implementation of source reduction practices; 40360

(2) The implementation of recycling and recycling market 40361  
development activities and projects, including all of the 40362  
following: 40363

(a) Collection of recyclables; 40364

(b) Separation of recyclables; 40365

(c) Processing of recyclables; 40366

(d) Facilitation and encouragement of the use of recyclables 40367  
and products made with recyclables; 40368

(e) Education and training concerning recycling and products 40369  
manufactured with recyclables; 40370

(f) Public awareness campaigns to promote recycling; 40371

(g) Other activities and projects that promote recycling and 40372  
recycling market development. 40373

(3) Litter prevention assistance to enforce antilitter laws, 40374  
educate the public, and stimulate collection and containment of 40375  
litter; 40376

(4) Research and development regarding source reduction, 40377  
recycling, and litter prevention, including, without limitation, 40378  
research and development regarding materials or products 40379  
manufactured with recyclables. 40380

(B) ~~The chief, with the approval of the director of natural~~ 40381

~~resources,~~ may enter into contracts or other agreements and may 40382  
execute any instruments necessary or incidental to the discharge 40383  
of the ~~chief's~~ director's responsibilities under this chapter. 40384

~~Sec. 1502.02 3736.03.~~ (A) ~~There is hereby created in the~~ 40385  
~~department of natural resources the division of recycling and~~ 40386  
~~litter prevention to be headed by the chief of recycling and~~ 40387  
~~litter prevention.~~ 40388

~~(B)~~ There is hereby created in the state treasury the 40389  
recycling and litter prevention fund, consisting of moneys 40390  
distributed to it from fees, including the fee levied under 40391  
division (A)(2) of section 3714.073 of the Revised Code, gifts, 40392  
donations, grants, reimbursements, and other sources, including 40393  
investment earnings. 40394

~~(C)~~(B) The ~~chief~~ director of ~~recycling and litter prevention~~ 40395  
environmental protection shall do all of the following: 40396

(1) Use moneys credited to the fund exclusively for the 40397  
purposes set forth in sections ~~1502.03 3736.02,~~ ~~1502.04 3736.04,~~ 40398  
3736.05, and ~~1502.05 3745.014~~ of the Revised Code, with particular 40399  
emphasis on programs relating to recycling; 40400

(2) ~~Expend for administration of the division not more than~~ 40401  
~~ten per cent of any fiscal year's appropriation to the division,~~ 40402  
~~excluding the amount assessed to the division for direct and~~ 40403  
~~indirect central support charges;~~ 40404

~~(3)~~ Require recipients of grants under section ~~1502.05~~ 40405  
3736.05 of the Revised Code, as a condition of receiving and 40406  
retaining them, to do all of the following: 40407

(a) Create a separate account for the grants and any cash 40408  
donations received that qualify for the donor credit allowed by 40409  
section 5733.064 of the Revised Code; 40410

(b) Make expenditures from the account exclusively for the 40411



purposes for which the grants were received; 40412

(c) Use any auditing and accounting practices the ~~chief~~ 40413  
director considers necessary regarding the account; 40414

(d) Report to the ~~chief~~ director information regarding the 40415  
amount and donor of cash donations received as described by 40416  
section 5733.064 of the Revised Code; 40417

(e) Use grants received to supplement and not to replace any 40418  
existing funding for such purposes. 40419

~~(4)~~(3) Report to the tax commissioner information the ~~chief~~ 40420  
director receives pursuant to division ~~(C)~~(3)(B)(2)(d) of this 40421  
section. 40422

**Sec. ~~1502.04~~ 3736.04.** There is hereby created within the 40423  
~~division of recycling and litter prevention~~ environmental 40424  
protection agency the recycling and litter prevention advisory 40425  
council consisting of thirteen members. The speaker of the house 40426  
of representatives shall appoint one member of the house of 40427  
representatives to the council, and the president of the senate 40428  
shall appoint one member of the senate to the council. If the 40429  
president of the senate belongs to the same political party as the 40430  
speaker of the house of representatives, the president shall 40431  
appoint a member of the senate who belongs to a different 40432  
political party as recommended by the minority leader of the 40433  
senate. ~~The speaker of the house of representatives and the~~ 40434  
~~president of the senate shall make their initial appointments to~~ 40435  
~~the council within sixty days after July 20, 1994.~~ Each member 40436  
appointed by the speaker of the house of representatives or the 40437  
president of the senate shall serve for a term of office of three 40438  
years. The appropriate appointing authority may fill any vacancy 40439  
occurring during the term of any member whom the appointing 40440  
authority has appointed to the advisory council. 40441

The remaining eleven members shall be appointed by the 40442  
governor with the advice and consent of the senate and shall be 40443  
persons with knowledge of or experience in recycling or litter 40444  
prevention programs. The council shall have broad-based 40445  
representation of interests including agriculture, labor, the 40446  
environment, manufacturing, wholesale and retail industry, and the 40447  
public. One of the business members shall be from the commercial 40448  
recycling industry, and another shall be from an industry required 40449  
to pay taxes under section 5733.065 of the Revised Code. The 40450  
director of ~~natural resources~~ environmental protection shall not 40451  
be a member of the council. ~~The governor shall make initial~~ 40452  
~~appointments to the council within thirty days after October 20,~~ 40453  
~~1987. Of the governor's initial appointments to the council, five~~ 40454  
~~shall be for a term of one year, and six shall be for a term of~~ 40455  
~~two years. Thereafter, terms~~ Terms of office shall be for three 40456  
years. Each member appointed by the governor shall hold office 40457  
from the date of the member's appointment until the end of the 40458  
term for which the member was appointed. In the event of death, 40459  
removal, resignation, or incapacity of a member of the council 40460  
appointed by the governor, the governor, with the advice and 40461  
consent of the senate, shall appoint a successor who shall hold 40462  
office for the remainder of the term for which the successor's 40463  
predecessor was appointed. A member shall continue in office 40464  
subsequent to the expiration date of the member's term until the 40465  
member's successor takes office, or until a period of sixty days 40466  
has elapsed, whichever occurs first. The governor at any time may 40467  
remove any of the governor's appointees from the council for 40468  
misfeasance, nonfeasance, or malfeasance in office. 40469

Members of the council may be reappointed. 40470

The council shall hold at least four regular quarterly 40471  
meetings each year. Special meetings may be held at the behest of 40472  
the chairperson or a majority of the members. The council annually 40473

shall select from among its members a chairperson, a 40474  
vice-chairperson, and a secretary to keep a record of its 40475  
proceedings. 40476

A majority vote of the members of the council is necessary to 40477  
take action ~~in~~ on any matter. 40478

A member of the council shall serve without compensation for 40479  
attending council meetings, but shall be reimbursed for all 40480  
traveling, hotel, and other ordinary and necessary expenses 40481  
incurred in the performance of the member's work as a member of 40482  
the council. 40483

Membership on the council does not constitute holding a 40484  
public office or position of employment under the laws of this 40485  
state and does not constitute grounds for removal of public 40486  
officers or employees from their offices or positions of 40487  
employment. 40488

The council shall do all of the following: 40489

(A) ~~In conjunction with the chief of recycling and litter~~ 40490  
~~prevention and with~~ With the approval of the director of ~~natural~~ 40491  
~~resources~~ environmental protection, establish criteria by which to 40492  
certify, and certify, agencies of the state, municipal 40493  
corporations with a population of more than fifty thousand, 40494  
counties, and solid waste management districts as eligible to 40495  
receive grants under section ~~1502.05~~ 3736.05 of the Revised Code; 40496

(B) ~~In conjunction with the chief and with~~ With the approval 40497  
of the director, establish criteria by which to certify, and 40498  
certify, political subdivisions for receipt of special grants for 40499  
activities or projects that are intended to accomplish the 40500  
purposes of any of the programs established under section ~~1502.03~~ 40501  
3736.02 of the Revised Code; 40502

(C) Advise the ~~chief~~ director in carrying out the ~~chief's~~ 40503  
director's duties under this chapter. 40504

~~Sec. 1502.05~~ 3736.05. (A) The ~~chief director~~ of ~~recycling and~~  
~~litter prevention~~ environmental protection, pursuant to division  
(A) of section ~~1502.04~~ 3736.04 of the Revised Code ~~and with the~~  
~~approval of the director of natural resources~~, may make grants  
from the recycling and litter prevention fund created in section  
~~1502.02~~ 3736.03 of the Revised Code to accomplish the purposes of  
the programs established under section ~~1502.03~~ 3736.02 of the  
Revised Code.

(B) Except as provided in division (C) of this section, ~~the~~  
~~chief, with the approval of the director,~~ may require any eligible  
applicant certified by the recycling and litter prevention  
advisory council under division (A) of section ~~1502.04~~ 3736.04 of  
the Revised Code that applies for a grant for an activity or  
project that is intended to further the purposes of any program  
established under division (A)(1), (2), or (4) of section ~~1502.03~~  
3736.02 of the Revised Code to provide a matching contribution of  
not more than fifty per cent of the grant.

(C) Notwithstanding division (B) of this section, any grant  
awarded under division (A) of this section to foster cooperative  
research and development regarding recycling or the cooperative  
establishment or expansion of private recycling facilities or  
programs shall be made in conjunction with a contribution to the  
project by a cooperating enterprise that maintains or proposes to  
maintain a relevant research and development or recycling facility  
or program in this state or by an agency of the state, provided  
that funding provided by a state agency shall not be provided from  
general revenue funds appropriated by the general assembly. No  
grant made under division (A) of this section for the purposes  
described in this division shall exceed the contribution made by  
the cooperating enterprise or state agency. The ~~chief director~~ may  
consider cooperating contributions in the form of state of the art  
new equipment or in other forms if the ~~chief director~~ determines

that the contribution is essential to the successful 40537  
implementation of the project. 40538

Grants made under division (A) of this section for the 40539  
purposes described in this division shall be made in such form and 40540  
conditioned on such terms as the ~~chief~~ director considers to be 40541  
appropriate. 40542

(D)(1) The ~~chief, with the approval of the~~ director, may 40543  
require any eligible applicant certified by the recycling and 40544  
litter prevention advisory council under division (A) of section 40545  
~~1502.04~~ 3736.04 of the Revised Code that applies for a grant that 40546  
is intended to further the purposes of the program established 40547  
under division (A)(3) of section ~~1502.03~~ 3736.02 of the Revised 40548  
Code, except any eligible applicant that is or is located in a 40549  
county that has a per capita income equal to or below ninety per 40550  
cent of the median county per capita income of the state as 40551  
determined by the ~~chief~~ director using the most recently available 40552  
figures from the United States census bureau, to provide a 40553  
matching contribution as follows: 40554

(a) Up to ten per cent of the grant from any eligible 40555  
applicant that is or is located in a county that has a per capita 40556  
income above ninety per cent of the median county per capita 40557  
income of the state, but equal to or below one hundred per cent of 40558  
the median county per capita income of the state; 40559

(b) Up to twenty per cent of the grant from any eligible 40560  
applicant that is or is located in a county that has a per capita 40561  
income above the median county per capita income of the state. 40562

(2) If the eligible applicant is a joint solid waste 40563  
management district or is filing a joint application on behalf of 40564  
two or more counties, the matching contribution required under 40565  
division (D)(1) of this section shall be the average of the 40566  
matching contributions of all of the counties covered by the 40567

application as determined in accordance with that division. The 40568  
matching contribution of a county that has a per capita income 40569  
equal to or below ninety per cent of the median county per capita 40570  
income of the state shall be included as zero in calculating the 40571  
average matching contribution. 40572

(E) ~~After receiving notice from the~~ The director of 40573  
~~environmental protection that each county within the state is~~ 40574  
~~subject to the solid waste management plan of a solid waste~~ 40575  
~~management district,~~ the chief shall ensure that not less than 40576  
fifty per cent of the moneys distributed as grants under this 40577  
section shall be expended for the purposes of recycling and 40578  
recycling market development. 40579

(F) No information that is submitted to, acquired by, or 40580  
exchanged with employees of the environmental protection agency 40581  
who administer or provide services under this section and that is 40582  
submitted, acquired, or exchanged in order to obtain a grant 40583  
pursuant to division (A) of this section shall be used in any 40584  
manner for the purpose of the enforcement of any requirement 40585  
established in an environmental law or used as evidence in any 40586  
judicial or administrative enforcement proceeding unless that 40587  
information reveals a clear and immediate danger to the 40588  
environment or to the health, safety, or welfare of the public. 40589

(G) Nothing in this section confers immunity on persons from 40590  
enforcement that is based on information that is obtained by the 40591  
director or the director's authorized representatives who are not 40592  
employees of the agency who administer or provide services under 40593  
this section. 40594

(H) As used in this section, "environmental law" means a law 40595  
that is administered by the environmental protection agency. 40596

**Sec. 1502.06 3736.06.** (A) Agencies of the state certified 40597  
pursuant to section ~~1502.04~~ 3736.04 of the Revised Code as 40598

eligible to receive a grant shall designate an employee as the liaison with the ~~chief director~~ of ~~recycling and litter prevention~~ environmental protection to cooperate with ~~him~~ the director in carrying out ~~his~~ the director's duties under this chapter.

(B) The executive and legislative authorities of municipal corporations, counties, and townships and the boards of park commissioners of township park districts created under section 511.18 of the Revised Code, boards of park commissioners of park districts created under section 1545.04 of the Revised Code, and boards of education of city, exempted village, local, and joint vocational school districts may participate in the programs established under section ~~1502.03~~ 3736.02 of the Revised Code.

**Sec. ~~1502.07~~ 3736.07.** No person, agency of the state, municipal corporation, county, or township shall sell or offer for sale any beer or mixed beverages as defined in section 4301.01 of the Revised Code, or any soft drink as defined in section 913.22 of the Revised Code, in a metal container that is so designed that it may be opened by removing from the container a part of the container without using a separate opener. However, nothing in this section prohibits the sale or offering for sale of a container the only detachable part of which is a piece of tape or other similar adhesive material.

**Sec. ~~1502.99~~ 3736.99.** Whoever violates section ~~1502.07~~ 3736.07 of the Revised Code is guilty of a minor misdemeanor. Each day of violation constitutes a separate offense.

**Sec. 3737.83.** The fire marshal shall, as part of the state fire code, adopt rules to:

(A) Establish minimum standards of performance for fire protection equipment and fire fighting equipment;

(B) Establish minimum standards of training, fix minimum 40628  
qualifications, and require certificates for all persons who 40629  
engage in the business for profit of installing, testing, 40630  
repairing, or maintaining fire protection equipment; 40631

(C) Provide for the issuance of certificates required under 40632  
division (B) of this section and establish the fees to be charged 40633  
for such certificates. A certificate shall be granted, renewed, or 40634  
revoked according to rules the fire marshal shall adopt. 40635

(D) Establish minimum standards of flammability for consumer 40636  
goods in any case where the federal government or any department 40637  
or agency thereof has established, or may from time to time 40638  
establish standards of flammability for consumer goods. The 40639  
standards established by the fire marshal shall be identical to 40640  
the minimum federal standards. 40641

In any case where the federal government or any department or 40642  
agency thereof, establishes standards of flammability for consumer 40643  
goods subsequent to the adoption of a flammability standard by the 40644  
fire marshal, standards previously adopted by the fire marshal 40645  
shall not continue in effect to the extent such standards are not 40646  
identical to the minimum federal standards. 40647

With respect to the adoption of minimum standards of 40648  
flammability, this division shall supersede any authority granted 40649  
a political subdivision by any other section of the Revised Code. 40650

(E) Establish minimum standards pursuant to section 5104.05 40651  
of the Revised Code for fire prevention and fire safety in child 40652  
day-care centers and in type A family day-care homes, as defined 40653  
in section 5104.01 of the Revised Code. 40654

(F) Establish minimum standards for fire prevention and 40655  
safety ~~an adult group home seeking licensure as an adult care in a~~ 40656  
residential facility ~~must meet~~ licensed under section ~~5119.71~~ 40657  
5119.22 of the Revised Code that provides accommodations, 40658



supervision, and personal care services for three to sixteen 40659  
unrelated adults. The fire marshal shall adopt the rules under 40660  
this division in consultation with the ~~directors~~ director of 40661  
mental health ~~and aging~~ and interested parties designated by the 40662  
~~directors~~ director of mental health ~~and aging~~. 40663

**Sec. 3737.841.** As used in this section and section 3737.842 40664  
of the Revised Code: 40665

(A) "Public occupancy" means all of the following: 40666

(1) Any state correctional institution as defined in section 40667  
2967.01 of the Revised Code and any county, multicounty, 40668  
municipal, or municipal-county jail or workhouse; 40669

(2) Any hospital as defined in section 3727.01 of the Revised 40670  
Code, any hospital licensed by the department of mental health 40671  
under section 5119.20 of the Revised Code, and any institution, 40672  
hospital, or other place established, controlled, or supervised by 40673  
the department of mental health under Chapter 5119. of the Revised 40674  
Code; 40675

(3) Any nursing home, residential care facility, or home for 40676  
the aging as defined in section 3721.01 of the Revised Code and 40677  
any ~~adult care residential~~ facility ~~as defined in licensed under~~ 40678  
section ~~5119.70~~ 5119.22 of the Revised Code that provides 40679  
accommodations, supervision, and personal care services for three 40680  
to sixteen unrelated adults; 40681

(4) Any child day-care center and any type A family day-care 40682  
home as defined in section 5104.01 of the Revised Code; 40683

(5) Any public auditorium or stadium; 40684

(6) Public assembly areas of hotels and motels containing 40685  
more than ten articles of seating furniture. 40686

(B) "Sell" includes sell, offer or expose for sale, barter, 40687  
trade, deliver, give away, rent, consign, lease, possess for sale, 40688

or dispose of in any other commercial manner. 40689

(C) Except as provided in division (D) of this section, 40690  
"seating furniture" means any article of furniture, including 40691  
children's furniture, that can be used as a support for an 40692  
individual, or an individual's limbs or feet, when sitting or 40693  
resting in an upright or reclining position and that either: 40694

(1) Is made with loose or attached cushions or pillows; 40695

(2) Is stuffed or filled in whole or in part with any filling 40696  
material; 40697

(3) Is or can be stuffed or filled in whole or in part with 40698  
any substance or material, concealed by fabric or any other 40699  
covering. 40700

"Seating furniture" includes the cushions or pillows 40701  
belonging to or forming a part of the furniture, the structural 40702  
unit, and the filling material and its container or covering. 40703

(D) "Seating furniture" does not include, except if intended 40704  
for use by children or in facilities designed for the care or 40705  
treatment of humans, any of the following: 40706

(1) Cushions or pads intended solely for outdoor use; 40707

(2) Any article with a smooth surface that contains no more 40708  
than one-half inch of filling material, if that article does not 40709  
have an upholstered horizontal surface meeting an upholstered 40710  
vertical surface; 40711

(3) Any article manufactured solely for recreational use or 40712  
physical fitness purposes, including weight-lifting benches, 40713  
gymnasium mats or pads, and sidehorses. 40714

(E) "Filling material" means cotton, wool, kapok, feathers, 40715  
down, hair, liquid, or any other natural or artificial material or 40716  
substance that is used or can be used as stuffing in seating 40717  
furniture. 40718

Sec. 3742.01. As used in this chapter:	40719
(A) "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.	40720 40721 40722
(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:	40723 40724 40725
(1) A child day-care center, type A family day-care home, or type B family day-care home as defined in section 5104.01 of the Revised Code;	40726 40727 40728
(2) A type C family day-care home authorized to provide child care by Sub. H.B. 62 of the 121st general assembly, as amended by Am. Sub. S.B. 160 of the 121st general assembly and Sub. H.B. 407 of the 123rd general assembly;	40729 40730 40731 40732
(3) A preschool program or school child program as defined in section 3301.52 of the Revised Code.	40733 40734
(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.	40735 40736 40737 40738 40739
(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who performs a clearance examination.	40740 40741 40742
(E) "Clinical laboratory" means a facility for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examination of substances derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease, or in the	40743 40744 40745 40746 40747 40748

assessment or impairment of the health of human beings. "Clinical laboratory" does not include a facility that only collects or prepares specimens, or serves as a mailing service, and does not perform testing.

(F) "Encapsulation" means the coating and sealing of surfaces with durable surface coating specifically formulated to be elastic, able to withstand sharp and blunt impacts, long-lasting, and resilient, while also resistant to cracking, peeling, algae, fungus, and ultraviolet light, so as to prevent any part of lead-containing paint from becoming part of house dust or otherwise accessible to children.

(G) "Enclosure" means the resurfacing or covering of surfaces with durable materials such as wallboard or paneling, and the sealing or caulking of edges and joints, so as to prevent or control chalking, flaking, peeling, scaling, or loose lead-containing substances from becoming part of house dust or otherwise accessible to children.

(H) "Environmental lead analytical laboratory" means a facility that analyzes air, dust, soil, water, paint, film, or other substances, other than substances derived from the human body, for the presence and concentration of lead.

(I) "HEPA" means the designation given to a product, device, or system that has been equipped with a high-efficiency particulate air filter, which is a filter capable of removing particles of 0.3 microns or larger from air at 99.97 per cent or greater efficiency.

(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. 40780

(K)(1) "Lead abatement" means a measure or set of measures 40781  
designed for the single purpose of permanently eliminating lead 40782  
hazards. "Lead abatement" includes all of the following: 40783

(a) Removal of lead-based paint and lead-contaminated dust; 40784

(b) Permanent enclosure or encapsulation of lead-based paint; 40785

(c) Replacement of surfaces or fixtures painted with 40786  
lead-based paint; 40787

(d) Removal or permanent covering of lead-contaminated soil; 40788

(e) Preparation, cleanup, and disposal activities associated 40789  
with lead abatement. 40790

(2) "Lead abatement" does not include any of the following: 40791

(a) Preventive treatments performed pursuant to section 40792  
3742.41 of the Revised Code; 40793

(b) Implementation of interim controls; 40794

(c) Activities performed by a property owner on a residential 40795  
unit to which both of the following apply: 40796

(i) It is a freestanding single-family home used as the 40797  
property owner's private residence. 40798

(ii) No child under six years of age who has lead poisoning 40799  
resides in the unit. 40800

(L) "Lead abatement contractor" means any individual who 40801  
engages in or intends to engage in lead abatement and employs or 40802  
supervises one or more lead abatement workers, including on-site 40803  
supervision of lead abatement projects, or prepares 40804  
specifications, plans, or documents for a lead abatement project. 40805

(M) "Lead abatement project" means one or more lead abatement 40806  
activities that are conducted by a lead abatement contractor and 40807  
are reasonably related to each other. 40808

(N) "Lead abatement project designer" means a person who is responsible for designing lead abatement projects and preparing a pre-abatement plan for all designed projects.

(O) "Lead abatement worker" means an individual who is responsible in a nonsupervisory capacity for the performance of lead abatement.

(P) "Lead-based paint" means any paint or other similar surface-coating substance containing lead at or in excess of the level that is hazardous to human health, as that level is established by rule of the public health council in rules adopted under section 3742.50 of the Revised Code.

(Q) "Lead-contaminated dust" means dust that contains an area or mass concentration of lead at or in excess of the level that is hazardous to human health, as that level is established by rule of the public health council in rules adopted under section 3742.50 of the Revised Code.

(R) "Lead-contaminated soil" means soil that contains lead at or in excess of the level that is hazardous to human health, as that level is established by rule of the public health council in rules adopted under section 3742.50 of the Revised Code.

(S) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the public director of health council in rules adopted under section 3742.50 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(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 40840  
Revised Code shall certify in writing the precise results of the 40841  
inspection. 40842

(U) "Lead inspector" means any individual who conducts a lead 40843  
inspection, provides professional advice regarding a lead 40844  
inspection, or prepares a report explaining the results of a lead 40845  
inspection. 40846

(V) "Lead poisoning" means the level of lead in human blood 40847  
that is hazardous to human health, as specified in rules adopted 40848  
under section 3742.50 of the Revised Code. 40849

(W) "Lead risk assessment" means an on-site investigation to 40850  
determine and report the existence, nature, severity, and location 40851  
of lead hazards in a residential unit, child care facility, or 40852  
school, including information gathering from the unit, facility, 40853  
or school's current owner's knowledge regarding the age and 40854  
painting history of the unit, facility, or school and occupancy by 40855  
children under six years of age, visual inspection, limited wipe 40856  
sampling or other environmental sampling techniques, and any other 40857  
activity as may be appropriate. 40858

(X) "Lead risk assessor" means a person who is responsible 40859  
for developing a written inspection, risk assessment, and analysis 40860  
plan; conducting inspections for lead hazards in a residential 40861  
unit, child care facility, or school; interpreting results of 40862  
inspections and risk assessments; identifying hazard control 40863  
strategies to reduce or eliminate lead exposures; and completing a 40864  
risk assessment report. 40865

(Y) "Lead-safe renovation" means the supervision or 40866  
performance of services for the general improvement of all or part 40867  
of an existing structure, including a residential unit, child care 40868  
facility, or school, when the services are supervised or performed 40869  
by a lead-safe renovator. 40870

(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~~ public director of health 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 of the Revised Code.

(B) No person shall knowingly authorize or employ an individual to perform lead abatement on a residential unit, child care facility, or school unless the individual who will perform



the lead abatement holds a valid license issued under section 40900  
3742.05 of the Revised Code. 40901

(C) No person shall do any of the following when a 40902  
residential unit, child care facility, or school is involved: 40903

(1) Perform a lead inspection without a valid lead inspector 40904  
license issued under section 3742.05 of the Revised Code; 40905

(2) Perform a lead risk assessment or provide professional 40906  
advice regarding lead abatement without a valid lead risk assessor 40907  
license issued under section 3742.05 of the Revised Code; 40908

(3) Act as a lead abatement contractor without a valid lead 40909  
abatement contractor's license issued under section 3742.05 of the 40910  
Revised Code; 40911

(4) Act as a lead abatement project designer without a valid 40912  
lead abatement project designer license issued under section 40913  
3742.05 of the Revised Code; 40914

(5) Perform lead abatement without a valid lead abatement 40915  
worker license issued under section 3742.05 of the Revised Code; 40916

(6) Effective one year after April 7, 2003, perform a 40917  
clearance examination without a valid clearance technician license 40918  
issued under section 3742.05 of the Revised Code, unless the 40919  
person holds a valid lead inspector license or valid lead risk 40920  
assessor license issued under that section; 40921

(7) Perform lead training for the licensing purposes of this 40922  
chapter without a valid approval from the director of health under 40923  
section 3742.08 of the Revised Code; 40924

(8) Perform interim controls without complying with 24 C.F.R. 40925  
Part 35. 40926

**Sec. 3742.03.** The ~~public~~ director of health council shall 40927  
adopt rules in accordance with Chapter 119. of the Revised Code 40928

for the administration and enforcement of sections 3742.01 to 40929  
3742.19 and 3742.99 of the Revised Code. The rules shall specify 40930  
all of the following: 40931

(A) Procedures to be followed by a lead abatement contractor, 40932  
lead abatement project designer, lead abatement worker, lead 40933  
inspector, or lead risk assessor licensed under section 3742.05 of 40934  
the Revised Code for undertaking lead abatement activities and 40935  
procedures to be followed by a clearance technician, lead 40936  
inspector, or lead risk assessor in performing a clearance 40937  
examination; 40938

(B)(1) Requirements for training and licensure, in addition 40939  
to those established under section 3742.08 of the Revised Code, to 40940  
include levels of training and periodic refresher training for 40941  
each class of worker, and to be used for licensure under section 40942  
3742.05 of the Revised Code. Except in the case of clearance 40943  
technicians, these requirements shall include at least twenty-four 40944  
classroom hours of training based on the Occupational Safety and 40945  
Health Act training program for lead set forth in 29 C.F.R. 40946  
1926.62. For clearance technicians, the training requirements to 40947  
obtain an initial license shall not exceed six hours and the 40948  
requirements for refresher training shall not exceed two hours 40949  
every four years. In establishing the training and licensure 40950  
requirements, the ~~public health council~~ director shall consider 40951  
the core of information that is needed by all licensed persons, 40952  
and establish the training requirements so that persons who would 40953  
seek licenses in more than one area would not have to take 40954  
duplicative course work. 40955

(2) Persons certified by the American board of industrial 40956  
hygiene as a certified industrial hygienist or as an industrial 40957  
hygienist-in-training, and persons registered as a sanitarian or 40958  
sanitarian-in-training under Chapter 4736. of the Revised Code, 40959  
shall be exempt from any training requirements for initial 40960

licensure established under this chapter, but shall be required to 40961  
take any examinations for licensure required under section 3742.05 40962  
of the Revised Code. 40963

(C) Fees for licenses issued under section 3742.05 of the 40964  
Revised Code and for their renewal; 40965

(D) Procedures to be followed by lead inspectors, lead 40966  
abatement contractors, environmental lead analytical laboratories, 40967  
lead risk assessors, lead abatement project designers, and lead 40968  
abatement workers to prevent public exposure to lead hazards and 40969  
ensure worker protection during lead abatement projects; 40970

(E)(1) Record-keeping and reporting requirements for clinical 40971  
laboratories, environmental lead analytical laboratories, lead 40972  
inspectors, lead abatement contractors, lead risk assessors, lead 40973  
abatement project designers, and lead abatement workers for lead 40974  
abatement projects and record-keeping and reporting requirements 40975  
for clinical laboratories, environmental lead analytical 40976  
laboratories, and clearance technicians for clearance 40977  
examinations; 40978

(2) Record-keeping and reporting requirements regarding lead 40979  
poisoning for physicians, in addition to the requirements of 40980  
section 3701.25 of the Revised Code; 40981

(3) Information that is required to be reported under rules 40982  
based on divisions (E)(1) and (2) of this section and that is a 40983  
medical record is not a public record under section 149.43 of the 40984  
Revised Code and shall not be released, except in aggregate 40985  
statistical form. 40986

(F) Environmental sampling techniques for use in collecting 40987  
samples of air, water, dust, paint, and other materials; 40988

(G) Requirements for a respiratory protection plan prepared 40989  
in accordance with section 3742.07 of the Revised Code; 40990

(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.

**Sec. 3742.04.** (A) The director of health shall do all of the following:

(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;

(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;

(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;

(4) Issue approval to manufacturers of encapsulants that have done all of the following:

(a) Submitted an application for approval to the director on a form prescribed by the director;

(b) Paid the application fee established by the director;

(c) Submitted results from an independent laboratory indicating that the manufacturer's encapsulants satisfy the requirements established in rules adopted under division (H) of

section 3742.03 of the Revised Code;	41021
(d) Complied with rules adopted by the <del>public health council</del>	41022
<u>director</u> regarding durability and safety to workers and residents.	41023
(5) Establish liaisons and cooperate with the directors or	41024
agencies in states having lead abatement, licensing,	41025
accreditation, certification, and approval programs to promote	41026
consistency between the requirements of this chapter and those of	41027
other states in order to facilitate reciprocity of the programs	41028
among states;	41029
(6) Establish a program to monitor and audit the quality of	41030
work of lead inspectors, lead risk assessors, lead abatement	41031
project designers, lead abatement contractors, lead abatement	41032
workers, and clearance technicians. The director may refer	41033
improper work discovered through the program to the attorney	41034
general for appropriate action.	41035
(B) In addition to any other authority granted by this	41036
chapter, the director of health may do any of the following:	41037
(1) Employ persons who have received training from a program	41038
the director has determined provides the necessary background. The	41039
appropriate training may be obtained in a state that has an	41040
ongoing lead abatement program under which it conducts educational	41041
programs.	41042
(2) Cooperate with the United States environmental protection	41043
agency in any joint oversight procedures the agency may propose	41044
for laboratories that offer lead analysis services and are	41045
accredited under the agency's laboratory accreditation program;	41046
(3) Advise, consult, cooperate with, or enter into contracts	41047
or cooperative agreements with any person, government entity,	41048
interstate agency, or the federal government as the director	41049
considers necessary to fulfill the requirements of this chapter	41050
and the rules adopted under it.	41051

Sec. 3742.05. (A)(1) The director of health shall issue lead 41052  
inspector, lead abatement contractor, lead risk assessor, lead 41053  
abatement project designer, lead abatement worker, and clearance 41054  
technician licenses. The director shall issue a license to an 41055  
applicant who meets all of the following requirements: 41056

(a) Submits an application to the director on a form 41057  
prescribed by the director; 41058

(b) Meets the licensing and training requirements established 41059  
~~by the public health council~~ in rules adopted under section 41060  
3742.03 of the Revised Code; 41061

(c) Successfully completes the licensing examination for the 41062  
applicant's area of expertise administered under section 3742.08 41063  
of the Revised Code and any training required by the director 41064  
under that section; 41065

(d) Pays the license fee established ~~by the public health~~ 41066  
~~council~~ in rules adopted under section 3742.03 of the Revised 41067  
Code; 41068

(e) Provides the applicant's social security number and any 41069  
information the director may require to demonstrate the 41070  
applicant's compliance with this chapter and the rules adopted 41071  
under it. 41072

(2) An individual may hold more than one license issued under 41073  
this section, but a separate application is required for each 41074  
license. 41075

(B) A license issued under this section expires two years 41076  
after the date of issuance. The director shall renew a license in 41077  
accordance with the standard renewal procedure set forth in 41078  
Chapter 4745. of the Revised Code, if the licensee does all of the 41079  
following: 41080

(1) Continues to meet the requirements of division (A) of 41081

this section; 41082

(2) Demonstrates compliance with procedures to prevent public 41083  
exposure to lead hazards and for worker protection during lead 41084  
abatement projects established ~~by rule~~ in rules adopted ~~by the~~ 41085  
~~public health council~~ under section 3742.03 of the Revised Code; 41086

(3) Meets the record-keeping and reporting requirements for 41087  
lead abatement projects or clearance examinations established ~~by~~ 41088  
~~rule~~ in rules adopted ~~by the public health council~~ under section 41089  
3742.03 of the Revised Code; 41090

(4) Pays the license renewal fee established ~~by rule~~ in rules 41091  
adopted ~~by the public health council~~ under section 3742.03 of the 41092  
Revised Code. 41093

(C) An individual licensed, certified, or otherwise approved 41094  
under the law of another state to perform functions substantially 41095  
similar to those of a lead inspector, lead abatement contractor, 41096  
lead risk assessor, lead abatement project designer, lead 41097  
abatement worker, or clearance technician may apply to the 41098  
director of health for licensure in accordance with the procedures 41099  
set forth in division (A) of this section. The director shall 41100  
license an individual under this division on a determination that 41101  
the standards for licensure, certification, or approval in that 41102  
state are at least substantially equivalent to those established 41103  
by this chapter and the rules adopted under it. The director may 41104  
require an examination for licensure under this division. 41105

**Sec. 3742.30.** Each child at risk of lead poisoning shall 41106  
undergo a blood lead screening test to determine whether the child 41107  
has lead poisoning. The at-risk children shall undergo the test at 41108  
times determined by rules the ~~public~~ director of health ~~council~~ 41109  
shall adopt in accordance with Chapter 119. of the Revised Code 41110  
that are consistent with the guidelines established by the centers 41111  
for disease control and prevention in the public health service of 41112

the United States department of health and human services. The 41113  
rules shall specify which children are at risk of lead poisoning. 41114

Neither this section nor the rules adopted under it affect 41115  
the coverage of blood lead screening tests by any publicly funded 41116  
health program, including the medicaid program established by 41117  
Chapter 5111. of the Revised Code. Neither this section nor the 41118  
rules adopted under it apply to a child if a parent of the child 41119  
objects to the test on the grounds that the test conflicts with 41120  
the parent's religious tenets and practices. 41121

**Sec. 3742.31.** (A) The director of health shall establish, 41122  
promote, and maintain a child lead poisoning prevention program. 41123  
The program shall provide statewide coordination of screening, 41124  
diagnosis, and treatment services for children under age six, 41125  
including both of the following: 41126

(1) Collecting the social security numbers of all children 41127  
screened, diagnosed, or treated as part of the program's case 41128  
management system; 41129

(2) Disclosing to the office of ~~Ohio health plans~~ medical 41130  
assistance in the department of job and family services on at 41131  
least an annual basis the identity and lead screening test results 41132  
of each child screened pursuant to section 3742.30 of the Revised 41133  
Code. The director shall collect and disseminate information 41134  
relating to child lead poisoning and controlling lead hazards. 41135

(B) The director of health shall operate the child lead 41136  
poisoning prevention program in accordance with rules adopted 41137  
under section 3742.50 of the Revised Code. The director may enter 41138  
into an interagency agreement with one or more other state 41139  
agencies to perform one or more of the program's duties. The 41140  
director shall supervise and direct an agency's performance of 41141  
such a duty. 41142



**Sec. 3742.32.** (A) The director of health shall appoint an advisory council to assist in the ongoing development and implementation of the child lead poisoning prevention program created under section 3742.31 of the Revised Code. The advisory council shall consist of the following members:

(1) A representative of the office of ~~Ohio health plans~~ medical assistance in the department of job and family services;

(2) A representative of the bureau of child care in the department of job and family services;

(3) A representative of the department of environmental protection;

(4) A representative of the department of education;

(5) A representative of the department of development;

(6) A representative of the Ohio apartment owner's association;

(7) A representative of the Ohio help end lead poisoning coalition;

(8) A representative of the Ohio environmental health association;

(9) An Ohio representative of the national paint and coatings association.

(B) The advisory council shall do both of the following:

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;

(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.

(C) The advisory council is not subject to sections 101.82 to 41172  
101.87 of the Revised Code. 41173

**Sec. 3742.47.** (A) A person seeking approval of a training 41174  
program in either essential maintenance practices or lead-safe 41175  
renovation shall apply for approval to the director of health. The 41176  
application shall be made on a form prescribed by the director and 41177  
shall include the fee established under division (B) of this 41178  
section. The director shall issue approval to the applicant if the 41179  
applicant demonstrates to the satisfaction of the director that 41180  
the training program will meet the following requirements and any 41181  
other training program requirements established by rules adopted 41182  
under section 3742.50 of the Revised Code: 41183

(1) Conducts the training program in a period of time that 41184  
does not exceed six hours; 41185

(2) Administers an examination established by rule of the 41186  
~~public health council~~ director at the end of the training program 41187  
to each person who completes the training; 41188

(3) Grades each examination not later than one week after its 41189  
completion and determines whether the person who took the 41190  
examination received a passing score; 41191

(4) Not later than one week after the examination is 41192  
completed provides written proof of training program completion to 41193  
each person who completes the program and passes the examination. 41194

(B) The director of health shall establish an application fee 41195  
for approving training programs under this section. The fee shall 41196  
be reasonable and shall not exceed the expenses incurred in 41197  
conducting the approval of training programs. An application fee 41198  
submitted under division (A) of this section is nonrefundable. 41199

**Sec. 3742.50.** (A) The ~~public~~ director of health ~~council~~ shall 41200  
adopt rules in accordance with Chapter 119. of the Revised Code 41201

establishing all of the following:	41202
(1) Procedures necessary for the development and operation of the child lead poisoning prevention program established under section 3742.31 of the Revised Code;	41203 41204 41205
(2) Standards and procedures for conducting investigations and risk assessments under sections 3742.35 and 3742.36 of the Revised Code;	41206 41207 41208
(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;	41209 41210 41211 41212
(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;	41213 41214 41215 41216
(5) The level of lead in paint, dust, and soil that is hazardous to human health;	41217 41218
(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;	41219 41220 41221 41222 41223 41224 41225
(7) Standards that must be met to pass a clearance examination;	41226 41227
(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	41228 41229 41230 41231

must meet to receive approval; 41232

(9) The examination to be administered by a training program 41233  
approved under section 3742.47 of the Revised Code and the 41234  
examination's passing score. 41235

(B) The ~~public health council~~ director shall establish 41236  
procedures for revising its rules to ensure that the child lead 41237  
poisoning prevention activities conducted under this chapter 41238  
continue to meet the requirements necessary to obtain any federal 41239  
funding available for those activities, including requirements 41240  
established by the United States environmental protection agency, 41241  
United States department of housing and urban development, or any 41242  
other federal agency with jurisdiction over activities pertaining 41243  
to child lead poisoning prevention. 41244

**Sec. 3743.04.** (A) The license of a manufacturer of fireworks 41245  
is effective for one year beginning on the first day of December. 41246  
The state fire marshal shall issue or renew a license only on that 41247  
date and at no other time. If a manufacturer of fireworks wishes 41248  
to continue manufacturing fireworks at the designated fireworks 41249  
plant after its then effective license expires, it shall apply no 41250  
later than the first day of October for a new license pursuant to 41251  
section 3743.02 of the Revised Code. The state fire marshal shall 41252  
send a written notice of the expiration of its license to a 41253  
licensed manufacturer at least three months before the expiration 41254  
date. 41255

(B) If, during the effective period of its licensure, a 41256  
licensed manufacturer of fireworks wishes to construct, locate, or 41257  
relocate any buildings or other structures on the premises of its 41258  
fireworks plant, to make any structural change or renovation in 41259  
any building or other structure on the premises of its fireworks 41260  
plant, or to change the nature of its manufacturing of fireworks 41261  
so as to include the processing of fireworks, the manufacturer 41262

shall notify the state fire marshal in writing. The state fire 41263  
marshal may require a licensed manufacturer also to submit 41264  
documentation, including, but not limited to, plans covering the 41265  
proposed construction, location, relocation, structural change or 41266  
renovation, or change in manufacturing of fireworks, if the state 41267  
fire marshal determines the documentation is necessary for 41268  
evaluation purposes in light of the proposed construction, 41269  
location, relocation, structural change or renovation, or change 41270  
in manufacturing of fireworks. 41271

Upon receipt of the notification and additional documentation 41272  
required by the state fire marshal, the state fire marshal shall 41273  
inspect the premises of the fireworks plant to determine if the 41274  
proposed construction, location, relocation, structural change or 41275  
renovation, or change in manufacturing of fireworks conforms to 41276  
sections 3743.02 to 3743.08 of the Revised Code and the rules 41277  
adopted by the state fire marshal pursuant to section 3743.05 of 41278  
the Revised Code. The state fire marshal shall issue a written 41279  
authorization to the manufacturer for the construction, location, 41280  
relocation, structural change or renovation, or change in 41281  
manufacturing of fireworks if the state fire marshal determines, 41282  
upon the inspection and a review of submitted documentation, that 41283  
the construction, location, relocation, structural change or 41284  
renovation, or change in manufacturing of fireworks conforms to 41285  
those sections and rules. Upon authorizing a change in 41286  
manufacturing of fireworks to include the processing of fireworks, 41287  
the state fire marshal shall make notations on the manufacturer's 41288  
license and in the list of licensed manufacturers in accordance 41289  
with section 3743.03 of the Revised Code. 41290

On or before June 1, 1998, a licensed manufacturer shall 41291  
install, in every licensed building in which fireworks are 41292  
manufactured, stored, or displayed and to which the public has 41293  
access, interlinked fire detection, smoke exhaust, and smoke 41294

evacuation systems that are approved by the superintendent of 41295  
~~labor~~ industrial compliance, and shall comply with floor plans 41296  
showing occupancy load limits and internal circulation and egress 41297  
patterns that are approved by the state fire marshal and 41298  
superintendent, and that are submitted under seal as required by 41299  
section 3791.04 of the Revised Code. Notwithstanding section 41300  
3743.59 of the Revised Code, the construction and safety 41301  
requirements established in this division are not subject to any 41302  
variance, waiver, or exclusion. 41303

(C) The license of a manufacturer of fireworks authorizes the 41304  
manufacturer to engage only in the following activities: 41305

(1) The manufacturing of fireworks on the premises of the 41306  
fireworks plant as described in the application for licensure or 41307  
in the notification submitted under division (B) of this section, 41308  
except that a licensed manufacturer shall not engage in the 41309  
processing of fireworks unless authorized to do so by its license. 41310

(2) To possess for sale at wholesale and sell at wholesale 41311  
the fireworks manufactured by the manufacturer, to persons who are 41312  
licensed wholesalers of fireworks, to out-of-state residents in 41313  
accordance with section 3743.44 of the Revised Code, to residents 41314  
of this state in accordance with section 3743.45 of the Revised 41315  
Code, or to persons located in another state provided the 41316  
fireworks are shipped directly out of this state to them by the 41317  
manufacturer. A person who is licensed as a manufacturer of 41318  
fireworks on June 14, 1988, also may possess for sale and sell 41319  
pursuant to division (C)(2) of this section fireworks other than 41320  
those the person manufactures. The possession for sale shall be on 41321  
the premises of the fireworks plant described in the application 41322  
for licensure or in the notification submitted under division (B) 41323  
of this section, and the sale shall be from the inside of a 41324  
licensed building and from no other structure or device outside a 41325  
licensed building. At no time shall a licensed manufacturer sell 41326

any class of fireworks outside a licensed building. 41327

(3) Possess for sale at retail and sell at retail the 41328  
fireworks manufactured by the manufacturer, other than 1.4G 41329  
fireworks as designated by the state fire marshal in rules adopted 41330  
pursuant to division (A) of section 3743.05 of the Revised Code, 41331  
to licensed exhibitors in accordance with sections 3743.50 to 41332  
3743.55 of the Revised Code, and possess for sale at retail and 41333  
sell at retail the fireworks manufactured by the manufacturer, 41334  
including 1.4G fireworks, to out-of-state residents in accordance 41335  
with section 3743.44 of the Revised Code, to residents of this 41336  
state in accordance with section 3743.45 of the Revised Code, or 41337  
to persons located in another state provided the fireworks are 41338  
shipped directly out of this state to them by the manufacturer. A 41339  
person who is licensed as a manufacturer of fireworks on June 14, 41340  
1988, may also possess for sale and sell pursuant to division 41341  
(C)(3) of this section fireworks other than those the person 41342  
manufactures. The possession for sale shall be on the premises of 41343  
the fireworks plant described in the application for licensure or 41344  
in the notification submitted under division (B) of this section, 41345  
and the sale shall be from the inside of a licensed building and 41346  
from no other structure or device outside a licensed building. At 41347  
no time shall a licensed manufacturer sell any class of fireworks 41348  
outside a licensed building. 41349

A licensed manufacturer of fireworks shall sell under 41350  
division (C) of this section only fireworks that meet the 41351  
standards set by the consumer product safety commission or by the 41352  
American fireworks standard laboratories or that have received an 41353  
EX number from the United States department of transportation. 41354

(D) The license of a manufacturer of fireworks shall be 41355  
protected under glass and posted in a conspicuous place on the 41356  
premises of the fireworks plant. Except as otherwise provided in 41357  
this division, the license is not transferable or assignable. A 41358

license may be transferred to another person for the same 41359  
fireworks plant for which the license was issued if the assets of 41360  
the plant are transferred to that person by inheritance or by a 41361  
sale approved by the state fire marshal. The license is subject to 41362  
revocation in accordance with section 3743.08 of the Revised Code. 41363

(E) The state fire marshal shall not place the license of a 41364  
manufacturer of fireworks in a temporarily inactive status while 41365  
the holder of the license is attempting to qualify to retain the 41366  
license. 41367

(F) Each licensed manufacturer of fireworks that possesses 41368  
fireworks for sale and sells fireworks under division (C) of 41369  
section 3743.04 of the Revised Code, or a designee of the 41370  
manufacturer, whose identity is provided to the state fire marshal 41371  
by the manufacturer, annually shall attend a continuing education 41372  
program. The state fire marshal shall develop the program and the 41373  
state fire marshal or a person or public agency approved by the 41374  
state fire marshal shall conduct it. A licensed manufacturer or 41375  
the manufacturer's designee who attends a program as required 41376  
under this division, within one year after attending the program, 41377  
shall conduct in-service training as approved by the state fire 41378  
marshal for other employees of the licensed manufacturer regarding 41379  
the information obtained in the program. A licensed manufacturer 41380  
shall provide the state fire marshal with notice of the date, 41381  
time, and place of all in-service training. For any program 41382  
conducted under this division, the state fire marshal shall, in 41383  
accordance with rules adopted by the state fire marshal under 41384  
Chapter 119. of the Revised Code, establish the subjects to be 41385  
taught, the length of classes, the standards for approval, and 41386  
time periods for notification by the licensee to the state fire 41387  
marshal of any in-service training. 41388

(G) A licensed manufacturer shall maintain comprehensive 41389  
general liability insurance coverage in the amount and type 41390



specified under division (B)(2) of section 3743.02 of the Revised Code at all times. Each policy of insurance required under this division shall contain a provision requiring the insurer to give not less than fifteen days' prior written notice to the state fire marshal before termination, lapse, or cancellation of the policy, or any change in the policy that reduces the coverage below the minimum required under this division. Prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division, a licensed manufacturer shall secure supplemental insurance in an amount and type that satisfies the requirements of this division so that no lapse in coverage occurs at any time. A licensed manufacturer who secures supplemental insurance shall file evidence of the supplemental insurance with the state fire marshal prior to canceling or reducing the amount of coverage of any comprehensive general liability insurance coverage required under this division.

(H) The state fire marshal shall adopt rules for the expansion or contraction of a licensed premises and for approval of such expansions or contractions. The boundaries of a licensed premises, including any geographic expansion or contraction of those boundaries, shall be approved by the state fire marshal in accordance with rules the state fire marshal adopts. If the licensed premises consists of more than one parcel of real estate, those parcels shall be contiguous unless an exception is allowed pursuant to division (I) of this section.

(I)(1) A licensed manufacturer may expand its licensed premises within this state to include not more than two storage locations that are located upon one or more real estate parcels that are noncontiguous to the licensed premises as that licensed premises exists on the date a licensee submits an application as described below, if all of the following apply:

(a) The licensee submits an application to the state fire marshal and an application fee of one hundred dollars per storage location for which the licensee is requesting approval.

(b) The identity of the holder of the license remains the same at the storage location.

(c) The storage location has received a valid certificate of zoning compliance as applicable and a valid certificate of occupancy for each building or structure at the storage location issued by the authority having jurisdiction to issue the certificate for the storage location, and those certificates permit the distribution and storage of fireworks regulated under this chapter at the storage location and in the buildings or structures. The storage location shall be in compliance with all other applicable federal, state, and local laws and regulations.

(d) Every building or structure located upon the storage location is separated from occupied residential and nonresidential buildings or structures, railroads, highways, or any other buildings or structures on the licensed premises in accordance with the distances specified in the rules adopted by the state fire marshal pursuant to section 3743.05 of the Revised Code.

(e) Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a felony under the laws of this state, any other state, or the United States, after September 29, 2005.

(f) The state fire marshal approves the application for expansion.

(2) The state fire marshal shall approve an application for expansion requested under division (I)(1) of this section if the state fire marshal receives the application fee and proof that the requirements of divisions (I)(1)(b) to (e) of this section are

satisfied. The storage location shall be considered part of the 41454  
original licensed premises and shall use the same distinct number 41455  
assigned to the original licensed premises with any additional 41456  
designations as the state fire marshal deems necessary in 41457  
accordance with section 3743.03 of the Revised Code. 41458

(J)(1) A licensee who obtains approval for the use of a 41459  
storage location in accordance with division (I) of this section 41460  
shall use the storage location exclusively for the following 41461  
activities, in accordance with division (C) of this section: 41462

(a) The packaging, assembling, or storing of fireworks, which 41463  
shall only occur in buildings or structures approved for such 41464  
hazardous uses by the building code official having jurisdiction 41465  
for the storage location or, for 1.4G fireworks, in containers or 41466  
trailers approved for such hazardous uses by the state fire 41467  
marshal if such containers or trailers are not subject to 41468  
regulation by the building code adopted in accordance with Chapter 41469  
3781. of the Revised Code. All such storage shall be in accordance 41470  
with the rules adopted by the state fire marshal under division 41471  
(G) of section 3743.05 of the Revised Code for the packaging, 41472  
assembling, and storage of fireworks. 41473

(b) Distributing fireworks to other parcels of real estate 41474  
located on the manufacturer's licensed premises, to licensed 41475  
wholesalers or other licensed manufacturers in this state or to 41476  
similarly licensed persons located in another state or country; 41477

(c) Distributing fireworks to a licensed exhibitor of 41478  
fireworks pursuant to a properly issued permit in accordance with 41479  
section 3743.54 of the Revised Code. 41480

(2) A licensed manufacturer shall not engage in any sales 41481  
activity, including the retail sale of fireworks otherwise 41482  
permitted under division (C)(2) or (C)(3) of this section, or 41483  
pursuant to section 3743.44 or 3743.45 of the Revised Code, at the 41484

storage location approved under this section. 41485

(3) A storage location may not be relocated for a minimum 41486  
period of five years after the storage location is approved by the 41487  
state fire marshal in accordance with division (I) of this 41488  
section. 41489

(K) The licensee shall prohibit public access to the storage 41490  
location. The state fire marshal shall adopt rules to describe the 41491  
acceptable measures a manufacturer shall use to prohibit access to 41492  
the storage site. 41493

**Sec. 3743.06.** In addition to conforming to the rules of the 41494  
fire marshal adopted pursuant to section 3743.05 of the Revised 41495  
Code, licensed manufacturers of fireworks shall operate their 41496  
fireworks plants in accordance with the following: 41497

(A) Signs indicating that smoking is generally forbidden and 41498  
trespassing is prohibited on the premises of a fireworks plant 41499  
shall be posted on the premises in a manner determined by the fire 41500  
marshal. 41501

(B) Reasonable precautions shall be taken to protect the 41502  
premises of a fireworks plant from trespass, loss, theft, or 41503  
destruction. Only persons employed by the manufacturer, authorized 41504  
governmental personnel, and persons who have obtained permission 41505  
from a member of the manufacturer's office to be on the premises, 41506  
are to be allowed to enter and remain on the premises. 41507

(C) Smoking or the carrying of pipes, cigarettes, or cigars, 41508  
matches, lighters, other flame-producing items, or open flame on, 41509  
or the carrying of a concealed source of ignition into, the 41510  
premises of a fireworks plant is prohibited, except that a 41511  
manufacturer may permit smoking in specified lunchrooms or 41512  
restrooms in buildings or other structures in which no 41513  
manufacturing, handling, sales, or storage of fireworks takes 41514

place. "NO SMOKING" signs shall be posted on the premises as 41515  
required by the fire marshal. 41516

(D) Fire and explosion prevention and other reasonable safety 41517  
measures and precautions shall be implemented by a manufacturer. 41518

(E) Persons shall not be permitted to have in their 41519  
possession or under their control, while they are on the premises 41520  
of the fireworks plant, any intoxicating liquor, beer, or 41521  
controlled substance, and they shall not be permitted to enter or 41522  
remain on the premises if they are found to be under the influence 41523  
of any intoxicating liquor, beer, or controlled substance. 41524

(F) A manufacturer shall conform to all building, safety, and 41525  
zoning statutes, ordinances, rules, or other enactments that apply 41526  
to the premises of its fireworks plant. 41527

(G) Each fireworks plant shall have at least one class 1 41528  
magazine that is approved by the bureau of alcohol, tobacco, and 41529  
firearms of the United States department of the treasury and that 41530  
is otherwise in conformity with federal law. This division does 41531  
not apply to fireworks plants existing on or before August 3, 41532  
1931. 41533

(H) Awnings, tents, and canopies shall not be used as 41534  
facilities for the sale or storage of fireworks. This division 41535  
does not prohibit the use of an awning or canopy attached to a 41536  
public access showroom for storing nonflammable shopping 41537  
convenience items such as shopping carts or baskets or providing a 41538  
shaded area for patrons waiting to enter the public sales area. 41539

(I) Fireworks may be stored in trailers if the trailers are 41540  
properly enclosed, secured, and grounded and are separated from 41541  
any structure to which the public is admitted by a distance that 41542  
will, in the fire marshal's judgment, allow fire-fighting 41543  
equipment to have full access to the structures on the licensed 41544  
premises. Such trailers may be moved into closer proximity to any 41545

structure only to accept or discharge cargo for a period not to 41546  
exceed forty-eight hours. Only two such trailers may be placed in 41547  
such closer proximity at any one time. At no time may trailers be 41548  
used for conducting sales of any class of fireworks, nor may 41549  
members of the public have access to the trailers. 41550

Storage areas for fireworks that are in the same building 41551  
where fireworks are displayed and sold to the public shall be 41552  
separated from the areas to which the public has access by an 41553  
appropriately rated fire wall. 41554

(J) A fire suppression system as defined in section 3781.108 41555  
of the Revised Code may be turned off only for repair, drainage of 41556  
the system to prevent damage by freezing during the period of 41557  
time, approved by the fire marshal, that the facility is closed to 41558  
all public access during winter months, or maintenance of the 41559  
system. If any repair or maintenance is necessary during times 41560  
when the facility is open for public access and business as 41561  
approved by the fire marshal, the licensed manufacturer shall 41562  
notify in advance the appropriate insurance company and fire chief 41563  
or fire prevention officer regarding the nature of the maintenance 41564  
or repair and the time when it will be performed. 41565

(K) If any fireworks item is removed from its original 41566  
package or is manufactured with any fuse other than a safety fuse 41567  
approved by the consumer product safety commission, then the item 41568  
shall be covered completely by repackaging or bagging or it shall 41569  
otherwise be covered so as to prevent ignition prior to sale. 41570

(L) A safety officer shall be present during regular business 41571  
hours at a building open to the public during the period 41572  
commencing fourteen days before, and ending two days after, each 41573  
fourth day of July. The officer shall be highly visible, enforce 41574  
this chapter and any applicable building codes to the extent the 41575  
officer is authorized by law, and be one of the following: 41576

(1) A deputy sheriff;	41577
(2) A law enforcement officer of a municipal corporation, township, or township or joint police district;	41578 41579
(3) A private uniformed security guard registered under section 4749.06 of the Revised Code.	41580 41581
(M) All doors of all buildings on the licensed premises shall swing outward.	41582 41583
(N) 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 <del>4905.83</del> <u>4923.99</u> of the Revised Code, any sales transaction exceeding one thousand pounds shall be rebuttably presumed to be a wholesale or commercial sale.	41584 41585 41586 41587 41588 41589 41590 41591 41592 41593 41594
<b>Sec. 3743.19.</b> In addition to conforming to the rules of the 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:	41595 41596 41597 41598
(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.	41599 41600 41601 41602
(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.	41603 41604 41605
(C) Reasonable precautions shall be taken to protect the	41606

premises of a wholesaler from trespass, loss, theft, or 41607  
destruction. 41608

(D) Smoking or the carrying of pipes, cigarettes, or cigars, 41609  
matches, lighters, other flame-producing items, or open flame on, 41610  
or the carrying of a concealed source of ignition into, the 41611  
premises of a wholesaler is prohibited, except that a wholesaler 41612  
may permit smoking in specified lunchrooms or restrooms in 41613  
buildings or other structures in which no sales, handling, or 41614  
storage of fireworks takes place. "NO SMOKING" signs shall be 41615  
posted on the premises as required by the fire marshal. 41616

(E) Fire and explosion prevention and other reasonable safety 41617  
measures and precautions shall be implemented by a wholesaler. 41618

(F) Persons shall not be permitted to have in their 41619  
possession or under their control, while they are on the premises 41620  
of a wholesaler, any intoxicating liquor, beer, or controlled 41621  
substance, and they shall not be permitted to enter or remain on 41622  
the premises if they are found to be under the influence of any 41623  
intoxicating liquor, beer, or controlled substance. 41624

(G) A wholesaler shall conform to all building, safety, and 41625  
zoning statutes, ordinances, rules, or other enactments that apply 41626  
to its premises. 41627

(H) Each building used in the sale of fireworks shall be kept 41628  
open to the public for at least four hours each day between the 41629  
hours of eight a.m. and five p.m., five days of each week, every 41630  
week of the year. Upon application from a licensed wholesaler, the 41631  
fire marshal may waive any of the requirements of this division. 41632

(I) Awnings, tents, or canopies shall not be used as 41633  
facilities for the storage or sale of fireworks. This division 41634  
does not prohibit the use of an awning or canopy attached to a 41635  
public access showroom for storing nonflammable shopping 41636  
convenience items such as shopping carts or baskets or providing a 41637



shaded area for patrons waiting to enter the public sales area. 41638

(J) 1.4G fireworks may be stored in trailers if the trailers 41639  
are properly enclosed, secured, and grounded and are separated 41640  
from any structure to which the public is admitted by a distance 41641  
that will, in the fire marshal's judgment, allow fire-fighting 41642  
equipment to have full access to the structures on the licensed 41643  
premises. Such trailers may be moved into closer proximity to any 41644  
structure only to accept or discharge cargo for a period not to 41645  
exceed forty-eight hours. Only two such trailers may be placed in 41646  
such closer proximity at any one time. At no time may trailers be 41647  
used for conducting sales of any class of fireworks nor may 41648  
members of the public have access to the trailers. 41649

Storage areas for fireworks that are in the same building 41650  
where fireworks are displayed and sold to the public shall be 41651  
separated from the areas to which the public has access by an 41652  
appropriately rated fire wall. If the licensee installs and 41653  
properly maintains an early suppression fast response sprinkler 41654  
system or equivalent fire suppression system as described in the 41655  
fire code adopted by the fire marshal in accordance with section 41656  
3737.82 of the Revised Code throughout the structure, a fire 41657  
barrier wall may be substituted for a fire wall between the areas 41658  
to which the public has access and the storage portions of the 41659  
structure. 41660

(K) A fire suppression system as defined in section 3781.108 41661  
of the Revised Code may be turned off only for repair, drainage of 41662  
the system to prevent damage by freezing during the period of 41663  
time, approved by the fire marshal under division (I) of this 41664  
section, that the facility is closed to public access during 41665  
winter months, or maintenance of the system. If any repair or 41666  
maintenance is necessary during times when the facility is open 41667  
for public access and business, the licensed wholesaler shall 41668  
notify in advance the appropriate insurance company and fire chief 41669

or fire prevention officer regarding the nature of the maintenance 41670  
or repair and the time when it will be performed. 41671

(L) If any fireworks item is removed from its original 41672  
package or is manufactured with any fuse other than a fuse 41673  
approved by the consumer product safety commission, then the item 41674  
shall be covered completely by repackaging or bagging or it shall 41675  
otherwise be covered so as to prevent ignition prior to sale. 41676

(M) A safety officer shall be present during regular business 41677  
hours at a building open to the public during the period 41678  
commencing fourteen days before, and ending two days after, each 41679  
fourth day of July. The officer shall be highly visible, enforce 41680  
this chapter and any applicable building codes to the extent the 41681  
officer is authorized by law, and be one of the following: 41682

(1) A deputy sheriff; 41683

(2) A law enforcement officer of a municipal corporation, 41684  
township, or township or joint police district; 41685

(3) A private uniformed security guard registered under 41686  
section 4749.06 of the Revised Code. 41687

(N) All doors of all buildings on the licensed premises shall 41688  
swing outward. 41689

(O) All wholesale and commercial sales of fireworks shall be 41690  
packaged, shipped, placarded, and transported in accordance with 41691  
United States department of transportation regulations applicable 41692  
to the transportation, and the offering for transportation, of 41693  
hazardous materials. For purposes of this division, "wholesale and 41694  
commercial sales" includes all sales for resale and any nonretail 41695  
sale made in furtherance of a commercial enterprise. For purposes 41696  
of enforcement of these regulations under section ~~4905.83~~ 4923.99 41697  
of the Revised Code, any sales transaction exceeding one thousand 41698  
pounds shall be rebuttably presumed to be a wholesale or 41699  
commercial sale. 41700

**Sec. 3743.25.** (A)(1) Except as described in division (A)(2) 41701  
of this section, all retail sales of 1.4G fireworks by a licensed 41702  
manufacturer or wholesaler shall only occur from an approved 41703  
retail sales showroom on a licensed premises or from a 41704  
representative sample showroom as described in this section on a 41705  
licensed premises. For the purposes of this section, a retail sale 41706  
includes the transfer of the possession of the 1.4G fireworks from 41707  
the licensed manufacturer or wholesaler to the purchaser of the 41708  
fireworks. 41709

(2) Sales of 1.4G fireworks to a licensed exhibitor for a 41710  
properly permitted exhibition shall occur in accordance with the 41711  
provisions of the Revised Code and rules adopted by the state fire 41712  
marshal under Chapter 119. of the Revised Code. Such rules shall 41713  
specify, at a minimum, that the licensed exhibitor holds a license 41714  
under section 3743.51 of the Revised Code, that the exhibitor 41715  
possesses a valid exhibition permit issued in accordance with 41716  
section 3743.54 of the Revised Code, and that the fireworks 41717  
shipped are to be used at the specifically permitted exhibition. 41718

(B) All wholesale sales of fireworks by a licensed 41719  
manufacturer or wholesaler shall only occur from a licensed 41720  
premises to persons who intend to resell the fireworks purchased 41721  
at wholesale. A wholesale sale by a licensed manufacturer or 41722  
wholesaler may occur as follows: 41723

(1) The direct sale and shipment of fireworks to a person 41724  
outside of this state; 41725

(2) From an approved retail sales showroom as described in 41726  
this section; 41727

(3) From a representative sample showroom as described in 41728  
this section; 41729

(4) By delivery of wholesale fireworks to a purchaser at a 41730

licensed premises outside of a structure or building on that 41731  
premises. All other portions of the wholesale sales transaction 41732  
may occur at any location on a licensed premises. 41733

(5) Any other method as described in rules adopted by the 41734  
state fire marshal under Chapter 119. of the Revised Code. 41735

(C) A licensed manufacturer or wholesaler shall only sell 41736  
1.4G fireworks from a representative sample showroom or a retail 41737  
sales showroom. Each licensed premises shall only contain one 41738  
sales structure. 41739

A representative sample showroom shall consist of a structure 41740  
constructed and maintained in accordance with the nonresidential 41741  
building code adopted under Chapter 3781. of the Revised Code and 41742  
the fire code adopted under section 3737.82 of the Revised Code 41743  
for a use and occupancy group that permits mercantile sales. A 41744  
representative sample showroom shall not contain any pyrotechnics, 41745  
pyrotechnic materials, fireworks, explosives, explosive materials, 41746  
or any similar hazardous materials or substances. A representative 41747  
sample showroom shall be used only for the public viewing of 41748  
fireworks product representations, including paper materials, 41749  
packaging materials, catalogs, photographs, or other similar 41750  
product depictions. The delivery of product to a purchaser of 41751  
fireworks at a licensed premises that has a representative sample 41752  
structure shall not occur inside any structure on a licensed 41753  
premises. Such product delivery shall occur on the licensed 41754  
premises in a manner prescribed by rules adopted by the state fire 41755  
marshal pursuant to Chapter 119. of the Revised Code. 41756

If a manufacturer or wholesaler elects to conduct sales from 41757  
a retail sales showroom, the showroom structures, to which the 41758  
public may have any access and in which employees are required to 41759  
work, on all licensed premises, shall comply with the following 41760  
safety requirements: 41761

(1) A fireworks showroom that is constructed or upon which expansion is undertaken on and after June 30, 1997, shall be equipped with interlinked fire detection, fire suppression, smoke exhaust, and smoke evacuation systems that are approved by the superintendent of ~~labor~~ industrial compliance in the department of commerce.

(2) A fireworks showroom that first begins to operate on or after June 30, 1997, and to which the public has access for retail purposes shall not exceed five thousand square feet in floor area.

(3) A newly constructed or an existing fireworks showroom structure that exists on September 23, 2008, but that, on or after September 23, 2008, is altered or added to in a manner requiring the submission of plans, drawings, specifications, or data pursuant to section 3791.04 of the Revised Code, shall comply with a graphic floor plan layout that is approved by the state fire marshal and superintendent showing width of aisles, parallel arrangement of aisles to exits, number of exits per wall, maximum occupancy load, evacuation plan for occupants, height of storage or display of merchandise, and other information as may be required by the state fire marshal and superintendent.

(4) A fireworks showroom structure that exists on June 30, 1997, shall be in compliance on or after June 30, 1997, with floor plans showing occupancy load limits and internal circulation and egress patterns that are approved by the state fire marshal and superintendent, and that are submitted under seal as required by section 3791.04 of the Revised Code.

(D) The safety requirements established in division (C) of this section are not subject to any variance, waiver, or exclusion pursuant to this chapter or any applicable building code.

**Sec. 3745.01.** There is hereby created the environmental protection agency, headed by the director of environmental

protection. The agency, under the supervision of the director, 41793  
shall administer the laws pertaining to chemical emergency 41794  
planning, community right-to-know, and toxic chemical release 41795  
reporting; the cessation of chemical handling operations; the 41796  
prevention, control, and abatement of air and water pollution; 41797  
public water supply; comprehensive water resource management 41798  
planning; products that contain mercury as defined in section 41799  
3734.61 of the Revised Code; and the disposal and treatment of 41800  
solid wastes, infectious wastes, construction and demolition 41801  
debris, hazardous waste, sewage, industrial waste, and other 41802  
wastes. The director may do all of the following: 41803

(A) Provide such methods of administration, appoint such 41804  
personnel, make such reports, and take such other action as may be 41805  
necessary to comply with the requirements of the federal laws and 41806  
regulations pertaining to chemical emergency planning, community 41807  
right-to-know, and toxic chemical release reporting; air and water 41808  
pollution control; public water supply; water resource planning; 41809  
and waste disposal and treatment; 41810

(B) Procure by contract the temporary or intermittent 41811  
services of experts or consultants, or organizations thereof, when 41812  
those services are to be performed on a part-time or 41813  
fee-for-service basis and do not involve the performance of 41814  
administrative duties; 41815

(C) Advise, consult, cooperate, and enter into contracts or 41816  
agreements, including consensual administrative order agreements, 41817  
with any other agencies of the state, the federal government, 41818  
other states, ~~and~~ interstate agencies, and persons and with 41819  
affected groups, political subdivisions, and industries in 41820  
furtherance of the purposes of this chapter and Chapters 3704., 41821  
3714., 3734., 3751., 3752., 6109., and 6111. of the Revised Code; 41822

(D) Establish advisory boards in accordance with section 41823  
121.13 of the Revised Code; 41824

(E) Accept on behalf of the state any grant, gift, or 41825  
contribution made for toxic chemical release reporting, air or 41826  
water pollution control, public water supply, water resource 41827  
planning, waste disposal or treatment, or related purposes, and 41828  
expend it for those purposes; 41829

(F) Make an annual report to the governor and the general 41830  
assembly on activities and expenditures as well as recommendations 41831  
for such additional legislation as the director considers 41832  
appropriate to carry out the director's duties or accomplish the 41833  
purposes of this section; 41834

(G) Enter into environmental covenants in accordance with 41835  
sections 5301.80 to 5301.92 of the Revised Code, and grant or 41836  
accept easements or sell real property pursuant to section 41837  
3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code, as 41838  
applicable. 41839

The agency shall utilize the laboratory facilities of the 41840  
department of health and other state institutions and agencies to 41841  
the maximum extent that the utilization is practicable, 41842  
economical, and technically satisfactory. 41843

The director shall maintain and keep available for public 41844  
inspection, at the director's principal office, a current register 41845  
of all applications filed for permits, leases, licenses, 41846  
variances, certificates, and approval of plans and specifications 41847  
and of publicly owned treatment works pretreatment programs under 41848  
the director's jurisdiction, hearings pending, the director's 41849  
final action thereon, and the dates on which the filings, 41850  
hearings, and final actions occur. The director shall maintain and 41851  
keep available for public inspection at the director's principal 41852  
office all plans, reports, and other documents required to be 41853  
filed with the emergency response commission under Chapter 3750. 41854  
of the Revised Code and rules adopted under it, and all reports 41855  
and other documents required to be filed with the director under 41856

Chapter 3751. of the Revised Code and rules adopted under it, 41857  
subject to the requirements of those chapters and rules adopted 41858  
under them for the protection of trade secrets and confidential 41859  
business information from disclosure to persons not authorized 41860  
under those laws to receive trade secret or confidential business 41861  
information. 41862

**Sec. 3745.11.** (A) Applicants for and holders of permits, 41863  
licenses, variances, plan approvals, and certifications issued by 41864  
the director of environmental protection pursuant to Chapters 41865  
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 41866  
to the environmental protection agency for each such issuance and 41867  
each application for an issuance as provided by this section. No 41868  
fee shall be charged for any issuance for which no application has 41869  
been submitted to the director. 41870

~~(B) Each person who is issued a permit to install prior to 41871  
July 1, 2003, pursuant to rules adopted under division (F) of 41872  
section 3704.03 of the Revised Code shall pay the fees specified 41873  
in the following schedules: 41874~~

<del>(1) Fuel burning equipment (boilers)</del>		41875
<del>Input capacity (maximum)</del>		41876
<del>(million British thermal units per hour)</del>	<del>Permit to install</del>	41877
<del>Greater than 0, but less than 10</del>	<del>\$ 200</del>	41878
<del>10 or more, but less than 100</del>	<del>400</del>	41879
<del>100 or more, but less than 300</del>	<del>800</del>	41880
<del>300 or more, but less than 500</del>	<del>1500</del>	41881
<del>500 or more, but less than 1000</del>	<del>2500</del>	41882
<del>1000 or more, but less than 5000</del>	<del>4000</del>	41883
<del>5000 or more</del>	<del>6000</del>	41884

~~Units burning exclusively natural gas, number two fuel oil, 41885  
or both shall be assessed a fee that is one half of the applicable 41886  
amount established in division (F)(1) of this section. 41887~~



<del>(2) Incinerators</del>		41888
<del>Input capacity (pounds per hour)</del>	<del>Permit to install</del>	41889
<del>0 to 100</del>	<del>\$ 100</del>	41890
<del>101 to 500</del>	<del>400</del>	41891
<del>501 to 2000</del>	<del>750</del>	41892
<del>2001 to 20,000</del>	<del>1000</del>	41893
<del>more than 20,000</del>	<del>2500</del>	41894
<del>(3)(a) Process</del>		41895
<del>Process weight rate (pounds per hour)</del>	<del>Permit to install</del>	41896
<del>0 to 1000</del>	<del>\$ 200</del>	41897
<del>1001 to 5000</del>	<del>400</del>	41898
<del>5001 to 10,000</del>	<del>600</del>	41899
<del>10,001 to 50,000</del>	<del>800</del>	41900
<del>more than 50,000</del>	<del>1000</del>	41901
<del>In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed.</del>		41902 41903
<del>(b) Notwithstanding division (B)(3)(a) of this section, any person issued a permit to install pursuant to rules adopted under division (F) of section 3704.03 of the Revised Code shall pay the fees established in division (B)(3)(c) of this section for a process used in any of the following industries, as identified by the applicable four digit standard industrial classification code according to the Standard Industrial Classification Manual published by the United States office of management and budget in the executive office of the president, 1972, as revised:</del>		41904 41905 41906 41907 41908 41909 41910 41911 41912
<del>1211 Bituminous coal and lignite mining;</del>		41913
<del>1213 Bituminous coal and lignite mining services;</del>		41914
<del>1411 Dimension stone;</del>		41915
<del>1422 Crushed and broken limestone;</del>		41916
<del>1427 Crushed and broken stone, not elsewhere classified;</del>		41917

<del>1442 Construction sand and gravel;</del>		41918
<del>1446 Industrial sand;</del>		41919
<del>3281 Cut stone and stone products;</del>		41920
<del>3295 Minerals and earth, ground or otherwise treated.</del>		41921
<del>(c) The fees established in the following schedule apply to</del>		41922
<del>the issuance of a permit to install pursuant to rules adopted</del>		41923
<del>under division (F) of section 3704.03 of the Revised Code for a</del>		41924
<del>process listed in division (B)(3)(b) of this section:</del>		41925
<del>Process weight rate (pounds per hour)</del>	<del>Permit to install</del>	41926
<del>0 to 1000</del>	<del>\$ 200</del>	41927
<del>10,001 to 50,000</del>	<del>300</del>	41928
<del>50,001 to 100,000</del>	<del>400</del>	41929
<del>100,001 to 200,000</del>	<del>500</del>	41930
<del>200,001 to 400,000</del>	<del>600</del>	41931
<del>400,001 or more</del>	<del>700</del>	41932
<del>(4) Storage tanks</del>		41933
<del>Gallons (maximum useful capacity)</del>	<del>Permit to install</del>	41934
<del>0 to 20,000</del>	<del>\$ 100</del>	41935
<del>20,001 to 40,000</del>	<del>150</del>	41936
<del>40,001 to 100,000</del>	<del>200</del>	41937
<del>100,001 to 250,000</del>	<del>250</del>	41938
<del>250,001 to 500,000</del>	<del>350</del>	41939
<del>500,001 to 1,000,000</del>	<del>500</del>	41940
<del>1,000,001 or greater</del>	<del>750</del>	41941
<del>(5) Gasoline/fuel dispensing facilities</del>		41942
<del>For each gasoline/fuel dispensing</del>	<del>Permit to install</del>	41943
<del>facility</del>	<del>\$ 100</del>	41944
<del>(6) Dry cleaning facilities</del>		41945
<del>For each dry cleaning facility</del>	<del>Permit to install</del>	41946
<del>(includes all units at the facility)</del>	<del>\$ 100</del>	41947

~~(7) Registration status~~ 41948

~~For each source covered~~ ~~Permit to install~~ 41949

~~by registration status~~ ~~§ 75~~ 41950

~~(C)(1)~~ Except as otherwise provided in division (C)(2) of 41951  
this section, beginning July 1, 1994, each person who owns or 41952  
operates an air contaminant source and who is required to apply 41953  
for and obtain a Title V permit under section 3704.036 of the 41954  
Revised Code shall pay the fees set forth in this division ~~(C)(1)~~ 41955  
~~of this section~~. For the purposes of ~~that~~ this division, total 41956  
emissions of air contaminants may be calculated using engineering 41957  
calculations, emissions factors, material balance calculations, or 41958  
performance testing procedures, as authorized by the director. 41959

The following fees shall be assessed on the total actual 41960  
emissions from a source in tons per year of the regulated 41961  
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 41962  
organic compounds, and lead: 41963

~~(a)(1)~~ Fifteen dollars per ton on the total actual emissions 41964  
of each such regulated pollutant during the period July through 41965  
December 1993, to be collected no sooner than July 1, 1994; 41966

~~(b)(2)~~ Twenty dollars per ton on the total actual emissions 41967  
of each such regulated pollutant during calendar year 1994, to be 41968  
collected no sooner than April 15, 1995; 41969

~~(c)(3)~~ Twenty-five dollars per ton on the total actual 41970  
emissions of each such regulated pollutant in calendar year 1995, 41971  
and each subsequent calendar year, to be collected no sooner than 41972  
the fifteenth day of April of the year next succeeding the 41973  
calendar year in which the emissions occurred. 41974

The fees levied under this division ~~(C)(1) of this section~~ do 41975  
not apply to that portion of the emissions of a regulated 41976  
pollutant at a facility that exceed four thousand tons during a 41977  
calendar year. 41978

~~(2)~~(C)(1) The fees assessed under division ~~(C)~~~~(1)~~(B) of this 41979  
section are for the purpose of providing funding for the Title V 41980  
permit program. 41981

~~(3)~~(2) The fees assessed under division ~~(C)~~~~(1)~~(B) of this 41982  
section do not apply to emissions from any electric generating 41983  
unit designated as a Phase I unit under Title IV of the federal 41984  
Clean Air Act prior to calendar year 2000. Those fees shall be 41985  
assessed on the emissions from such a generating unit commencing 41986  
in calendar year 2001 based upon the total actual emissions from 41987  
the generating unit during calendar year 2000 and shall continue 41988  
to be assessed each subsequent calendar year based on the total 41989  
actual emissions from the generating unit during the preceding 41990  
calendar year. 41991

~~(4)~~(3) The director shall issue invoices to owners or 41992  
operators of air contaminant sources who are required to pay a fee 41993  
assessed under division ~~(C)~~(B) or (D) of this section. Any such 41994  
invoice shall be issued no sooner than the applicable date when 41995  
the fee first may be collected in a year under the applicable 41996  
division, shall identify the nature and amount of the fee 41997  
assessed, and shall indicate that the fee is required to be paid 41998  
within thirty days after the issuance of the invoice. 41999

(D)(1) Except as provided in division (D)(3) of this section, 42000  
from January 1, 1994, through December 31, 2003, each person who 42001  
owns or operates an air contaminant source; who is required to 42002  
apply for a permit to operate pursuant to rules adopted under 42003  
division (G), or a variance pursuant to division (H), of section 42004  
3704.03 of the Revised Code; and who is not required to apply for 42005  
and obtain a Title V permit under section 3704.036 of the Revised 42006  
Code shall pay a single fee based upon the sum of the actual 42007  
annual emissions from the facility of the regulated pollutants 42008  
particulate matter, sulfur dioxide, nitrogen oxides, organic 42009  
compounds, and lead in accordance with the following schedule: 42010

Total tons per year		42011
of regulated pollutants	Annual fee	42012
emitted	per facility	42013
More than 0, but less than 50	\$ 75	42014
50 or more, but less than 100	300	42015
100 or more	700	42016

(2) Except as provided in division (D)(3) of this section, 42017  
beginning January 1, 2004, each person who owns or operates an air 42018  
contaminant source; who is required to apply for a permit to 42019  
operate pursuant to rules adopted under division (G), or a 42020  
variance pursuant to division (H), of section 3704.03 of the 42021  
Revised Code; and who is not required to apply for and obtain a 42022  
Title V permit under section 3704.03 of the Revised Code shall pay 42023  
a single fee based upon the sum of the actual annual emissions 42024  
from the facility of the regulated pollutants particulate matter, 42025  
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 42026  
accordance with the following schedule: 42027

Total tons per year		42028
of regulated pollutants	Annual fee	42029
emitted	per facility	42030
More than 0, but less than 10	\$ 100	42031
10 or more, but less than 50	200	42032
50 or more, but less than 100	300	42033
100 or more	700	42034

(3)(a) As used in division (D) of this section, "synthetic 42035  
minor facility" means a facility for which one or more permits to 42036  
install or permits to operate have been issued for the air 42037  
contaminant sources at the facility that include terms and 42038  
conditions that lower the facility's potential to emit air 42039  
contaminants below the major source thresholds established in 42040  
rules adopted under section 3704.036 of the Revised Code. 42041

(b) Beginning January 1, 2000, through June 30, 2014, each 42042

person who owns or operates a synthetic minor facility shall pay 42043  
an annual fee based on the sum of the actual annual emissions from 42044  
the facility of particulate matter, sulfur dioxide, nitrogen 42045  
dioxide, organic compounds, and lead in accordance with the 42046  
following schedule: 42047

Combined total tons 42048	Annual fee 42049	
per year of all regulated 42049	per facility 42050	
pollutants emitted 42050		
Less than 10 42051	\$ 170 42051	
10 or more, but less than 20 42052	340 42052	
20 or more, but less than 30 42053	670 42053	
30 or more, but less than 40 42054	1,010 42054	
40 or more, but less than 50 42055	1,340 42055	
50 or more, but less than 60 42056	1,680 42056	
60 or more, but less than 70 42057	2,010 42057	
70 or more, but less than 80 42058	2,350 42058	
80 or more, but less than 90 42059	2,680 42059	
90 or more, but less than 100 42060	3,020 42060	
100 or more 42061	3,350 42061	

(4) The fees assessed under division (D)(1) of this section 42062  
shall be collected annually no sooner than the fifteenth day of 42063  
April, commencing in 1995. The fees assessed under division (D)(2) 42064  
of this section shall be collected annually no sooner than the 42065  
fifteenth day of April, commencing in 2005. The fees assessed 42066  
under division (D)(3) of this section shall be collected no sooner 42067  
than the fifteenth day of April, commencing in 2000. The fees 42068  
assessed under division (D) of this section in a calendar year 42069  
shall be based upon the sum of the actual emissions of those 42070  
regulated pollutants during the preceding calendar year. For the 42071  
purpose of division (D) of this section, emissions of air 42072  
contaminants may be calculated using engineering calculations, 42073  
emission factors, material balance calculations, or performance 42074  
testing procedures, as authorized by the director. The director, 42075

by rule, may require persons who are required to pay the fees 42076  
assessed under division (D) of this section to pay those fees 42077  
biennially rather than annually. 42078

(E)(1) Consistent with the need to cover the reasonable costs 42079  
of the Title V permit program, the director annually shall 42080  
increase the fees prescribed in division ~~(C)(1)~~(B) of this section 42081  
by the percentage, if any, by which the consumer price index for 42082  
the most recent calendar year ending before the beginning of a 42083  
year exceeds the consumer price index for calendar year 1989. Upon 42084  
calculating an increase in fees authorized by division (E)(1) of 42085  
this section, the director shall compile revised fee schedules for 42086  
the purposes of division ~~(C)(1)~~(B) of this section and shall make 42087  
the revised schedules available to persons required to pay the 42088  
fees assessed under that division and to the public. 42089

(2) For the purposes of division (E)(1) of this section: 42090

(a) The consumer price index for any year is the average of 42091  
the consumer price index for all urban consumers published by the 42092  
United States department of labor as of the close of the 42093  
twelve-month period ending on the thirty-first day of August of 42094  
that year. 42095

(b) If the 1989 consumer price index is revised, the director 42096  
shall use the revision of the consumer price index that is most 42097  
consistent with that for calendar year 1989. 42098

(F) Each person who is issued a permit to install pursuant to 42099  
rules adopted under division (F) of section 3704.03 of the Revised 42100  
Code on or after July 1, 2003, shall pay the fees specified in the 42101  
following schedules: 42102

(1) Fuel-burning equipment (boilers, furnaces, or process 42103  
heaters used in the process of burning fuel for the primary 42104  
purpose of producing heat or power by indirect heat transfer) 42105  
Input capacity (maximum) 42106

(million British thermal units per hour)	Permit to install	42107
Greater than 0, but less than 10	\$ 200	42108
10 or more, but less than 100	400	42109
100 or more, but less than 300	1000	42110
300 or more, but less than 500	2250	42111
500 or more, but less than 1000	3750	42112
1000 or more, but less than 5000	6000	42113
5000 or more	9000	42114

Units burning exclusively natural gas, number two fuel oil,  
or both shall be assessed a fee that is one-half the applicable  
amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion  
engines designed to generate electricity

Generating capacity (mega watts)	Permit to install	42120
0 or more, but less than 10	\$ 25	42121
10 or more, but less than 25	150	42122
25 or more, but less than 50	300	42123
50 or more, but less than 100	500	42124
100 or more, but less than 250	1000	42125
250 or more	2000	42126

(3) Incinerators

Input capacity (pounds per hour)	Permit to install	42128
0 to 100	\$ 100	42129
101 to 500	500	42130
501 to 2000	1000	42131
2001 to 20,000	1500	42132
more than 20,000	3750	42133

(4)(a) Process

Process weight rate (pounds per hour)	Permit to install	42135
0 to 1000	\$ 200	42136
1001 to 5000	500	42137
5001 to 10,000	750	42138



10,001 to 50,000	1000	42139
more than 50,000	1250	42140

In any process where process weight rate cannot be 42141  
ascertained, the minimum fee shall be assessed. A boiler, furnace, 42142  
combustion turbine, stationary internal combustion engine, or 42143  
process heater designed to provide direct heat or power to a 42144  
process not designed to generate electricity shall be assessed a 42145  
fee established in division (F)(4)(a) of this section. A 42146  
combustion turbine or stationary internal combustion engine 42147  
designed to generate electricity shall be assessed a fee 42148  
established in division (F)(2) of this section. 42149

(b) Notwithstanding division (F)(4)(a) of this section, any 42150  
person issued a permit to install pursuant to rules adopted under 42151  
division (F) of section 3704.03 of the Revised Code shall pay the 42152  
fees set forth in division (F)(4)(c) of this section for a process 42153  
used in any of the following industries, as identified by the 42154  
applicable two-digit, three-digit, or four-digit standard 42155  
industrial classification code according to the Standard 42156  
Industrial Classification Manual published by the United States 42157  
office of management and budget in the executive office of the 42158  
president, 1987, as revised: 42159

Major group 10, metal mining; 42160

Major group 12, coal mining; 42161

Major group 14, mining and quarrying of nonmetallic minerals; 42162

Industry group 204, grain mill products; 42163

2873 Nitrogen fertilizers; 42164

2874 Phosphatic fertilizers; 42165

3281 Cut stone and stone products; 42166

3295 Minerals and earth, ground or otherwise treated; 42167

4221 Grain elevators (storage only); 42168

5159 Farm related raw materials;		42169
5261 Retail nurseries and lawn and garden supply stores.		42170
(c) The fees set forth in the following schedule apply to the		42171
issuance of a permit to install pursuant to rules adopted under		42172
division (F) of section 3704.03 of the Revised Code for a process		42173
identified in division (F)(4)(b) of this section:		42174
Process weight rate (pounds per	Permit to install	42175
hour)		
0 to 10,000	\$ 200	42176
10,001 to 50,000	400	42177
50,001 to 100,000	500	42178
100,001 to 200,000	600	42179
200,001 to 400,000	750	42180
400,001 or more	900	42181
(5) Storage tanks		42182
Gallons (maximum useful capacity)	Permit to install	42183
0 to 20,000	\$ 100	42184
20,001 to 40,000	150	42185
40,001 to 100,000	250	42186
100,001 to 500,000	400	42187
500,001 or greater	750	42188
(6) Gasoline/fuel dispensing facilities		42189
For each gasoline/fuel		42190
dispensing facility (includes all	Permit to install	42191
units at the facility)	\$ 100	42192
(7) Dry cleaning facilities		42193
For each dry cleaning		42194
facility (includes all units	Permit to install	42195
at the facility)	\$ 100	42196
(8) Registration status		42197
For each source covered	Permit to install	42198

by registration status \$ 75 42199

(G) An owner or operator who is responsible for an asbestos 42200  
demolition or renovation project pursuant to rules adopted under 42201  
section 3704.03 of the Revised Code shall pay the fees set forth 42202  
in the following schedule: 42203

Action	Fee	
Each notification	\$75	42205
Asbestos removal	\$3/unit	42206
Asbestos cleanup	\$4/cubic yard	42207

For purposes of this division, "unit" means any combination of 42208  
linear feet or square feet equal to fifty. 42209

(H) A person who is issued an extension of time for a permit 42210  
to install an air contaminant source pursuant to rules adopted 42211  
under division (F) of section 3704.03 of the Revised Code shall 42212  
pay a fee equal to one-half the fee originally assessed for the 42213  
permit to install under this section, except that the fee for such 42214  
an extension shall not exceed two hundred dollars. 42215

(I) A person who is issued a modification to a permit to 42216  
install an air contaminant source pursuant to rules adopted under 42217  
section 3704.03 of the Revised Code shall pay a fee equal to 42218  
one-half of the fee that would be assessed under this section to 42219  
obtain a permit to install the source. The fee assessed by this 42220  
division only applies to modifications that are initiated by the 42221  
owner or operator of the source and shall not exceed two thousand 42222  
dollars. 42223

(J) Notwithstanding division ~~(B)~~ (F) of this section, a 42224  
person who applies for or obtains a permit to install pursuant to 42225  
rules adopted under division (F) of section 3704.03 of the Revised 42226  
Code after the date actual construction of the source began shall 42227  
pay a fee for the permit to install that is equal to twice the fee 42228  
that otherwise would be assessed under the applicable division 42229  
unless the applicant received authorization to begin construction 42230

under division (W) of section 3704.03 of the Revised Code. This 42231  
division only applies to sources for which actual construction of 42232  
the source begins on or after July 1, 1993. The imposition or 42233  
payment of the fee established in this division does not preclude 42234  
the director from taking any administrative or judicial 42235  
enforcement action under this chapter, Chapter 3704., 3714., 42236  
3734., or 6111. of the Revised Code, or a rule adopted under any 42237  
of them, in connection with a violation of rules adopted under 42238  
division (F) of section 3704.03 of the Revised Code. 42239

As used in this division, "actual construction of the source" 42240  
means the initiation of physical on-site construction activities 42241  
in connection with improvements to the source that are permanent 42242  
in nature, including, without limitation, the installation of 42243  
building supports and foundations and the laying of underground 42244  
pipework. 42245

(K) Fifty (1) Money received under division (B) of this 42246  
section shall be deposited in the state treasury to the credit of 42247  
the Title V clean air fund created in section 3704.035 of the 42248  
Revised Code. Annually, fifty cents per ton of each fee assessed 42249  
under division ~~(C)~~(B) of this section on actual emissions from a 42250  
source and received by the environmental protection agency 42251  
pursuant to that division shall be ~~deposited into~~ transferred 42252  
using an interstate transfer voucher to the state treasury to the 42253  
credit of the small business assistance fund created in section 42254  
3706.19 of the Revised Code. ~~The remainder of the moneys~~ In 42255  
addition, annually, the amount of money necessary for the 42256  
operation of the office of ombudsperson as determined under 42257  
division (B) of that section shall be transferred to the state 42258  
treasury to the credit of the small business ombudsperson fund 42259  
created by that section. 42260

~~(2) Money received by the division pursuant to that division~~ 42261  
~~and moneys received by the agency pursuant to divisions (D), (F),~~ 42262

(G), (H), (I), and (J) of this section shall be deposited in the state treasury to the credit of the non-Title V clean air fund created in section 3704.035 of the Revised Code.

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) or (c) of this section, a person issued a water discharge permit or renewal of a water discharge permit pursuant to Chapter 6111. of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee
0 to 1000	\$ 0
1,001 to 5000	100
5,001 to 50,000	200
50,001 to 100,000	300
100,001 to 300,000	525
over 300,000	750

(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.

(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, 2014, and one hundred dollars plus two-tenths of one per cent of the estimated project cost on and

after July 1, 2014, except that the total fee shall not exceed 42295  
fifteen thousand dollars through June 30, 2014, and five thousand 42296  
dollars on and after July 1, 2014. The fee shall be paid at the 42297  
time the application is submitted. 42298

(3) A person issued a modification of a water discharge 42299  
permit shall pay a fee equal to one-half the fee that otherwise 42300  
would be charged for a water discharge permit, except that the fee 42301  
for the modification shall not exceed four hundred dollars. 42302

(4) A person who has entered into an agreement with the 42303  
director under section 6111.14 of the Revised Code shall pay an 42304  
administrative service fee for each plan submitted under that 42305  
section for approval that shall not exceed the minimum amount 42306  
necessary to pay administrative costs directly attributable to 42307  
processing plan approvals. The director annually shall calculate 42308  
the fee and shall notify all persons who have entered into 42309  
agreements under that section, or who have applied for agreements, 42310  
of the amount of the fee. 42311

(5)(a)(i) Not later than January 30, 2012, and January 30, 42312  
2013, a person holding an NPDES discharge permit issued pursuant 42313  
to Chapter 6111. of the Revised Code with an average daily 42314  
discharge flow of five thousand gallons or more shall pay a 42315  
nonrefundable annual discharge fee. Any person who fails to pay 42316  
the fee at that time shall pay an additional amount that equals 42317  
ten per cent of the required annual discharge fee. 42318

(ii) The billing year for the annual discharge fee 42319  
established in division (L)(5)(a)(i) of this section shall consist 42320  
of a twelve-month period beginning on the first day of January of 42321  
the year preceding the date when the annual discharge fee is due. 42322  
In the case of an existing source that permanently ceases to 42323  
discharge during a billing year, the director shall reduce the 42324  
annual discharge fee, including the surcharge applicable to 42325  
certain industrial facilities pursuant to division (L)(5)(c) of 42326

this section, by one-twelfth for each full month during the 42327  
billing year that the source was not discharging, but only if the 42328  
person holding the NPDES discharge permit for the source notifies 42329  
the director in writing, not later than the first day of October 42330  
of the billing year, of the circumstances causing the cessation of 42331  
discharge. 42332

(iii) The annual discharge fee established in division 42333  
(L)(5)(a)(i) of this section, except for the surcharge applicable 42334  
to certain industrial facilities pursuant to division (L)(5)(c) of 42335  
this section, shall be based upon the average daily discharge flow 42336  
in gallons per day calculated using first day of May through 42337  
thirty-first day of October flow data for the period two years 42338  
prior to the date on which the fee is due. In the case of NPDES 42339  
discharge permits for new sources, the fee shall be calculated 42340  
using the average daily design flow of the facility until actual 42341  
average daily discharge flow values are available for the time 42342  
period specified in division (L)(5)(a)(iii) of this section. The 42343  
annual discharge fee may be prorated for a new source as described 42344  
in division (L)(5)(a)(ii) of this section. 42345

(b) An NPDES permit holder that is a public discharger shall 42346  
pay the fee specified in the following schedule: 42347

Average daily	Fee due by	
discharge flow	January 30,	
	2012, and	
	January 30, 2013	
5,000 to 49,999	\$ 200	42352
50,000 to 100,000	500	42353
100,001 to 250,000	1,050	42354
250,001 to 1,000,000	2,600	42355
1,000,001 to 5,000,000	5,200	42356
5,000,001 to 10,000,000	10,350	42357
10,000,001 to 20,000,000	15,550	42358

20,000,001 to 50,000,000	25,900	42359
50,000,001 to 100,000,000	41,400	42360
100,000,001 or more	62,100	42361

Public dischargers owning or operating two or more publicly owned treatment works serving the same political subdivision, as "treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2012, and January 30, 2013	
5,000 to 49,999	\$ 250	42378
50,000 to 250,000	1,200	42379
250,001 to 1,000,000	2,950	42380
1,000,001 to 5,000,000	5,850	42381
5,000,001 to 10,000,000	8,800	42382
10,000,001 to 20,000,000	11,700	42383
20,000,001 to 100,000,000	14,050	42384
100,000,001 to 250,000,000	16,400	42385
250,000,001 or more	18,700	42386

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 42391  
hundred dollars not later than January 30, 2012, and not later 42392  
than January 30, 2013. Any person who fails to pay the surcharge 42393  
at that time shall pay an additional amount that equals ten per 42394  
cent of the amount of the surcharge. 42395

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 42396  
section, a public discharger identified by I in the third 42397  
character of the permittee's NPDES permit number and an industrial 42398  
discharger identified by I, J, L, V, W, X, Y, or Z in the third 42399  
character of the permittee's NPDES permit number shall pay a 42400  
nonrefundable annual discharge fee of one hundred eighty dollars 42401  
not later than January 30, 2012, and not later than January 30, 42402  
2013. Any person who fails to pay the fee at that time shall pay 42403  
an additional amount that equals ten per cent of the required fee. 42404

(6) Each person obtaining a national pollutant discharge 42405  
elimination system general or individual permit for municipal 42406  
storm water discharge shall pay a nonrefundable storm water 42407  
discharge fee of one hundred dollars per square mile of area 42408  
permitted. The fee shall not exceed ten thousand dollars and shall 42409  
be payable on or before January 30, 2004, and the thirtieth day of 42410  
January of each year thereafter. Any person who fails to pay the 42411  
fee on the date specified in division (L)(6) of this section shall 42412  
pay an additional amount per year equal to ten per cent of the 42413  
annual fee that is unpaid. 42414

(7) The director shall transmit all moneys collected under 42415  
division (L) of this section to the treasurer of state for deposit 42416  
into the state treasury to the credit of the surface water 42417  
protection fund created in section 6111.038 of the Revised Code. 42418

(8) As used in division (L) of this section: 42419

(a) "NPDES" means the federally approved national pollutant 42420  
discharge elimination system program for issuing, modifying, 42421

revoking, reissuing, terminating, monitoring, and enforcing 42422  
permits and imposing and enforcing pretreatment requirements under 42423  
Chapter 6111. of the Revised Code and rules adopted under it. 42424

(b) "Public discharger" means any holder of an NPDES permit 42425  
identified by P in the second character of the NPDES permit number 42426  
assigned by the director. 42427

(c) "Industrial discharger" means any holder of an NPDES 42428  
permit identified by I in the second character of the NPDES permit 42429  
number assigned by the director. 42430

(d) "Major discharger" means any holder of an NPDES permit 42431  
classified as major by the regional administrator of the United 42432  
States environmental protection agency in conjunction with the 42433  
director. 42434

(M) Through June 30, 2014, a person applying for a license or 42435  
license renewal to operate a public water system under section 42436  
6109.21 of the Revised Code shall pay the appropriate fee 42437  
established under this division at the time of application to the 42438  
director. Any person who fails to pay the fee at that time shall 42439  
pay an additional amount that equals ten per cent of the required 42440  
fee. The director shall transmit all moneys collected under this 42441  
division to the treasurer of state for deposit into the drinking 42442  
water protection fund created in section 6109.30 of the Revised 42443  
Code. 42444

Except as provided in division (M)(4) of this section, fees 42445  
required under this division shall be calculated and paid in 42446  
accordance with the following schedule: 42447

(1) For the initial license required under ~~division (A)(1) of~~ 42448  
section 6109.21 of the Revised Code for any public water system 42449  
that is a community water system as defined in section 6109.01 of 42450  
the Revised Code, and for each license renewal required for such a 42451  
system prior to January 31, 2014, the fee is: 42452

Number of service connections	Fee amount	42453
Not more than 49	\$ 112	42454
50 to 99	176	42455
Number of service connections	Average cost per connection	42456
100 to 2,499	\$ 1.92	42457
2,500 to 4,999	1.48	42458
5,000 to 7,499	1.42	42459
7,500 to 9,999	1.34	42460
10,000 to 14,999	1.16	42461
15,000 to 24,999	1.10	42462
25,000 to 49,999	1.04	42463
50,000 to 99,999	.92	42464
100,000 to 149,999	.86	42465
150,000 to 199,999	.80	42466
200,000 or more	.76	42467
A public water system may determine how it will pay the total		42468
amount of the fee calculated under division (M)(1) of this		42469
section, including the assessment of additional user fees that may		42470
be assessed on a volumetric basis.		42471
As used in division (M)(1) of this section, "service		42472
connection" means the number of active or inactive pipes,		42473
goosenecks, pigtails, and any other fittings connecting a water		42474
main to any building outlet.		42475
(2) For the initial license required under <del>division (A)(2) of</del>		42476
section 6109.21 of the Revised Code for any public water system		42477
that is not a community water system and serves a nontransient		42478
population, and for each license renewal required for such a		42479
system prior to January 31, 2014, the fee is:		42480
Population served	Fee amount	42481
Fewer than 150	\$ 112	42482
150 to 299	176	42483
300 to 749	384	42484

750 to 1,499	628	42485
1,500 to 2,999	1,268	42486
3,000 to 7,499	2,816	42487
7,500 to 14,999	5,510	42488
15,000 to 22,499	9,048	42489
22,500 to 29,999	12,430	42490
30,000 or more	16,820	42491

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under ~~division (A)(3) of~~ section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, 2014, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	42504
2	112	42505
3	176	42506
4	278	42507
5	568	42508
System designated as using a surface water source	792	42509

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.

(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.

(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.

(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 entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, 2014, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		42542
MMO-MUG	\$2,000	42543
MF	2,100	42544
MMO-MUG and MF	2,550	42545
organic chemical	5,400	42546
trace metals	5,400	42547

standard chemistry	2,800	42548
limited chemistry	1,550	42549

On and after July 1, 2014, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	42552
organic chemicals	3,500	42553
trace metals	3,500	42554
standard chemistry	1,800	42555
limited chemistry	1,000	42556

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, 2014, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director ~~for~~ to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the application is submitted, shall pay ~~an application fee of~~

~~forty five dollars through November 30, 2014, and twenty five~~ 42578  
~~dollars on and after December 1, 2014. Upon approval from the~~ 42579  
~~director that the applicant is eligible to take the examination~~ 42580  
~~therefor, the applicant shall pay~~ a fee in accordance with the 42581  
following schedule through November 30, 2014: 42582

Class A operator	<del>\$35</del> <u>80</u>	42583
Class I operator	<del>60</del> <u>105</u>	42584
Class II operator	<del>75</del> <u>120</u>	42585
Class III operator	<del>85</del> <u>130</u>	42586
Class IV operator	<del>100</del> <u>145</u>	42587

On and after December 1, 2014, the applicant shall pay a fee 42588  
in accordance with the following schedule: 42589

Class A operator	<del>\$25</del> <u>50</u>	42590
Class I operator	<del>\$45</del> <u>70</u>	42591
Class II operator	<del>55</del> <u>80</u>	42592
Class III operator	<del>65</del> <u>90</u>	42593
Class IV operator	<del>75</del> <u>100</u>	42594

Any person applying to the director for certification as an 42595  
operator of a water supply system or wastewater system who has 42596  
passed an examination administered by an examination provider 42597  
approved by the director shall pay a certification fee of 42598  
forty-five dollars. 42599

A person shall pay a biennial certification renewal fee for 42600  
each applicable class of certification in accordance with the 42601  
following schedule: 42602

Class A operator	\$25	42603
Class I operator	35	42604
Class II operator	45	42605
Class III operator	55	42606
Class IV operator	65	42607

If a certification renewal fee is received by the director 42608  
more than thirty days, but not more than one year after the 42609

expiration date of the certification, the person shall pay a 42610  
certification renewal fee in accordance with the following 42611  
schedule: 42612

Class A operator	\$45	42613
Class I operator	55	42614
Class II operator	65	42615
Class III operator	75	42616
Class IV operator	85	42617

A person who requests a replacement certificate shall pay a 42618  
fee of twenty-five dollars at the time the request is made. 42619

Any person applying to be a water supply system or wastewater 42620  
treatment system examination provider shall pay an application fee 42621  
of five hundred dollars. Any person approved by the director as a 42622  
water supply system or wastewater treatment system examination 42623  
provider shall pay an annual fee that is equal to ten per cent of 42624  
the fees that the provider assesses and collects for administering 42625  
water supply system or wastewater treatment system certification 42626  
examinations in this state for the calendar year. The fee shall be 42627  
paid not later than forty-five days after the end of a calendar 42628  
year. 42629

The director shall transmit all moneys collected under this 42630  
division to the treasurer of state for deposit into the drinking 42631  
water protection fund created in section 6109.30 of the Revised 42632  
Code. 42633

(P) Any person submitting an application for an industrial 42634  
water pollution control certificate under section 6111.31 of the 42635  
Revised Code, as that section existed before its repeal by H.B. 95 42636  
of the 125th general assembly, shall pay a nonrefundable fee of 42637  
five hundred dollars at the time the application is submitted. The 42638  
director shall transmit all moneys collected under this division 42639  
to the treasurer of state for deposit into the surface water 42640  
protection fund created in section 6111.038 of the Revised Code. A 42641



person paying a certificate fee under this division shall not pay 42642  
an application fee under division (S)(1) of this section. On and 42643  
after June 26, 2003, persons shall file such applications and pay 42644  
the fee as required under sections 5709.20 to 5709.27 of the 42645  
Revised Code, and proceeds from the fee shall be credited as 42646  
provided in section 5709.212 of the Revised Code. 42647

(Q) Except as otherwise provided in division (R) of this 42648  
section, a person issued a permit by the director for a new solid 42649  
waste disposal facility other than an incineration or composting 42650  
facility, a new infectious waste treatment facility other than an 42651  
incineration facility, or a modification of such an existing 42652  
facility that includes an increase in the total disposal or 42653  
treatment capacity of the facility pursuant to Chapter 3734. of 42654  
the Revised Code shall pay a fee of ten dollars per thousand cubic 42655  
yards of disposal or treatment capacity, or one thousand dollars, 42656  
whichever is greater, except that the total fee for any such 42657  
permit shall not exceed eighty thousand dollars. A person issued a 42658  
modification of a permit for a solid waste disposal facility or an 42659  
infectious waste treatment facility that does not involve an 42660  
increase in the total disposal or treatment capacity of the 42661  
facility shall pay a fee of one thousand dollars. A person issued 42662  
a permit to install a new, or modify an existing, solid waste 42663  
transfer facility under that chapter shall pay a fee of two 42664  
thousand five hundred dollars. A person issued a permit to install 42665  
a new or to modify an existing solid waste incineration or 42666  
composting facility, or an existing infectious waste treatment 42667  
facility using incineration as its principal method of treatment, 42668  
under that chapter shall pay a fee of one thousand dollars. The 42669  
increases in the permit fees under this division resulting from 42670  
the amendments made by Amended Substitute House Bill 592 of the 42671  
117th general assembly do not apply to any person who submitted an 42672  
application for a permit to install a new, or modify an existing, 42673  
solid waste disposal facility under that chapter prior to 42674

September 1, 1987; any such person shall pay the permit fee 42675  
established in this division as it existed prior to June 24, 1988. 42676  
In addition to the applicable permit fee under this division, a 42677  
person issued a permit to install or modify a solid waste facility 42678  
or an infectious waste treatment facility under that chapter who 42679  
fails to pay the permit fee to the director in compliance with 42680  
division (V) of this section shall pay an additional ten per cent 42681  
of the amount of the fee for each week that the permit fee is 42682  
late. 42683

Permit and late payment fees paid to the director under this 42684  
division shall be credited to the general revenue fund. 42685

(R)(1) A person issued a registration certificate for a scrap 42686  
tire collection facility under section 3734.75 of the Revised Code 42687  
shall pay a fee of two hundred dollars, except that if the 42688  
facility is owned or operated by a motor vehicle salvage dealer 42689  
licensed under Chapter 4738. of the Revised Code, the person shall 42690  
pay a fee of twenty-five dollars. 42691

(2) A person issued a registration certificate for a new 42692  
scrap tire storage facility under section 3734.76 of the Revised 42693  
Code shall pay a fee of three hundred dollars, except that if the 42694  
facility is owned or operated by a motor vehicle salvage dealer 42695  
licensed under Chapter 4738. of the Revised Code, the person shall 42696  
pay a fee of twenty-five dollars. 42697

(3) A person issued a permit for a scrap tire storage 42698  
facility under section 3734.76 of the Revised Code shall pay a fee 42699  
of one thousand dollars, except that if the facility is owned or 42700  
operated by a motor vehicle salvage dealer licensed under Chapter 42701  
4738. of the Revised Code, the person shall pay a fee of fifty 42702  
dollars. 42703

(4) A person issued a permit for a scrap tire monocell or 42704  
monofill facility under section 3734.77 of the Revised Code shall 42705

pay a fee of ten dollars per thousand cubic yards of disposal 42706  
capacity or one thousand dollars, whichever is greater, except 42707  
that the total fee for any such permit shall not exceed eighty 42708  
thousand dollars. 42709

(5) A person issued a registration certificate for a scrap 42710  
tire recovery facility under section 3734.78 of the Revised Code 42711  
shall pay a fee of one hundred dollars. 42712

(6) A person issued a permit for a scrap tire recovery 42713  
facility under section 3734.78 of the Revised Code shall pay a fee 42714  
of one thousand dollars. 42715

(7) In addition to the applicable registration certificate or 42716  
permit fee under divisions (R)(1) to (6) of this section, a person 42717  
issued a registration certificate or permit for any such scrap 42718  
tire facility who fails to pay the registration certificate or 42719  
permit fee to the director in compliance with division (V) of this 42720  
section shall pay an additional ten per cent of the amount of the 42721  
fee for each week that the fee is late. 42722

(8) The registration certificate, permit, and late payment 42723  
fees paid to the director under divisions (R)(1) to (7) of this 42724  
section shall be credited to the scrap tire management fund 42725  
created in section 3734.82 of the Revised Code. 42726

(S)(1) Except as provided by divisions (L), (M), (N), (O), 42727  
(P), and (S)(2) of this section, division (A)(2) of section 42728  
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 42729  
and rules adopted under division (T)(1) of this section, any 42730  
person applying for a registration certificate under section 42731  
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 42732  
variance, or plan approval under Chapter 3734. of the Revised Code 42733  
shall pay a nonrefundable fee of fifteen dollars at the time the 42734  
application is submitted. 42735

Except as otherwise provided, any person applying for a 42736

permit, variance, or plan approval under Chapter 6109. or 6111. of 42737  
the Revised Code shall pay a nonrefundable fee of one hundred 42738  
dollars at the time the application is submitted through June 30, 42739  
2014, and a nonrefundable fee of fifteen dollars at the time the 42740  
application is submitted on and after July 1, 2014. Except as 42741  
provided in division (S)(3) of this section, through June 30, 42742  
2014, any person applying for a national pollutant discharge 42743  
elimination system permit under Chapter 6111. of the Revised Code 42744  
shall pay a nonrefundable fee of two hundred dollars at the time 42745  
of application for the permit. On and after July 1, 2014, such a 42746  
person shall pay a nonrefundable fee of fifteen dollars at the 42747  
time of application. 42748

In addition to the application fee established under division 42749  
(S)(1) of this section, any person applying for a national 42750  
pollutant discharge elimination system general storm water 42751  
construction permit shall pay a nonrefundable fee of twenty 42752  
dollars per acre for each acre that is permitted above five acres 42753  
at the time the application is submitted. However, the per acreage 42754  
fee shall not exceed three hundred dollars. In addition, any 42755  
person applying for a national pollutant discharge elimination 42756  
system general storm water industrial permit shall pay a 42757  
nonrefundable fee of one hundred fifty dollars at the time the 42758  
application is submitted. 42759

The director shall transmit all moneys collected under 42760  
division (S)(1) of this section pursuant to Chapter 6109. of the 42761  
Revised Code to the treasurer of state for deposit into the 42762  
drinking water protection fund created in section 6109.30 of the 42763  
Revised Code. 42764

The director shall transmit all moneys collected under 42765  
division (S)(1) of this section pursuant to Chapter 6111. of the 42766  
Revised Code and under division (S)(3) of this section to the 42767  
treasurer of state for deposit into the surface water protection 42768

fund created in section 6111.038 of the Revised Code. 42769

If a registration certificate is issued under section 42770  
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 42771  
the application fee paid shall be deducted from the amount of the 42772  
registration certificate fee due under division (R)(1), (2), or 42773  
(5) of this section, as applicable. 42774

If a person submits an electronic application for a 42775  
registration certificate, permit, variance, or plan approval for 42776  
which an application fee is established under division (S)(1) of 42777  
this section, the person shall pay the applicable application fee 42778  
as expeditiously as possible after the submission of the 42779  
electronic application. An application for a registration 42780  
certificate, permit, variance, or plan approval for which an 42781  
application fee is established under division (S)(1) of this 42782  
section shall not be reviewed or processed until the applicable 42783  
application fee, and any other fees established under this 42784  
division, are paid. 42785

(2) Division (S)(1) of this section does not apply to an 42786  
application for a registration certificate for a scrap tire 42787  
collection or storage facility submitted under section 3734.75 or 42788  
3734.76 of the Revised Code, as applicable, if the owner or 42789  
operator of the facility or proposed facility is a motor vehicle 42790  
salvage dealer licensed under Chapter 4738. of the Revised Code. 42791

(3) A person applying for coverage under a national pollutant 42792  
discharge elimination system general discharge permit for 42793  
household sewage treatment systems shall pay the following fees: 42794

(a) A nonrefundable fee of two hundred dollars at the time of 42795  
application for initial permit coverage; 42796

(b) A nonrefundable fee of one hundred dollars at the time of 42797  
application for a renewal of permit coverage. 42798

(T) The director may adopt, amend, and rescind rules in 42799

accordance with Chapter 119. of the Revised Code that do all of 42800  
the following: 42801

(1) Prescribe fees to be paid by applicants for and holders 42802  
of any license, permit, variance, plan approval, or certification 42803  
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 42804  
the Revised Code that are not specifically established in this 42805  
section. The fees shall be designed to defray the cost of 42806  
processing, issuing, revoking, modifying, denying, and enforcing 42807  
the licenses, permits, variances, plan approvals, and 42808  
certifications. 42809

The director shall transmit all moneys collected under rules 42810  
adopted under division (T)(1) of this section pursuant to Chapter 42811  
6109. of the Revised Code to the treasurer of state for deposit 42812  
into the drinking water protection fund created in section 6109.30 42813  
of the Revised Code. 42814

The director shall transmit all moneys collected under rules 42815  
adopted under division (T)(1) of this section pursuant to Chapter 42816  
6111. of the Revised Code to the treasurer of state for deposit 42817  
into the surface water protection fund created in section 6111.038 42818  
of the Revised Code. 42819

(2) Exempt the state and political subdivisions thereof, 42820  
including education facilities or medical facilities owned by the 42821  
state or a political subdivision, or any person exempted from 42822  
taxation by section 5709.07 or 5709.12 of the Revised Code, from 42823  
any fee required by this section; 42824

(3) Provide for the waiver of any fee, or any part thereof, 42825  
otherwise required by this section whenever the director 42826  
determines that the imposition of the fee would constitute an 42827  
unreasonable cost of doing business for any applicant, class of 42828  
applicants, or other person subject to the fee; 42829

(4) Prescribe measures that the director considers necessary 42830

to carry out this section. 42831

(U) When the director reasonably demonstrates that the direct 42832  
cost to the state associated with the issuance of a permit to 42833  
install, license, variance, plan approval, or certification 42834  
exceeds the fee for the issuance or review specified by this 42835  
section, the director may condition the issuance or review on the 42836  
payment by the person receiving the issuance or review of, in 42837  
addition to the fee specified by this section, the amount, or any 42838  
portion thereof, in excess of the fee specified under this 42839  
section. The director shall not so condition issuances for which 42840  
~~fees are a fee is~~ prescribed in ~~divisions (B)(7) and~~ division 42841  
(L)(1)(b) of this section. 42842

(V) Except as provided in divisions (L), (M), and (P) of this 42843  
section or unless otherwise prescribed by a rule of the director 42844  
adopted pursuant to Chapter 119. of the Revised Code, all fees 42845  
required by this section are payable within thirty days after the 42846  
issuance of an invoice for the fee by the director or the 42847  
effective date of the issuance of the license, permit, variance, 42848  
plan approval, or certification. If payment is late, the person 42849  
responsible for payment of the fee shall pay an additional ten per 42850  
cent of the amount due for each month that it is late. 42851

(W) As used in this section, "fuel-burning equipment," 42852  
"fuel-burning equipment input capacity," "incinerator," 42853  
"incinerator input capacity," "process," "process weight rate," 42854  
"storage tank," "gasoline dispensing facility," "dry cleaning 42855  
facility," "design flow discharge," and "new source treatment 42856  
works" have the meanings ascribed to those terms by applicable 42857  
rules or standards adopted by the director under Chapter 3704. or 42858  
6111. of the Revised Code. 42859

(X) As used in divisions (B), ~~(C)~~, (D), (E), (F), (H), (I), 42860  
and (J) of this section, and in any other provision of this 42861  
section pertaining to fees paid pursuant to Chapter 3704. of the 42862

Revised Code: 42863

(1) "Facility," "federal Clean Air Act," "person," and "Title V permit" have the same meanings as in section 3704.01 of the Revised Code. 42864  
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(2) "Title V permit program" means the following activities as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least: 42867  
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42869

(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement; 42870  
42871  
42872

(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal; 42873  
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(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry; 42877  
42878  
42879

(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; 42880  
42881  
42882

(e) Emission and ambient monitoring; 42883

(f) Modeling, analyses, or demonstrations; 42884

(g) Preparing inventories and tracking emissions; 42885

(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. 42886  
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(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) 42893  
of this section, each sewage sludge facility shall pay a 42894  
nonrefundable annual sludge fee equal to three dollars and fifty 42895  
cents per dry ton of sewage sludge, including the dry tons of 42896  
sewage sludge in materials derived from sewage sludge, that the 42897  
sewage sludge facility treats or disposes of in this state. The 42898  
annual volume of sewage sludge treated or disposed of by a sewage 42899  
sludge facility shall be calculated using the first day of January 42900  
through the thirty-first day of December of the calendar year 42901  
preceding the date on which payment of the fee is due. 42902

(2)(a) Except as provided in division (Y)(2)(d) of this 42903  
section, each sewage sludge facility shall pay a minimum annual 42904  
sewage sludge fee of one hundred dollars. 42905

(b) The annual sludge fee required to be paid by a sewage 42906  
sludge facility that treats or disposes of exceptional quality 42907  
sludge in this state shall be thirty-five per cent less per dry 42908  
ton of exceptional quality sludge than the fee assessed under 42909  
division (Y)(1) of this section, subject to the following 42910  
exceptions: 42911

(i) Except as provided in division (Y)(2)(d) of this section, 42912  
a sewage sludge facility that treats or disposes of exceptional 42913  
quality sludge shall pay a minimum annual sewage sludge fee of one 42914  
hundred dollars. 42915

(ii) A sewage sludge facility that treats or disposes of 42916  
exceptional quality sludge shall not be required to pay the annual 42917  
sludge fee for treatment or disposal in this state of exceptional 42918  
quality sludge generated outside of this state and contained in 42919  
bags or other containers not greater than one hundred pounds in 42920  
capacity. 42921

A thirty-five per cent reduction for exceptional quality 42922  
sludge applies to the maximum annual fees established under 42923

division (Y)(3) of this section. 42924

(c) A sewage sludge facility that transfers sewage sludge to 42925  
another sewage sludge facility in this state for further treatment 42926  
prior to disposal in this state shall not be required to pay the 42927  
annual sludge fee for the tons of sewage sludge that have been 42928  
transferred. In such a case, the sewage sludge facility that 42929  
disposes of the sewage sludge shall pay the annual sludge fee. 42930  
However, the facility transferring the sewage sludge shall pay the 42931  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 42932  
of this section. 42933

In the case of a sewage sludge facility that treats sewage 42934  
sludge in this state and transfers it out of this state to another 42935  
entity for disposal, the sewage sludge facility in this state 42936  
shall be required to pay the annual sludge fee for the tons of 42937  
sewage sludge that have been transferred. 42938

(d) A sewage sludge facility that generates sewage sludge 42939  
resulting from an average daily discharge flow of less than five 42940  
thousand gallons per day is not subject to the fees assessed under 42941  
division (Y) of this section. 42942

(3) No sewage sludge facility required to pay the annual 42943  
sludge fee shall be required to pay more than the maximum annual 42944  
fee for each disposal method that the sewage sludge facility uses. 42945  
The maximum annual fee does not include the additional amount that 42946  
may be charged under division (Y)(5) of this section for late 42947  
payment of the annual sludge fee. The maximum annual fee for the 42948  
following methods of disposal of sewage sludge is as follows: 42949

(a) Incineration: five thousand dollars; 42950

(b) Preexisting land reclamation project or disposal in a 42951  
landfill: five thousand dollars; 42952

(c) Land application, land reclamation, surface disposal, or 42953  
any other disposal method not specified in division (Y)(3)(a) or 42954

(b) of this section: twenty thousand dollars. 42955

(4)(a) In the case of an entity that generates sewage sludge 42956  
or a sewage sludge facility that treats sewage sludge and 42957  
transfers the sewage sludge to an incineration facility for 42958  
disposal, the incineration facility, and not the entity generating 42959  
the sewage sludge or the sewage sludge facility treating the 42960  
sewage sludge, shall pay the annual sludge fee for the tons of 42961  
sewage sludge that are transferred. However, the entity or 42962  
facility generating or treating the sewage sludge shall pay the 42963  
one-hundred-dollar minimum fee required under division (Y)(2)(a) 42964  
of this section. 42965

(b) In the case of an entity that generates sewage sludge and 42966  
transfers the sewage sludge to a landfill for disposal or to a 42967  
sewage sludge facility for land reclamation or surface disposal, 42968  
the entity generating the sewage sludge, and not the landfill or 42969  
sewage sludge facility, shall pay the annual sludge fee for the 42970  
tons of sewage sludge that are transferred. 42971

(5) Not later than the first day of April of the calendar 42972  
year following March 17, 2000, and each first day of April 42973  
thereafter, the director shall issue invoices to persons who are 42974  
required to pay the annual sludge fee. The invoice shall identify 42975  
the nature and amount of the annual sludge fee assessed and state 42976  
the first day of May as the deadline for receipt by the director 42977  
of objections regarding the amount of the fee and the first day of 42978  
July as the deadline for payment of the fee. 42979

Not later than the first day of May following receipt of an 42980  
invoice, a person required to pay the annual sludge fee may submit 42981  
objections to the director concerning the accuracy of information 42982  
regarding the number of dry tons of sewage sludge used to 42983  
calculate the amount of the annual sludge fee or regarding whether 42984  
the sewage sludge qualifies for the exceptional quality sludge 42985  
discount established in division (Y)(2)(b) of this section. The 42986

director may consider the objections and adjust the amount of the fee to ensure that it is accurate.

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code.

Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment.

Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee.

(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge.

(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund

exceeded six hundred thousand dollars in either fiscal year, the 43018  
director, after review of the fee structure and consultation with 43019  
affected persons, shall issue an order reducing the amount of the 43020  
fees levied under division (Y) of this section so that the 43021  
estimated amount of moneys resulting from the fees will not exceed 43022  
six hundred thousand dollars in any fiscal year. 43023

If, upon review of the fees under division (Y)(7) of this 43024  
section and after the fees have been reduced, the director 43025  
determines that the total amount of moneys collected and 43026  
accumulated is less than six hundred thousand dollars, the 43027  
director, after review of the fee structure and consultation with 43028  
affected persons, may issue an order increasing the amount of the 43029  
fees levied under division (Y) of this section so that the 43030  
estimated amount of moneys resulting from the fees will be 43031  
approximately six hundred thousand dollars. Fees shall never be 43032  
increased to an amount exceeding the amount specified in division 43033  
(Y)(7) of this section. 43034

Notwithstanding section 119.06 of the Revised Code, the 43035  
director may issue an order under division (Y)(7) of this section 43036  
without the necessity to hold an adjudicatory hearing in 43037  
connection with the order. The issuance of an order under this 43038  
division is not an act or action for purposes of section 3745.04 43039  
of the Revised Code. 43040

(8) As used in division (Y) of this section: 43041

(a) "Sewage sludge facility" means an entity that performs 43042  
treatment on or is responsible for the disposal of sewage sludge. 43043

(b) "Sewage sludge" means a solid, semi-solid, or liquid 43044  
residue generated during the treatment of domestic sewage in a 43045  
treatment works as defined in section 6111.01 of the Revised Code. 43046  
"Sewage sludge" includes, but is not limited to, scum or solids 43047  
removed in primary, secondary, or advanced wastewater treatment 43048

processes. "Sewage sludge" does not include ash generated during 43049  
the firing of sewage sludge in a sewage sludge incinerator, grit 43050  
and screenings generated during preliminary treatment of domestic 43051  
sewage in a treatment works, animal manure, residue generated 43052  
during treatment of animal manure, or domestic septage. 43053

(c) "Exceptional quality sludge" means sewage sludge that 43054  
meets all of the following qualifications: 43055

(i) Satisfies the class A pathogen standards in 40 C.F.R. 43056  
503.32(a); 43057

(ii) Satisfies one of the vector attraction reduction 43058  
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 43059

(iii) Does not exceed the ceiling concentration limitations 43060  
for metals listed in table one of 40 C.F.R. 503.13; 43061

(iv) Does not exceed the concentration limitations for metals 43062  
listed in table three of 40 C.F.R. 503.13. 43063

(d) "Treatment" means the preparation of sewage sludge for 43064  
final use or disposal and includes, but is not limited to, 43065  
thickening, stabilization, and dewatering of sewage sludge. 43066

(e) "Disposal" means the final use of sewage sludge, 43067  
including, but not limited to, land application, land reclamation, 43068  
surface disposal, or disposal in a landfill or an incinerator. 43069

(f) "Land application" means the spraying or spreading of 43070  
sewage sludge onto the land surface, the injection of sewage 43071  
sludge below the land surface, or the incorporation of sewage 43072  
sludge into the soil for the purposes of conditioning the soil or 43073  
fertilizing crops or vegetation grown in the soil. 43074

(g) "Land reclamation" means the returning of disturbed land 43075  
to productive use. 43076

(h) "Surface disposal" means the placement of sludge on an 43077  
area of land for disposal, including, but not limited to, 43078

monofills, surface impoundments, lagoons, waste piles, or 43079  
dedicated disposal sites. 43080

(i) "Incinerator" means an entity that disposes of sewage 43081  
sludge through the combustion of organic matter and inorganic 43082  
matter in sewage sludge by high temperatures in an enclosed 43083  
device. 43084

(j) "Incineration facility" includes all incinerators owned 43085  
or operated by the same entity and located on a contiguous tract 43086  
of land. Areas of land are considered to be contiguous even if 43087  
they are separated by a public road or highway. 43088

(k) "Annual sludge fee" means the fee assessed under division 43089  
(Y)(1) of this section. 43090

(l) "Landfill" means a sanitary landfill facility, as defined 43091  
in rules adopted under section 3734.02 of the Revised Code, that 43092  
is licensed under section 3734.05 of the Revised Code. 43093

(m) "Preexisting land reclamation project" means a 43094  
property-specific land reclamation project that has been in 43095  
continuous operation for not less than five years pursuant to 43096  
approval of the activity by the director and includes the 43097  
implementation of a community outreach program concerning the 43098  
activity. 43099

**Sec. 3745.112.** During the month of August 1997, and 43100  
biennially thereafter, the director of environmental protection 43101  
shall enter into a contract for the performance of an independent 43102  
evaluation of the Title V permit program to be conducted under the 43103  
supervision of an independent certified public accountant. The 43104  
evaluation shall review the finances, operations, revenues, costs, 43105  
and expenditures of the Title V permit program under section 43106  
3704.036 of the Revised Code and the Title V clean air fund 43107  
created in section 3704.035 of the Revised Code. The findings of 43108

each such evaluation shall be set forth in a written report that 43109  
shall include, without limitation, all of the following: 43110

(A) A review and analysis of all expenditures from the Title 43111  
V clean air fund for the Title V permit program; 43112

(B) A review and analysis of all costs incurred by the 43113  
environmental protection agency designated by the director to be 43114  
costs of the Title V permit program; 43115

(C) A review and analysis of all expenditures from the Title 43116  
V clean air fund for costs not designated by the director as costs 43117  
of the Title V permit program; 43118

(D) A review and analysis of the adequacy of the fees 43119  
assessed under division ~~(C)~~(B) of section 3745.11 for meeting the 43120  
costs of the Title V permit program during the period reviewed by 43121  
the evaluation. 43122

Upon completion of the written report of each evaluation 43123  
required by this section, the director shall provide copies of the 43124  
report to the governor and the general assembly and shall make 43125  
copies of it available to the public. 43126

The reasonable and necessary expenses for conducting an 43127  
evaluation required under this section are hereby deemed to be 43128  
reasonable costs to administer the Title V permit program and 43129  
shall be paid from moneys credited to the Title V clean air fund 43130  
arising from the fees assessed under division ~~(C)~~(B) of section 43131  
3745.11 of the Revised Code. 43132

**Sec. 3748.04.** The ~~public~~ director of health council, in 43133  
accordance with Chapter 119. of the Revised Code, shall adopt and 43134  
may amend or rescind rules doing all of the following: 43135

(A) Listing types of radioactive material for which licensure 43136  
by its handler is required and types of radiation-generating 43137  
equipment for which registration by its handler is required, and 43138



establishing requirements governing them. Rules adopted under 43139  
division (A) of this section shall be compatible with applicable 43140  
federal regulations and shall establish all of the following, 43141  
without limitation: 43142

(1) Requirements governing both of the following: 43143

(a) The licensing and inspection of handlers of radioactive 43144  
material. Standards established in rules adopted under division 43145  
(A)(1)(a) of this section regarding byproduct material or any 43146  
activity that results in the production of that material, to the 43147  
extent practicable, shall be equivalent to or more stringent than 43148  
applicable standards established by the United States nuclear 43149  
regulatory commission. 43150

(b) The registration and inspection of handlers of 43151  
radiation-generating equipment. Standards established in rules 43152  
adopted under division (A)(1)(b) of this section, to the extent 43153  
practicable, shall be equivalent to applicable standards 43154  
established by the food and drug administration in the United 43155  
States department of health and human services. 43156

(2) Identification of and requirements governing possession 43157  
and use of specifically licensed and generally licensed quantities 43158  
of radioactive material as either sealed sources or unsealed 43159  
sources; 43160

(3) A procedure for the issuance of and the frequency of 43161  
renewal of the licenses of handlers of radioactive material, other 43162  
than a license for a facility for the disposal of low-level 43163  
radioactive waste, and of the certificates of registration of 43164  
handlers of radiation-generating equipment; 43165

(4) Procedures for suspending and revoking the licenses of 43166  
handlers of radioactive material and the certificates of 43167  
registration of handlers of radiation-generating equipment; 43168

(5) Criteria to be used by the director of health in amending 43169

the license of a handler of radioactive material or the	43170
certificate of registration of a handler of radiation-generating	43171
equipment subsequent to its issuance;	43172
(6) Criteria for achieving and maintaining compliance with	43173
this chapter and rules adopted under it by licensees and	43174
registrants;	43175
(7) Criteria governing environmental monitoring of licensed	43176
and registered activities to assess compliance with this chapter	43177
and rules adopted under it;	43178
(8) Fees for both of the following:	43179
(a) The licensing of handlers, other than facilities for the	43180
disposal of low-level radioactive waste, of radioactive material;	43181
(b) The registration of handlers, other than facilities that	43182
are, or are operated by, medical practitioners or	43183
medical-practitioner groups, of radiation-generating equipment.	43184
(9) A fee schedule for both of the following that includes	43185
fees for reviews, conducted during an inspection, of shielding	43186
plans or the adequacy of shielding:	43187
(a) The inspection of handlers of radioactive material;	43188
(b) The inspection of handlers, other than facilities that	43189
are, or are operated by, medical practitioners or	43190
medical-practitioner groups, of radiation-generating equipment.	43191
(B)(1) Identifying sources of radiation, circumstances of	43192
possession, use, or disposal of sources of radiation, and levels	43193
of radiation that constitute an unreasonable or unnecessary risk	43194
to human health or the environment;	43195
(2) Establishing requirements for the achievement and	43196
maintenance of compliance with standards for the receipt,	43197
possession, use, storage, installation, transfer, servicing, and	43198
disposal of sources of radiation to prevent levels of radiation	43199

that constitute an unreasonable or unnecessary risk to human health or the environment; 43200  
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(3) Requiring the maintenance of records on the receipt, use, storage, transfer, and disposal of radioactive material and on the radiological safety aspects of the use and maintenance of radiation-generating equipment. 43202  
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In adopting rules under divisions (A) and (B) of this section, the ~~council~~ director shall use standards no less stringent than the "suggested state regulations for control of radiation" prepared by the conference of radiation control program directors, inc., and regulations adopted by the United States nuclear regulatory commission, the United States environmental protection agency, and the United States department of health and human services and shall consider reports of the national council on radiation protection and measurement and the relevant standards of the American national standards institute. 43206  
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(C) Establishing fees, procedures, and requirements for certification as a radiation expert, including all of the following, without limitation: 43216  
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(1) Minimum training and experience requirements; 43219

(2) Procedures for applying for certification; 43220

(3) Procedures for review of applications and issuance of certificates; 43221  
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(4) Procedures for suspending and revoking certification. 43223

(D) Establishing a schedule for inspection of sources of radiation and their shielding and surroundings; 43224  
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(E) Establishing the responsibilities of a radiation expert; 43226

(F) Establishing criteria for quality assurance programs for licensees of radioactive material and registrants of radiation-generating equipment; 43227  
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(G) Establishing fees to be paid by any facility that, on 43230  
September 8, 1995, holds a license from the United States nuclear 43231  
regulatory commission in order to provide moneys necessary for the 43232  
transfer of licensing and other regulatory authority from the 43233  
commission to the state pursuant to section 3748.03 of the Revised 43234  
Code. Rules adopted under this division shall stipulate that fees 43235  
so established do not apply to any functions dealing specifically 43236  
with a facility for the disposal of low-level radioactive waste. 43237  
Fees collected under this division shall be deposited into the 43238  
state treasury to the credit of the general operations fund 43239  
created in section 3701.83 of the Revised Code. The fees shall be 43240  
used solely to administer and enforce this chapter and rules 43241  
adopted under it. 43242

(H) Establishing fees to be collected annually from 43243  
generators of low-level radioactive waste, which shall be based 43244  
upon the volume and radioactivity of the waste generated and the 43245  
costs of administering low-level radioactive waste management 43246  
activities under this chapter and rules adopted under it. All fees 43247  
collected under this division shall be deposited into the state 43248  
treasury to the credit of the general operations fund created in 43249  
section 3701.83 of the Revised Code. The fees shall be used solely 43250  
to administer and enforce this chapter and rules adopted under it. 43251  
Any fee required under this division that ~~has not been paid within~~ 43252  
~~ninety days~~ remains unpaid on the ninety-first day after the 43253  
original invoice date shall be assessed ~~at two times~~ an additional 43254  
amount equal to ten per cent of the original ~~invoiced~~ fee. Any fee 43255  
~~that has not been paid within one hundred eighty days after the~~ 43256  
~~invoice date shall be assessed at five times the original invoiced~~ 43257  
~~fee.~~ 43258

(I) Establishing requirements governing closure, 43259  
decontamination, decommissioning, reclamation, and long-term 43260  
surveillance and care of a facility licensed under this chapter 43261

and rules adopted under it. Rules adopted under division (I) of 43262  
this section shall include, without limitation, all of the 43263  
following: 43264

(1) Standards and procedures to ensure that a licensee 43265  
prepares a decommissioning funding plan that provides an adequate 43266  
financial guaranty to permit the completion of all requirements 43267  
governing the closure, decontamination, decommissioning, and 43268  
reclamation of sites, structures, and equipment used in 43269  
conjunction with a licensed activity; 43270

(2) For licensed activities where radioactive material that 43271  
will require surveillance or care is likely to remain at the site 43272  
after the licensed activities cease, as indicated in the 43273  
application for the license submitted under section 3748.07 of the 43274  
Revised Code, standards and procedures to ensure that the licensee 43275  
prepares an additional decommissioning funding plan for long-term 43276  
surveillance and care, before termination of the license, that 43277  
provides an additional adequate financial guaranty as necessary to 43278  
provide for that surveillance and care; 43279

(3) For the purposes of the decommissioning funding plans 43280  
required in rules adopted under divisions (I)(1) and (2) of this 43281  
section, the types of acceptable financial guaranties, which shall 43282  
include bonds issued by fidelity or surety companies authorized to 43283  
do business in the state, certificates of deposit, deposits of 43284  
government securities, irrevocable letters or lines of credit, 43285  
trust funds, escrow accounts, or other similar types of 43286  
arrangements, but shall not include any arrangement that 43287  
constitutes self-insurance; 43288

(4) A requirement that the decommissioning funding plans 43289  
required in rules adopted under divisions (I)(1) and (2) of this 43290  
section contain financial guaranties in amounts sufficient to 43291  
ensure compliance with any standards established by the United 43292  
States nuclear regulatory commission, or by the state if it has 43293

become an agreement state pursuant to section 3748.03 of the Revised Code, pertaining to closure, decontamination, decommissioning, reclamation, and long-term surveillance and care of licensed activities and sites of licensees.

Standards established in rules adopted under division (I) of this section regarding any activity that resulted in the production of byproduct material, as defined in division (A)(2) of section 3748.01 of the Revised Code, to the extent practicable, shall be equivalent to or more stringent than standards established by the United States nuclear regulatory commission for sites at which ores were processed primarily for their source material content and at which byproduct material, as defined in division (A)(2) of section 3748.01 of the Revised Code, is deposited.

(J) Establishing criteria governing inspections of a facility for the disposal of low-level radioactive waste, including, without limitation, the establishment of a resident inspector program at such a facility;

(K) Establishing requirements and procedures governing the filing of complaints under section 3748.16 of the Revised Code, including, without limitation, those governing intervention in a hearing held under division (B)(3) of that section.

**Sec. 3748.05.** (A) The director of health shall do all of the following:

(1) Administer and enforce this chapter and the rules adopted under it;

(2) Collect and make available information relating to sources of radiation;

(3) Ensure the review of plans and specifications, submitted in accordance with rules adopted by the ~~public health council~~

director, for the control of radiation that constitutes an 43324  
unreasonable or unnecessary risk to human health or the 43325  
environment; 43326

(4) Review reports of quality assurance audits performed by 43327  
certified radiation experts under this chapter and the rules 43328  
adopted under it; 43329

(5) Ensure that programs for the control of sources of 43330  
radiation are developed with due regard for compatibility with 43331  
federal programs for the regulation of byproduct, source, and 43332  
special nuclear materials; 43333

(6) In accordance with Chapter 119. of the Revised Code, 43334  
adopt, and subsequently may amend and rescind, rules providing for 43335  
the administrative assessment and collection of monetary penalties 43336  
for failure by any facility licensed under this chapter and rules 43337  
adopted under it to comply with this chapter and those rules. The 43338  
director may require the submission of compliance schedules and 43339  
other related information. Any orders issued or payments or other 43340  
requirements imposed pursuant to rules adopted under division 43341  
(A)(6) of this section shall not affect any civil or criminal 43342  
enforcement proceeding brought under this chapter or any other 43343  
provision of state or local law. Moneys collected as 43344  
administrative penalties imposed pursuant to rules adopted under 43345  
division (A)(6) of this section shall be deposited in the state 43346  
treasury to the credit of the general operations fund created in 43347  
section 3701.83 of the Revised Code. The moneys shall be used 43348  
solely to administer and enforce this chapter and the rules 43349  
adopted under it. 43350

(7) Maintain files of both of the following: 43351

(a) All license and registration applications, issuances, 43352  
denials, amendments, renewals, suspensions, and revocations and 43353  
any administrative or judicial action pertaining to them; 43354

(b) All rules adopted under this chapter, or proposed to be adopted, relating to the regulation of sources of radiation and proceedings on them. 43355  
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(B) The director may do any or all of the following: 43358

(1) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, interstate agencies, political subdivisions, industries, and other affected groups in furtherance of the purposes of this chapter and the rules adopted under it; 43359  
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(2) Accept and administer grants from the federal government and from other sources, public or private, for carrying out any of the director's functions under this chapter and the rules adopted under it; 43364  
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(3) Encourage, participate in, or conduct studies, investigations, training, research, and demonstrations relating to the detection and control of radiation that constitutes an unreasonable or unnecessary risk to human health or the environment, the measurement of radiation, the evaluation of potential effects on health of cumulative or acute exposure to radiation, the development and improvement of methods to limit and reduce the generation of radioactive waste, and related problems as the director considers necessary or advisable; 43368  
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(4) In accordance with Chapter 119. of the Revised Code, adopt rules establishing criteria under which other agencies of the state or private entities may perform inspections of x-ray equipment at registered dental facilities at the request of the facility or pursuant to contract with the department; 43377  
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(5) Exercise all incidental powers necessary to carry out the purposes of this chapter and the rules adopted under it, including, without limitation, the issuance of orders. 43382  
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**Sec. 3748.07.** (A) Every facility that proposes to handle 43385  
radioactive material or radiation-generating equipment for which 43386  
licensure or registration, respectively, by its handler is 43387  
required shall apply in writing to the director of health on forms 43388  
prescribed and provided by the director for licensure or 43389  
registration. Terms and conditions of licenses and certificates of 43390  
registration may be amended in accordance with rules adopted under 43391  
section 3748.04 of the Revised Code or orders issued by the 43392  
director pursuant to section 3748.05 of the Revised Code. 43393

(B)(1) An applicant proposing to handle radioactive material 43394  
shall pay for a license or renewal of a license the appropriate 43395  
fee specified in rules adopted under section 3748.04 of the 43396  
Revised Code and listed on an invoice provided by the director. 43397  
The applicant shall pay the fee on receipt of the invoice. 43398

(2)(a) Except as provided in division (B)(2)(b) of this 43399  
section, until fees are established in rules adopted under 43400  
division (A)(8)(b) of section 3748.04 of the Revised Code, an 43401  
applicant proposing to handle radiation-generating equipment shall 43402  
pay for a certificate of registration or renewal of a certificate 43403  
a biennial registration fee of two hundred sixty-two dollars. 43404

Except as provided in division (B)(2)(b) of this section, on 43405  
and after the effective date of the rules in which fees are 43406  
established under division (A)(8)(b) of section 3748.04 of the 43407  
Revised Code, an applicant proposing to handle 43408  
radiation-generating equipment shall pay for a certificate of 43409  
registration or renewal of a certificate the appropriate fee 43410  
established in those rules. 43411

The applicant shall pay the fees described in division 43412  
(B)(2)(a) of this section at the time of applying for a 43413  
certificate of registration or renewal of a certificate. 43414

(b) An applicant that is, or is operated by, a medical 43415

practitioner or medical-practitioner group and proposes to handle 43416  
radiation-generating equipment shall pay for a certificate of 43417  
registration or renewal of a certificate a biennial registration 43418  
fee of two hundred sixty-two dollars. The applicant shall pay the 43419  
fee at the time of applying for a certificate of registration or 43420  
renewal of the certificate. 43421

(C) All fees collected under this section shall be deposited 43422  
in the state treasury to the credit of the general operations fund 43423  
created in section 3701.83 of the Revised Code. The fees shall be 43424  
used solely to administer and enforce this chapter and rules 43425  
adopted under it. 43426

(D) Any fee required under this section that ~~has not been~~ 43427  
~~paid within ninety days~~ remains unpaid on the ninety-first day 43428  
after the original invoice date shall be assessed ~~at two times an~~ 43429  
additional amount equal to ten per cent of the original invoiced 43430  
fee. ~~Any fee that has not been paid within one hundred eighty days~~ 43431  
~~after the invoice date shall be assessed at five times the~~ 43432  
~~original invoiced fee.~~ 43433

(E) The director shall grant a license or registration to any 43434  
applicant who has paid the required fee and is in compliance with 43435  
this chapter and rules adopted under it. 43436

(F) Except as provided in division (B)(2) of this section, 43437  
licenses and certificates of registration shall be effective for 43438  
the applicable period established in rules adopted under section 43439  
3748.04 of the Revised Code. Licenses and certificates of 43440  
registration shall be renewed in accordance with the renewal 43441  
procedure established in rules adopted under section 3748.04 of 43442  
the Revised Code. 43443

**Sec. 3748.10.** (A) As used in this section, "person" means any 43444  
legal entity defined as a person under section 1.59 of the Revised 43445  
Code, the state or any agency of the state, any political 43446

subdivision or agency of a political subdivision, and the United States or any agency or instrumentality of the United States other than the United States department of energy or the United States nuclear regulatory commission where state regulation of the treatment, recycling, storage, or disposal of low-level radioactive waste by either of those agencies is prohibited by federal law.

(B) No person shall treat, recycle, store, or dispose of any low-level radioactive waste except at a facility that is licensed for treatment, recycling, storage, or disposal of that waste by the director of health under this chapter and rules adopted under it or, until the state becomes an agreement state pursuant to section 3748.03 of the Revised Code, by the United States nuclear regulatory commission under the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted under it regardless of whether the waste has been reclassified as "below regulatory concern" by the United States nuclear regulatory commission pursuant to any rule or standard adopted after January 1, 1990.

(C) Division (B) of this section does not apply to either of the following:

(1) Any low-level radioactive waste that on or before January 1, 1990, was authorized under the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, and regulations adopted under it to be treated, recycled, stored, or disposed of at a facility that has not been licensed under that act and regulations adopted under it;

(2) Any low-level radioactive waste that has received an exemption from the director of health under division (C)(2) of this section. If the United States nuclear regulatory commission declares its intent to institute a policy regarding the reclassification of waste as "below regulatory concern," the

~~public health council~~ director, in consultation with the 43479  
environmental protection agency, shall adopt rules in accordance 43480  
with Chapter 119. of the Revised Code that govern the granting of 43481  
such exemptions and that do at least all of the following: 43482

(a) Establish an application procedure to be followed by the 43483  
generator of a low-level radioactive waste who wishes to obtain an 43484  
exemption for that waste under division (C)(2) of this section; 43485

(b) Require that in order to receive an exemption, a 43486  
low-level radioactive waste shall have been reclassified as "below 43487  
regulatory concern" by the United States nuclear regulatory 43488  
commission after August 19, 1992. The rules adopted under division 43489  
(C)(2)(b) of this section shall stipulate that such a 43490  
reclassification does not automatically qualify a low-level 43491  
radioactive waste for an exemption under division (C)(2) of this 43492  
section. 43493

(c) Require an applicant to demonstrate with clear and 43494  
convincing evidence that the low-level radioactive waste that is 43495  
the subject of the application does not present a higher 43496  
radioactive hazard than any low-level radioactive waste to which 43497  
division (C)(1) of this section applies and that treatment, 43498  
recycling, storage, or disposal of the waste at a facility that 43499  
has not been licensed by the director under this chapter and rules 43500  
adopted under it or, until the state becomes an agreement state 43501  
pursuant to section 3748.03 of the Revised Code, by the United 43502  
States nuclear regulatory commission under the "Atomic Energy Act 43503  
of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended, and 43504  
regulations adopted under it, will not harm public health or 43505  
safety or the environment; 43506

(d) Establish public notification procedures to be followed 43507  
by the director for any public hearing held ~~by him~~ under division 43508  
(C)(2) of this section. 43509

The director shall review an application submitted ~~to him~~ 43510  
under division (C)(2) of this section and shall hold a public 43511  
hearing concerning the application before granting or denying the 43512  
exemption requested. The director may grant an exemption to the 43513  
low-level radioactive waste that is the subject of the application 43514  
~~if he determines~~ after determining that the generator has complied 43515  
with the rules adopted under division (C)(2)(a) of this section 43516  
and that the waste satisfies the requirements established in the 43517  
rules adopted under divisions (C)(2)(b) and (c) of this section. 43518  
The director shall maintain a list of all low-level radioactive 43519  
wastes to which ~~he~~ the director has granted such an exemption. 43520

Division (C)(2) of this section does not apply to any 43521  
low-level radioactive waste generated at a nuclear power station. 43522

**Sec. 3748.12.** The director of health shall certify radiation 43523  
experts pursuant to rules adopted under division (C) of section 43524  
3748.04 of the Revised Code. The director shall issue a 43525  
certificate to each person certified under this section. An 43526  
individual certified by the director is qualified to develop, 43527  
provide periodic review of, and conduct audits of the quality 43528  
assurance program for sources of radiation for which such a 43529  
program is required under division (A) of section 3748.13 of the 43530  
Revised Code. 43531

The ~~public health council~~ director shall establish an 43532  
application fee for applying for certification and a biennial 43533  
certification renewal fee in rules adopted under division (C) of 43534  
section 3748.04 of the Revised Code. A certificate issued under 43535  
this section shall expire two years after the date of its 43536  
issuance. To maintain certification, a radiation expert shall 43537  
apply to the director for renewal of certification in accordance 43538  
with the standard renewal procedures established in Chapter 4745. 43539  
of the Revised Code. The certification renewal fee is not required 43540

for initial certification, but shall be paid for every renewal of 43541  
certification. Fees collected under this section shall be 43542  
deposited into the state treasury to the credit of the general 43543  
operations fund created in section 3701.83 of the Revised Code. 43544  
The fees shall be used solely to administer and enforce this 43545  
chapter and rules adopted under it. Any fee required under this 43546  
section that ~~has not been paid within ninety days~~ remains unpaid 43547  
on the ninety-first day after the original invoice date shall be 43548  
assessed ~~at two times~~ an additional amount equal to ten per cent 43549  
of the original ~~invoiced~~ fee. ~~Any fee that has not been paid~~ 43550  
~~within one hundred eighty days after the invoice date shall be~~ 43551  
~~assessed at five times the original invoiced fee.~~ 43552

**Sec. 3748.13.** (A) The director of health shall inspect 43553  
sources of radiation for which licensure or registration by the 43554  
handler is required, and the sources' shielding and surroundings, 43555  
according to the schedule established in rules adopted under 43556  
division (D) of section 3748.04 of the Revised Code. In accordance 43557  
with rules adopted under section 3748.04 of the Revised Code, the 43558  
director shall inspect all records and operating procedures of 43559  
handlers that install or service sources of radiation and all 43560  
sources of radiation for which licensure of radioactive material 43561  
or registration of radiation-generating equipment by the handler 43562  
is required. The director may make other inspections upon 43563  
receiving complaints or other evidence of a violation of this 43564  
chapter or rules adopted under it. 43565

The director shall require any hospital registered under 43566  
division (A) of section 3701.07 of the Revised Code to develop and 43567  
maintain a quality assurance program for all sources of 43568  
radiation-generating equipment. A certified radiation expert shall 43569  
conduct oversight and maintenance of the program and shall file a 43570  
report of audits of the program with the director on forms 43571  
prescribed by the director. The audit reports shall become part of 43572

the inspection record. 43573

(B)(1) Except as provided in division (B)(2) of this section, 43574  
a facility shall pay inspection fees for radioactive material and 43575  
radiation-generating equipment according to the schedule and 43576  
categories established in rules adopted under division (A)(9) of 43577  
section 3748.04 of the Revised Code. 43578

(2) A facility that is, or is operated by, a medical 43579  
practitioner or medical-practitioner group shall pay inspection 43580  
fees for radiation-generating equipment according to the following 43581  
schedule and categories: 43582

First dental x-ray tube \$ 155.00 43583

Each additional dental x-ray tube \$ 77.00 43584  
at the same location

First medical x-ray tube \$ 307.00 43585

Each additional medical x-ray tube \$ 163.00 43586  
at the same location

Each unit of ionizing \$ 610.00 43587  
radiation-generating equipment  
capable of operating at or above  
250 kilovoltage peak

First nonionizing \$ 307.00 43588

radiation-generating equipment of  
any kind

Each additional nonionizing \$ 163.00 43589

radiation-generating equipment of  
any kind at the same location

(C)(1) Except as provided in division (C)(2) of this section, 43590  
the fee for the inspection of a facility that proposes to handle 43591  
radioactive material or radiation-generating equipment and is not 43592  
licensed or registered, and for which no license or registration 43593  
application is pending at the time of inspection, is four hundred 43594  
seventy-four dollars plus the applicable fee specified in rules 43595

adopted under division (A)(9) of section 3748.04 of the Revised Code. 43596  
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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and proposes to handle radiation-generating equipment, the fee for an inspection if the facility is not licensed or registered, and no license or registration is pending at the time of inspection, is four hundred seventy-four dollars plus the fee applicable under the schedule in division (B)(2) of this section. 43598  
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(D)(1) Except as provided in division (D)(2) of this section, for a facility that handles radioactive material or radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is the amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code. 43605  
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(2) For a facility that is, or is operated by, a medical practitioner or medical-practitioner group and handles radiation-generating equipment, the fee for an inspection to determine whether violations cited in a previous inspection have been corrected is fifty per cent of the applicable fee under the schedule in division (B)(2) of this section. 43611  
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(E) The director may conduct a review of shielding plans or the adequacy of shielding on the request of a licensee or registrant or an applicant for licensure or registration or during an inspection when the director considers a review to be necessary. 43617  
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(1) Except as provided in division (E)(2) of this section, the fee for the review is the applicable amount specified in rules adopted under division (A)(9) of section 3748.04 of the Revised Code. 43622  
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(2) For a facility that is, or is operated by, a medical 43626



practitioner or medical-practitioner group and handles or proposes 43627  
to handle radiation-generating equipment, the fee for the review 43628  
is seven hundred sixty-two dollars for each room where a source of 43629  
radiation is used and is in addition to any other fee applicable 43630  
under the schedule in division (B)(2) of this section. 43631

(F) All fees shall be paid to the department of health no 43632  
later than thirty days after the invoice for the fee is mailed. 43633  
Fees shall be deposited in the general operations fund created in 43634  
section 3701.83 of the Revised Code. The fees shall be used solely 43635  
to administer and enforce this chapter and rules adopted under it. 43636

(G) Any fee required under this section that ~~has not been~~ 43637  
~~paid within ninety days~~ remains unpaid on the ninety-first day 43638  
after the original invoice date shall be assessed ~~at two times an~~ 43639  
additional amount equal to ten per cent of the original ~~invoiced~~ 43640  
fee. ~~Any fee that has not been paid within one hundred eighty days~~ 43641  
~~after the invoice date shall be assessed at five times the~~ 43642  
~~original invoiced fee.~~ 43643

(H) If the director determines that a board of health of a 43644  
city or general health district is qualified to conduct 43645  
inspections of radiation-generating equipment, the director may 43646  
delegate to the board, by contract, the authority to conduct such 43647  
inspections. In making a determination of the qualifications of a 43648  
board of health to conduct those inspections, the director shall 43649  
evaluate the credentials of the individuals who are to conduct the 43650  
inspections of radiation-generating equipment and the radiation 43651  
detection and measuring equipment available to them for that 43652  
purpose. If a contract is entered into, the board shall have the 43653  
same authority to make inspections of radiation-generating 43654  
equipment as the director has under this chapter and rules adopted 43655  
under it. The contract shall stipulate that only individuals 43656  
approved by the director as qualified shall be permitted to 43657  
inspect radiation-generating equipment under the contract's 43658

provisions. The contract shall provide for such compensation for 43659  
services as is agreed to by the director and the board of health 43660  
of the contracting health district. The director may reevaluate 43661  
the credentials of the inspection personnel and their radiation 43662  
detecting and measuring equipment as often as the director 43663  
considers necessary and may terminate any contract with the board 43664  
of health of any health district that, in the director's opinion, 43665  
is not satisfactorily performing the terms of the contract. 43666

(I) The director may enter at all reasonable times upon any 43667  
public or private property to determine compliance with this 43668  
chapter and rules adopted under it. 43669

**Sec. 3748.15.** No facility shall violate or fail to comply 43670  
with any duty imposed by this chapter, fail to pay any 43671  
administrative penalty assessed in accordance with rules adopted 43672  
under division (A)(6) of section 3748.05 of the Revised Code, or 43673  
violate or fail to comply with any valid order ~~of issued or rule~~ 43674  
adopted by the director of health ~~issued or rule of the public~~ 43675  
~~health council adopted~~ under this chapter. Each day a violation 43676  
continues is a separate offense. 43677

**Sec. 3748.20.** (A) The governor, with the advice and consent 43678  
of the senate, shall appoint a radiation advisory council, which 43679  
shall consist of the following members: 43680

(1) One individual who has recognized ability and credentials 43681  
in the field of medical radiation physics; 43682

(2) One individual who has recognized ability and credentials 43683  
in the field of health physics; 43684

(3) One individual holding the degree of doctor of medicine 43685  
or doctor of osteopathy and licensed to practice medicine or 43686  
surgery or osteopathic medicine and surgery, as applicable, under 43687  
Chapter 4731. of the Revised Code who has recognized ability and 43688

credentials in the practice of radiology;	43689
(4) One individual who is licensed to practice dentistry under Chapter 4715. of the Revised Code;	43690 43691
(5) One individual holding the degree of doctor of medicine and licensed to practice medicine or surgery under Chapter 4731. of the Revised Code who has recognized ability and credentials in the field of nuclear medicine;	43692 43693 43694 43695
(6) One individual who has recognized ability and credentials in the field of public health or environmental science;	43696 43697
(7) One individual licensed as a podiatrist under Chapter 4731. of the Revised Code;	43698 43699
(8) One individual licensed as a chiropractor under Chapter 4734. of the Revised Code;	43700 43701
(9) One individual who is a qualified radiation safety officer or radiation protection manager from a facility in this state that is licensed for the use of radiation materials;	43702 43703 43704
(10) One individual who has recognized ability and credentials in the field of radon measurement, mitigation, or health risk management;	43705 43706 43707
(11) One individual who is a member of a statewide consumer or environmental advocacy organization;	43708 43709
(12) One individual representing the public;	43710
(13) One individual who has recognized ability and experience in the administration and enforcement of federal radiation protection regulations, who shall be a nonvoting member.	43711 43712 43713
The governor shall make the initial appointments to the council not later than December 7, 1995. Of the initial appointments, four shall be for a term of office of three years, four shall be for a term of office of four years, and four shall be for a term of office of five years. Thereafter, terms of office	43714 43715 43716 43717 43718

for the members of the council shall be five years with each term 43719  
ending on the same day of the same month as did the term that it 43720  
succeeds. Each member shall hold office from the date of the 43721  
member's appointment until the end of the term for which the 43722  
member was appointed. Members may be reappointed. Vacancies shall 43723  
be filled in the manner provided for original appointment. Any 43724  
member appointed to fill a vacancy occurring prior to the 43725  
expiration of the term for which the member's predecessor was 43726  
appointed shall hold office for the remainder of that term. A 43727  
member shall continue in office subsequent to the expiration of 43728  
the member's term or until a period of sixty days has elapsed, 43729  
whichever occurs first. 43730

The council shall hold four regular quarterly meetings each 43731  
year. Special meetings may be held at the request of the 43732  
chairperson of the council or the director of health. The 43733  
chairperson shall be selected annually by members of the council 43734  
during the first meeting of the calendar year. Following each 43735  
meeting, the chairperson shall submit a report to the director 43736  
summarizing the activities, discussion, and recommendations of the 43737  
council. Seven voting members of the council constitute a quorum. 43738

Members of the radiation advisory council shall receive a per 43739  
diem compensation in an amount approved by the director and also 43740  
shall be reimbursed for actual expenses incurred in the 43741  
performance of their official duties. 43742

The department of health shall provide the council the 43743  
administrative support necessary to execute its duties. 43744

(B) The radiation advisory council shall do all of the 43745  
following: 43746

(1) Advise and consult with the ~~public health council~~ 43747  
director in the development of rules ~~proposed for adoption to be~~ 43748  
adopted under section 3748.04 of the Revised Code; 43749

(2) Advise and consult with the director concerning the 43750  
administration, implementation, and enforcement of this chapter, 43751  
including the implementation of the specific responsibilities 43752  
delineated in section 3748.05 of the Revised Code; 43753

(3) Advise and consult with the director in the development 43754  
of inspection criteria, procedures, and guidelines to be used in 43755  
the radiation control program established under this chapter and 43756  
rules adopted under it; 43757

(4) Prepare and submit to the director an annual report 43758  
evaluating the department's administration of the radiation 43759  
control program. 43760

(C) The council shall establish committees to focus on 43761  
specific components of the radiation control program established 43762  
under this chapter and rules adopted under it. Chairpersons of the 43763  
committees shall be appointed by the chairperson of the council 43764  
and shall be members of the council. Other members of the 43765  
committees shall be appointed by the chairperson of the council 43766  
and may include individuals who are not members of the council. 43767

The membership and responsibilities of each committee 43768  
established under this division shall be subject to the approval 43769  
of the director. Members of the committees shall be reimbursed for 43770  
actual expenses incurred in the performance of their official 43771  
duties. 43772

Committee reports shall be presented to the council at each 43773  
regular meeting of the council. 43774

**Sec. 3749.02.** The ~~public~~ director of health council shall, 43775  
subject to Chapter 119. of the Revised Code, adopt rules of 43776  
general application throughout the state governing the issuance of 43777  
licenses, approval of plans, layout, construction, sanitation, 43778  
safety, and operation of public swimming pools, public spas, and 43779

special use pools. Such rules shall not be applied to the 43780  
construction, erection, or manufacture of any building to which 43781  
section 3781.06 of the Revised Code is applicable when the 43782  
building or structure is either integral to or appurtenant to a 43783  
public swimming pool, a public spa, or a special use pool. 43784

**Sec. 3749.03.** (A) No person shall construct or install, or 43785  
renovate or otherwise substantially alter, a public swimming pool, 43786  
public spa, or ~~special-use~~ special use pool after September 10, 43787  
1987, until the plans for the pool or spa have been submitted to 43788  
and approved by the director of health. Within thirty days of 43789  
receipt of the plans, the director shall approve or disapprove 43790  
them. The plans and approval required under this division do not 43791  
apply to repairs or ordinary maintenance that does not 43792  
substantially affect the manner of water recirculation or basic 43793  
design of the public swimming pool, public spa, or ~~special-use~~ 43794  
special use pool. 43795

Any person aggrieved by the director's disapproval of plans 43796  
under this division may, within thirty days following receipt of 43797  
the director's notice of disapproval, request a hearing on the 43798  
matter. The hearing shall be held in accordance with Chapter 119. 43799  
of the Revised Code and may be appealed in the manner provided in 43800  
that chapter. 43801

(B) Prior to the issuance of a license to operate a newly 43802  
constructed or altered public swimming pool, public spa, or 43803  
~~special-use~~ special use pool, the director or a licensor 43804  
authorized by the director shall verify that the construction or 43805  
alterations are consistent with the plans submitted and approved 43806  
under division (A) of this section. The director or licensor 43807  
authorized by the director shall have two working days from the 43808  
time notification is received that a public swimming pool, public 43809  
spa, or ~~special-use~~ special use pool is ready for an inspection to 43810

verify the construction or alterations. 43811

(C) ~~The (1) Except as provided in division (C)(2) of this~~ 43812  
section, the fees for the approval of plans are as follows: 43813

~~(1)(a)~~ Five per cent of the total cost of the equipment and 43814  
installation not to exceed two hundred seventy-five dollars for a 43815  
public swimming pool, public spa, or ~~special-use~~ special use pool, 43816  
or a combination thereof, that has less than two thousand square 43817  
feet of surface area; 43818

~~(2)(b)~~ Five per cent of the total cost of the equipment and 43819  
installation not to exceed five hundred fifty dollars for a public 43820  
swimming pool, public spa, ~~special-use~~ special use pool, or a 43821  
combination thereof, that has two thousand or more square feet of 43822  
surface area. 43823

~~After December 31, 1992, the public health council~~ (2) The 43824  
director may, by rule adopted in accordance with Chapter 119. of 43825  
the Revised Code, increase the fees established by this section. 43826

(D) All plan approval fees shall be paid into the state 43827  
treasury to the credit of the general operations fund created by 43828  
section 3701.83 of the Revised Code. The fees shall be 43829  
administered by the director and shall be used solely for the 43830  
administration and enforcement of this chapter and the rules 43831  
adopted thereunder. 43832

(E) Plan approvals issued under this section shall not 43833  
constitute an exemption from the land use and building 43834  
requirements of the political subdivision in which the public 43835  
swimming pool, public spa, or ~~special-use~~ special use pool is or 43836  
is to be located. 43837

**Sec. 3749.04.** (A) No person shall operate or maintain a 43838  
public swimming pool, public spa, or ~~special-use~~ special use pool 43839  
without a license issued by the licensor having jurisdiction. 43840

(B) Every person who intends to operate or maintain an 43841  
existing public swimming pool, public spa, or ~~special-use~~ special 43842  
use pool shall, during the month of April of each year, apply to 43843  
the licenser having jurisdiction for a license to operate the pool 43844  
or spa. Any person proposing to operate or maintain a new or 43845  
otherwise unlicensed public swimming pool, public spa, or 43846  
~~special-use~~ special use pool shall apply to the licenser having 43847  
jurisdiction at least thirty days prior to the intended start of 43848  
operation of the pool or spa. Within thirty days of receipt of an 43849  
application for licensure of a public swimming pool, public spa, 43850  
or ~~special-use~~ special use pool, the licenser shall process the 43851  
application and either issue a license or otherwise respond to the 43852  
applicant regarding the application. 43853

(C) Each license issued shall be effective from the date of 43854  
issuance until the last day of May of the following year. 43855

(D) Each licenser administering and enforcing sections 43856  
3749.01 to 3749.09 of the Revised Code and the rules adopted 43857  
thereunder may establish licensing and inspection fees in 43858  
accordance with section 3709.09 of the Revised Code, which shall 43859  
not exceed the cost of licensing and inspecting public swimming 43860  
pools, public spas, and ~~special-use~~ special use pools. 43861

(E) Except as provided in division (F) of this section and in 43862  
division (B) of section 3749.07 of the Revised Code, all license 43863  
fees collected by a licenser shall be deposited into a swimming 43864  
pool fund, which is hereby created in each health district. The 43865  
fees shall be used by the licenser solely for the purpose of 43866  
administering and enforcing this chapter and the rules adopted 43867  
under this chapter. 43868

(F) An annual license fee established under division (D) of 43869  
this section shall include any additional amount determined by 43870  
rule of the ~~public~~ director of health council, which the board of 43871  
health shall collect and transmit to the director ~~of health~~ 43872



pursuant to section 3709.092 of the Revised Code. The amounts 43873  
collected under this division shall be administered by the 43874  
director of health and shall be used solely for the administration 43875  
and enforcement of this chapter and the rules adopted under this 43876  
chapter. 43877

**Sec. 3752.06.** (A) Unless the owner or operator of a reporting 43878  
facility has submitted to the director of environmental protection 43879  
in connection with the facility a notice of the temporary 43880  
discontinuation of all regulated operations at the facility in 43881  
compliance with division (A)(1) of section 3752.09 of the Revised 43882  
Code, has submitted an application for a waiver in compliance with 43883  
or been issued a waiver under division (A) of section 3752.10 of 43884  
the Revised Code, or, pursuant to division (B) of this section, 43885  
has been granted an extension of time for compliance with 43886  
divisions (A)(4) to (6) of this section, and except as provided in 43887  
division (C) of this section, the owner or operator, not later 43888  
than ninety days after the cessation of all regulated operations 43889  
at the facility, shall do all of the following: 43890

(1) Submit to the director a copy of the most recent 43892  
emergency and hazardous chemical inventory form for the facility 43893  
submitted to the emergency response commission in accordance with 43894  
section 3750.08 of the Revised Code accompanied by a statement 43895  
indicating whether any asbestos-containing materials are present 43896  
at the facility; 43897

(2) Submit to the director a copy of the current hazardous 43898  
chemical list, or of each of the material safety data sheets, that 43899  
the owner or operator is required to have on file with the 43900  
commission under section 3750.07 of the Revised Code in connection 43901  
with the facility; 43902

(3) Submit to the director a list of every stationary tank, 43903

vat, electrical transformer, and vessel of any type that contains 43904  
or is contaminated with regulated substances and that is to remain 43905  
at the facility; a precise description of the location of each; 43906  
and an identification of the regulated substances that are in or 43907  
contaminate each; 43908

(4) Drain or remove all regulated substances from each 43909  
stationary vat, tank, electrical transformer, and vessel, and from 43910  
all piping, that is to remain at the facility and do any or a 43911  
combination of the following: 43912

(a) Transfer the regulated substances to another facility 43913  
owned or operated by the owner or operator. If any regulated 43914  
substances are transferred to another facility of the owner or 43915  
operator located within this state, they shall be transferred to a 43916  
facility that is operating. If any regulated substances are 43917  
transferred to another facility of the owner or operator located 43918  
outside this state, they shall be transferred in compliance with 43919  
the applicable laws governing the receiving facility of the state 43920  
in which the receiving facility is located. 43921

(b) Lawfully transfer ownership of the regulated substances 43922  
to another person through sale or otherwise; 43923

(c) Cause the regulated substances to be transported off the 43924  
premises of the facility and managed in compliance with the 43925  
applicable provisions of Chapter 3734. of the Revised Code and 43926  
rules adopted under that chapter; the "Toxic Substances Control 43927  
Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, as amended, and 43928  
regulations adopted under it; or the "Resource Conservation and 43929  
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 43930  
amended, and regulations adopted under it; or, if transported out 43931  
of state, to be managed in compliance with the waste management 43932  
laws of the state to which the regulated substances are 43933  
transported. 43934

In the case of any regulated substance that also is a hazardous material identified or listed in regulations adopted under the "Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as amended, and that is to be transported off the premises of the facility, the owner or operator of the facility shall transport the regulated substance, or cause it to be transported, in compliance with the applicable rules adopted under ~~division (A) of section 4919.85, division (E) of section 4921.04, division (C) of section 4923.03, or division (C) of section 4923.20~~ Chapters 4905., 4921., and 4923. of the Revised Code.

(5) Remove from the facility all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance and do any or a combination of the following:

(a) Transfer the debris, equipment, furnishings, containers, and motor vehicles and rolling stock to another facility owned or operated by the owner or operator. If any such debris, equipment, furnishings, containers, or motor vehicles and rolling stock is transferred to another facility of the owner or operator located in this state, it shall be transferred to a facility that is operating. If any such debris, equipment, furnishings, containers, or motor vehicles and rolling stock is transferred to another facility of the owner or operator located outside this state, it only shall be transferred in compliance with the applicable laws governing the receiving facility of the state in which the receiving facility is located.

(b) Lawfully transfer ownership of the debris, equipment, furnishings, containers, and motor vehicles and rolling stock to another person through sale or otherwise;

(c) Cause the debris, equipment, furnishings, and containers to be transported off the premises of the facility and managed in

compliance with the applicable provisions of Chapter 3734. of the 43967  
Revised Code and rules adopted under that chapter; the "Toxic 43968  
Substances Control Act," 90 Stat. 2003 (1976), 15 U.S.C.A. 2601, 43969  
as amended, and regulations adopted under it; or the "Resource 43970  
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 43971  
6921, as amended, and regulations adopted under it; or, if 43972  
transported out of state, to be managed in compliance with the 43973  
waste management laws of the state to which the debris, equipment, 43974  
furnishings, and containers are transported. 43975

(6) Make a written certification to the director that the 43976  
actions required by divisions (A)(4) and (5) of this section have 43977  
been completed in compliance with those divisions and any 43978  
applicable rules adopted under section 3752.03 of the Revised 43979  
Code. The certification shall be made on a form prescribed by the 43980  
director and, in addition to the information required in division 43981  
(A) of this section, shall include, without limitation, the 43982  
owner's or operator's name and the address of the owner's or 43983  
operator's principal office. 43984

(B) Upon the written request of the owner or operator of a 43985  
facility who is subject to division (A) of this section, the 43986  
director, at ~~his~~ the director's discretion, may extend the length 43987  
of time required for compliance with divisions (A)(4) to (6) of 43988  
this section for any period of time the director considers 43989  
reasonable and necessary if the director finds from the request 43990  
that either of the following applies: 43991

(1) The inability of the owner or operator to complete the 43992  
required actions within the time prescribed in that division is 43993  
due to circumstances that are temporary in nature and are beyond 43994  
the control of the owner or operator; 43995

(2) The owner or operator, exercising reasonable diligence, 43996  
is unable to complete the required actions within the time 43997  
prescribed in that division due to facility size, operational 43998

complexity, or other such relevant factors. 43999

Upon making a decision on a request submitted under division 44000  
(B) of this section, the director shall mail notice of ~~his~~ the 44001  
decision to the owner or operator by certified mail, return 44002  
receipt requested, and, if the request was approved, notice of the 44003  
length of the extension. 44004

(C) An owner or operator of a reporting facility who is 44005  
subject to this section is not required to perform the removal 44006  
actions required by it or to make the certification required by 44007  
division (A)(6) of this section with respect to hazardous waste 44008  
stored, treated, or disposed of at the facility, or portion of the 44009  
facility, for which the owner holds a valid hazardous waste 44010  
facility installation and operation permit or renewal permit 44011  
issued under section 3734.05 of the Revised Code or has obtained a 44012  
generator identification number pursuant to rules adopted under 44013  
section 3734.12 of the Revised Code. Instead, the owner shall 44014  
comply with the applicable closure and post-closure care 44015  
requirements established in rules adopted under section 3734.12 of 44016  
the Revised Code. 44017

(D) No person shall fail to comply with any provision of 44018  
division (A) of this section within the time required by that 44019  
division and any extension of that time granted under division (B) 44020  
of this section, as appropriate. 44021

**Sec. 3770.06.** (A) There is hereby created the state lottery 44022  
gross revenue fund, which shall be in the custody of the treasurer 44023  
of state but shall not be part of the state treasury. All gross 44024  
revenues received from sales of lottery tickets, fines, fees, and 44025  
related proceeds in connection with the statewide lottery and all 44026  
gross proceeds from statewide joint lottery games shall be 44027  
deposited into the fund. The treasurer of state shall invest any 44028  
portion of the fund not needed for immediate use in the same 44029

manner as, and subject to all provisions of law with respect to 44030  
the investment of, state funds. The treasurer of state shall 44031  
disburse money from the fund on order of the director of the state 44032  
lottery commission or the director's designee. 44033

Except for gross proceeds from statewide joint lottery games, 44034  
all revenues of the state lottery gross revenue fund that are not 44035  
paid to holders of winning lottery tickets, that are not required 44036  
to meet short-term prize liabilities, that are not credited to 44037  
lottery sales agents in the form of bonuses, commissions, or 44038  
reimbursements, that are not paid to financial institutions to 44039  
reimburse those institutions for sales agent nonsufficient funds, 44040  
and that are collected from sales agents for remittance to 44041  
insurers under contract to provide sales agent bonding services 44042  
shall be transferred to the state lottery fund, which is hereby 44043  
created in the state treasury. In addition, all revenues of the 44044  
state lottery gross revenue fund that represent the gross proceeds 44045  
from the statewide joint lottery games and that are not paid to 44046  
holders of winning lottery tickets, that are not required to meet 44047  
short-term prize liabilities, that are not credited to lottery 44048  
sales agents in the form of bonuses, commissions, or 44049  
reimbursements, and that are not necessary to cover operating 44050  
expenses associated with those games or to otherwise comply with 44051  
the agreements signed by the governor that the director enters 44052  
into under division (J) of section 3770.02 of the Revised Code or 44053  
the rules the commission adopts under division (B)(5) of section 44054  
3770.03 of the Revised Code shall be transferred to the state 44055  
lottery fund. All investment earnings of the fund shall be 44056  
credited to the fund. Moneys shall be disbursed from the fund 44057  
pursuant to vouchers approved by the director. Total disbursements 44058  
for monetary prize awards to holders of winning lottery tickets in 44059  
connection with the statewide lottery and purchases of goods and 44060  
services awarded as prizes to holders of winning lottery tickets 44061  
shall be of an amount equal to at least fifty per cent of the 44062

total revenue accruing from the sale of lottery tickets. 44063

(B) Pursuant to Section 6 of Article XV, Ohio Constitution, 44064  
there is hereby established in the state treasury the lottery 44065  
profits education fund. Whenever, in the judgment of the director 44066  
of ~~budget and management~~ the state lottery commission, the amount 44067  
to the credit of the state lottery fund that does not represent 44068  
proceeds from statewide joint lottery games is in excess of that 44069  
needed to meet the maturing obligations of the commission and as 44070  
working capital for its further operations, the director of the 44071  
state lottery commission shall recommend the amount of the excess 44072  
to be transferred to the lottery profits education fund, and the 44073  
director of budget and management may transfer the excess to the 44074  
lottery profits education fund in connection with the statewide 44075  
lottery. In addition, whenever, in the judgment of the director of 44076  
~~budget and management~~ the state lottery commission, the amount to 44077  
the credit of the state lottery fund that represents proceeds from 44078  
statewide joint lottery games equals the entire net proceeds of 44079  
those games as described in division (B)(5) of section 3770.03 of 44080  
the Revised Code and the rules adopted under that division, the 44081  
director of the state lottery commission shall recommend the 44082  
amount of the proceeds to be transferred to the lottery profits 44083  
education fund, and the director of budget and management may 44084  
transfer those proceeds to the lottery profits education fund. 44085  
~~There shall also be credited to the fund any repayments of moneys~~ 44086  
~~loaned from the educational excellence investment fund.~~ Investment 44087  
earnings of the lottery profits education fund shall be credited 44088  
to the fund. 44089

The lottery profits education fund shall be used solely for 44090  
the support of elementary, secondary, vocational, and special 44091  
education programs as determined in appropriations made by the 44092  
general assembly, or as provided in applicable bond proceedings 44093  
for the payment of debt service on obligations issued to pay costs 44094

of capital facilities, including those for a system of common 44095  
schools throughout the state pursuant to section 2n of Article 44096  
VIII, Ohio Constitution. When determining the availability of 44097  
money in the lottery profits education fund, the director of 44098  
budget and management may consider all balances and estimated 44099  
revenues of the fund. 44100

(C) There is hereby established in the state treasury the 44101  
deferred prizes trust fund. With the approval of the director of 44102  
budget and management, an amount sufficient to fund annuity prizes 44103  
shall be transferred from the state lottery fund and credited to 44104  
the trust fund. The treasurer of state shall credit all earnings 44105  
arising from investments purchased under this division to the 44106  
trust fund. Within sixty days after the end of each fiscal year, 44107  
the treasurer of state shall certify to the director of budget and 44108  
management whether the actuarial amount of the trust fund is 44109  
sufficient over the fund's life for continued funding of all 44110  
remaining deferred prize liabilities as of the last day of the 44111  
fiscal year just ended. Also, within that sixty days, the director 44112  
of budget and management shall certify the amount of investment 44113  
earnings necessary to have been credited to the trust fund during 44114  
the fiscal year just ending to provide for such continued funding 44115  
of deferred prizes. Any earnings credited in excess of the latter 44116  
certified amount shall be transferred to the lottery profits 44117  
education fund. 44118

To provide all or a part of the amounts necessary to fund 44119  
deferred prizes awarded by the commission in connection with the 44120  
statewide lottery, the treasurer of state, in consultation with 44121  
the commission, may invest moneys contained in the deferred prizes 44122  
trust fund which represents proceeds from the statewide lottery in 44123  
obligations of the type permitted for the investment of state 44124  
funds but whose maturities are thirty years or less. 44125  
Notwithstanding the requirements of any other section of the 44126



Revised Code, to provide all or part of the amounts necessary to 44127  
fund deferred prizes awarded by the commission in connection with 44128  
statewide joint lottery games, the treasurer of state, in 44129  
consultation with the commission, may invest moneys in the trust 44130  
fund which represent proceeds derived from the statewide joint 44131  
lottery games in accordance with the rules the commission adopts 44132  
under division (B)(5) of section 3770.03 of the Revised Code. 44133  
Investments of the trust fund are not subject to the provisions of 44134  
division (A)(10) of section 135.143 of the Revised Code limiting 44135  
to twenty-five per cent the amount of the state's total average 44136  
portfolio that may be invested in debt interests and limiting to 44137  
one-half of one per cent the amount that may be invested in debt 44138  
interests of a single issuer. 44139

All purchases made under this division shall be effected on a 44140  
delivery versus payment method and shall be in the custody of the 44141  
treasurer of state. 44142

The treasurer of state may retain an investment advisor, if 44143  
necessary. The commission shall pay any costs incurred by the 44144  
treasurer of state in retaining an investment advisor. 44145

(D) The auditor of state shall conduct annual audits of all 44146  
funds and any other audits as the auditor of state or the general 44147  
assembly considers necessary. The auditor of state may examine all 44148  
records, files, and other documents of the commission, and records 44149  
of lottery sales agents that pertain to their activities as 44150  
agents, for purposes of conducting authorized audits. 44151

The state lottery commission shall establish an internal 44152  
audit program before the beginning of each fiscal year, subject to 44153  
the approval of the auditor of state. At the end of each fiscal 44154  
year, the commission shall prepare and submit an annual report to 44155  
the auditor of state for the auditor of state's review and 44156  
approval, specifying the internal audit work completed by the end 44157  
of that fiscal year and reporting on compliance with the annual 44158

internal audit program. The form and content of the report shall 44159  
be prescribed by the auditor of state under division (C) of 44160  
section 117.20 of the Revised Code. 44161

(E) Whenever, in the judgment of the director of budget and 44162  
management, an amount of net state lottery proceeds is necessary 44163  
to be applied to the payment of debt service on obligations, all 44164  
as defined in sections 151.01 and 151.03 of the Revised Code, the 44165  
director shall transfer that amount directly from the state 44166  
lottery fund or from the lottery profits education fund to the 44167  
bond service fund defined in those sections. The provisions of 44168  
this division are subject to any prior pledges or obligation of 44169  
those amounts to the payment of bond service charges as defined in 44170  
division (C) of section 3318.21 of the Revised Code, as referred 44171  
to in division (B) of this section. 44172

**Sec. 3781.03.** (A) The state fire marshal, the fire chief of a 44173  
municipal corporation that has a fire department, or the fire 44174  
chief of a township that has a fire department shall enforce the 44175  
provisions of this chapter and Chapter 3791. of the Revised Code 44176  
that relate to fire prevention. 44177

(B) The superintendent of ~~labor~~ industrial compliance, or the 44178  
building inspector or commissioner of buildings in a municipal 44179  
corporation, county, or township in which the building department 44180  
is certified by the board of building standards under section 44181  
3781.10 of the Revised Code shall enforce in the jurisdiction of 44182  
each entity all the provisions in this chapter and Chapter 3791. 44183  
of the Revised Code and any rules adopted pursuant to those 44184  
chapters that relate to the construction, arrangement, and 44185  
erection of all buildings or parts of buildings, as defined in 44186  
section 3781.06 of the Revised Code, including the sanitary 44187  
condition of those buildings in relation to heating and 44188  
ventilation. 44189

(C) The division of ~~labor~~ industrial compliance in the 44190  
department of commerce, boards of health of health districts, 44191  
certified departments of building inspection of municipal 44192  
corporations, and county building departments that have authority 44193  
to perform inspections pursuant to a contract under division 44194  
(C)(1) of section 3703.01 of the Revised Code, subject to Chapter 44195  
3703. of the Revised Code, shall enforce this chapter and Chapter 44196  
3791. of the Revised Code and the rules adopted pursuant to those 44197  
chapters that relate to plumbing. Building drains are considered 44198  
plumbing for the purposes of enforcement of those chapters. 44199

(D)(1) In accordance with Chapter 3703. of the Revised Code, 44200  
the department of the city engineer, in cities having such 44201  
departments, the boards of health of health districts, or the 44202  
sewer purveyor, as appropriate, shall have complete authority to 44203  
supervise and regulate the entire sewerage and drainage system in 44204  
the jurisdiction in which it is exercising the authority described 44205  
in this division, including the building sewer and all laterals 44206  
draining into the street sewers. 44207

(2) In accordance with Chapter 3703. of the Revised Code, the 44208  
department of the city engineer, the boards of health of health 44209  
districts, or the sewer purveyor, as appropriate, shall control 44210  
and supervise the installation and construction of all drains and 44211  
sewers that become a part of the sewerage system and shall issue 44212  
all the necessary permits and licenses for the construction and 44213  
installation of all building sewers and of all other lateral 44214  
drains that empty into the main sewers. The department of the city 44215  
engineer, the boards of health of health districts, and the sewer 44216  
purveyor, as appropriate, shall keep a permanent record of the 44217  
installation and location of every drain and sewer of the drainage 44218  
and sewerage system of the jurisdiction in which it has exercised 44219  
the authority described in this division. 44220

(E) This section does not exempt any officer or department 44221

from the obligation to enforce this chapter and Chapter 3791. of 44222  
the Revised Code. 44223

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 44224  
of resort, assembly, education, entertainment, lodging, dwelling, 44225  
trade, manufacture, repair, storage, traffic, or occupancy by the 44226  
public, any residential building, and all other buildings or parts 44227  
and appurtenances of those buildings erected within this state, 44228  
shall be so constructed, erected, equipped, and maintained that 44229  
they shall be safe and sanitary for their intended use and 44230  
occupancy. 44231

(2) Nothing in sections 3781.06 to 3781.18 and 3791.04 of the 44232  
Revised Code shall be construed to limit the power of the ~~public~~ 44233  
~~health council~~ manufactured homes commission to adopt rules of 44234  
uniform application governing manufactured home parks pursuant to 44235  
section ~~3733.02~~ 4781.26 of the Revised Code. 44236

(B) Sections 3781.06 to 3781.18 and 3791.04 of the Revised 44237  
Code do not apply to either of the following: 44238

(1) Buildings or structures that are incident to the use for 44239  
agricultural purposes of the land on which the buildings or 44240  
structures are located, provided those buildings or structures are 44241  
not used in the business of retail trade. For purposes of this 44242  
division, a building or structure is not considered used in the 44243  
business of retail trade if fifty per cent or more of the gross 44244  
income received from sales of products in the building or 44245  
structure by the owner or operator is from sales of products 44246  
produced or raised in a normal crop year on farms owned or 44247  
operated by the seller. 44248

(2) Existing single-family, two-family, and three-family 44249  
detached dwelling houses for which applications have been 44250  
submitted to the director of job and family services pursuant to 44251  
section 5104.03 of the Revised Code for the purposes of operating 44252

type A family day-care homes as defined in section 5104.01 of the Revised Code. 44253  
44254

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the Revised Code: 44255  
44256

(1) "Agricultural purposes" include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, ornamental horticulture, olericulture, pomiculture, and animal and poultry husbandry. 44257  
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(2) "Building" means any structure consisting of foundations, walls, columns, girders, beams, floors, and roof, or a combination of any number of these parts, with or without other parts or appurtenances. 44261  
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(3) "Industrialized unit" means a building unit or assembly of closed construction fabricated in an off-site facility, that is substantially self-sufficient as a unit or as part of a greater structure, and that requires transportation to the site of intended use. "Industrialized unit" includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. "Industrialized unit" does not include a manufactured home as defined by division (C)(4) of this section or a mobile home as defined by division (O) of section 4501.01 of the Revised Code. 44265  
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(4) "Manufactured home" means a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all 44276  
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applicable federal construction and safety standards. 44284

(5) "Permanent foundation" means permanent masonry, concrete, 44285  
or a footing or foundation approved by the manufactured homes 44286  
commission pursuant to Chapter 4781. of the Revised Code, to which 44287  
a manufactured or mobile home may be affixed. 44288

(6) "Permanently sited manufactured home" means a 44289  
manufactured home that meets all of the following criteria: 44290

(a) The structure is affixed to a permanent foundation and is 44291  
connected to appropriate facilities; 44292

(b) The structure, excluding any addition, has a width of at 44293  
least twenty-two feet at one point, a length of at least 44294  
twenty-two feet at one point, and a total living area, excluding 44295  
garages, porches, or attachments, of at least nine hundred square 44296  
feet; 44297

(c) The structure has a minimum 3:12 residential roof pitch, 44298  
conventional residential siding, and a six-inch minimum eave 44299  
overhang, including appropriate guttering; 44300

(d) The structure was manufactured after January 1, 1995; 44301

(e) The structure is not located in a manufactured home park 44302  
as defined by section ~~3733.01~~ 4781.01 of the Revised Code. 44303

(7) "Safe," with respect to a building, means it is free from 44304  
danger or hazard to the life, safety, health, or welfare of 44305  
persons occupying or frequenting it, or of the public and from 44306  
danger of settlement, movement, disintegration, or collapse, 44307  
whether such danger arises from the methods or materials of its 44308  
construction or from equipment installed therein, for the purpose 44309  
of lighting, heating, the transmission or utilization of electric 44310  
current, or from its location or otherwise. 44311

(8) "Sanitary," with respect to a building, means it is free 44312  
from danger or hazard to the health of persons occupying or 44313

frequenting it or to that of the public, if such danger arises 44314  
from the method or materials of its construction or from any 44315  
equipment installed therein, for the purpose of lighting, heating, 44316  
ventilating, or plumbing. 44317

(9) "Residential building" means a one-family, two-family, or 44318  
three-family dwelling house, and any accessory structure 44319  
incidental to that dwelling house. "Residential building" includes 44320  
a one-family, two-family, or three-family dwelling house that is 44321  
used as a model to promote the sale of a similar dwelling house. 44322  
"Residential building" does not include an industrialized unit as 44323  
defined by division (C)(3) of this section, a manufactured home as 44324  
defined by division (C)(4) of this section, or a mobile home as 44325  
defined by division (O) of section 4501.01 of the Revised Code. 44326

(10) "Nonresidential building" means any building that is not 44327  
a residential building or a manufactured or mobile home. 44328

(11) "Accessory structure" means a structure that is attached 44329  
to a residential building and serves the principal use of the 44330  
residential building. "Accessory structure" includes, but is not 44331  
limited to, a garage, porch, or screened-in patio. 44332

**Sec. 3781.102.** (A) Any county or municipal building 44333  
department certified pursuant to division (E) of section 3781.10 44334  
of the Revised Code as of September 14, 1970, and that, as of that 44335  
date, was inspecting single-family, two-family, and three-family 44336  
residences, and any township building department certified 44337  
pursuant to division (E) of section 3781.10 of the Revised Code, 44338  
is hereby declared to be certified to inspect single-family, 44339  
two-family, and three-family residences containing industrialized 44340  
units, and shall inspect the buildings or classes of buildings 44341  
subject to division (E) of section 3781.10 of the Revised Code. 44342

(B) Each board of county commissioners may adopt, by 44343  
resolution, rules establishing standards and providing for the 44344

licensing of electrical and heating, ventilating, and air 44345  
conditioning contractors who are not required to hold a valid and 44346  
unexpired license pursuant to Chapter 4740. of the Revised Code. 44347

Rules adopted by a board of county commissioners pursuant to 44348  
this division may be enforced within the unincorporated areas of 44349  
the county and within any municipal corporation where the 44350  
legislative authority of the municipal corporation has contracted 44351  
with the board for the enforcement of the county rules within the 44352  
municipal corporation pursuant to section 307.15 of the Revised 44353  
Code. The rules shall not conflict with rules adopted by the board 44354  
of building standards pursuant to section 3781.10 of the Revised 44355  
Code or by the department of commerce pursuant to Chapter 3703. of 44356  
the Revised Code. This division does not impair or restrict the 44357  
power of municipal corporations under Section 3 of Article XVIII, 44358  
Ohio Constitution, to adopt rules concerning the erection, 44359  
construction, repair, alteration, and maintenance of buildings and 44360  
structures or of establishing standards and providing for the 44361  
licensing of specialty contractors pursuant to section 715.27 of 44362  
the Revised Code. 44363

A board of county commissioners, pursuant to this division, 44364  
may require all electrical contractors and heating, ventilating, 44365  
and air conditioning contractors, other than those who hold a 44366  
valid and unexpired license issued pursuant to Chapter 4740. of 44367  
the Revised Code, to successfully complete an examination, test, 44368  
or demonstration of technical skills, and may impose a fee and 44369  
additional requirements for a license to engage in their 44370  
respective occupations within the jurisdiction of the board's 44371  
rules under this division. 44372

(C) No board of county commissioners shall require any 44373  
specialty contractor who holds a valid and unexpired license 44374  
issued pursuant to Chapter 4740. of the Revised Code to 44375  
successfully complete an examination, test, or demonstration of 44376



technical skills in order to engage in the type of contracting for 44377  
which the license is held, within the unincorporated areas of the 44378  
county and within any municipal corporation whose legislative 44379  
authority has contracted with the board for the enforcement of 44380  
county regulations within the municipal corporation, pursuant to 44381  
section 307.15 of the Revised Code. 44382

(D) A board may impose a fee for registration of a specialty 44383  
contractor who holds a valid and unexpired license issued pursuant 44384  
to Chapter 4740. of the Revised Code before that specialty 44385  
contractor may engage in the type of contracting for which the 44386  
license is held within the unincorporated areas of the county and 44387  
within any municipal corporation whose legislative authority has 44388  
contracted with the board for the enforcement of county 44389  
regulations within the municipal corporation, pursuant to section 44390  
307.15 of the Revised Code, provided that the fee is the same for 44391  
all specialty contractors who wish to engage in that type of 44392  
contracting. If a board imposes such a fee, the board immediately 44393  
shall permit a specialty contractor who presents proof of holding 44394  
a valid and unexpired license and pays the required fee to engage 44395  
in the type of contracting for which the license is held within 44396  
the unincorporated areas of the county and within any municipal 44397  
corporation whose legislative authority has contracted with the 44398  
board for the enforcement of county regulations within the 44399  
municipal corporation, pursuant to section 307.15 of the Revised 44400  
Code. 44401

(E) The political subdivision associated with each municipal, 44402  
township, and county building department the board of building 44403  
standards certifies pursuant to division (E) of section 3781.10 of 44404  
the Revised Code may prescribe fees to be paid by persons, 44405  
political subdivisions, or any department, agency, board, 44406  
commission, or institution of the state, for the acceptance and 44407  
approval of plans and specifications, and for the making of 44408

inspections, pursuant to sections 3781.03 and 3791.04 of the Revised Code. 44409  
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(F) Each political subdivision that prescribes fees pursuant to division (E) of this section shall collect, on behalf of the board of building standards, fees equal to the following: 44411  
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(1) Three per cent of the fees the political subdivision collects in connection with nonresidential buildings; 44414  
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(2) One per cent of the fees the political subdivision collects in connection with residential buildings. 44416  
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(G)(1) The board shall adopt rules, in accordance with Chapter 119. of the Revised Code, specifying the manner in which the fee assessed pursuant to division (F) of this section shall be collected and remitted monthly to the board. The board shall pay the fees into the state treasury to the credit of the ~~labor~~ industrial compliance operating fund created in section 121.084 of the Revised Code. 44418  
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(2) All money credited to the ~~labor~~ industrial compliance operating fund under this division shall be used exclusively for the following: 44425  
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(a) Operating costs of the board; 44428

(b) Providing services, including educational programs, for the building departments that are certified by the board pursuant to division (E) of section 3781.10 of the Revised Code; 44429  
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(c) Paying the expenses of the residential construction advisory committee, including the expenses of committee members as provided in section 4740.14 of the Revised Code. 44432  
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(H) A board of county commissioners that adopts rules providing for the licensing of electrical and heating, ventilating, and air conditioning contractors, pursuant to division (B) of this section, may accept, for purposes of 44435  
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satisfying the requirements of rules adopted under that division, 44439  
a valid and unexpired license issued pursuant to Chapter 4740. of 44440  
the Revised Code that is held by an electrical or heating, 44441  
ventilating, and air conditioning contractor, for the 44442  
construction, replacement, maintenance, or repair of one-family, 44443  
two-family, or three-family dwelling houses or accessory 44444  
structures incidental to those dwelling houses. 44445

(I) A board of county commissioners shall not register a 44446  
specialty contractor who is required to hold a license under 44447  
Chapter 4740. of the Revised Code but does not hold a valid 44448  
license issued under that chapter. 44449

(J) As used in this section, "specialty contractor" means a 44450  
heating, ventilating, and air conditioning contractor, 44451  
refrigeration contractor, electrical contractor, plumbing 44452  
contractor, or hydronics contractor, as those contractors are 44453  
described in Chapter 4740. of the Revised Code. 44454

**Sec. 3781.11.** (A) The rules of the board of building 44455  
standards shall: 44456

(1) For nonresidential buildings, provide uniform minimum 44457  
standards and requirements, and for residential buildings, provide 44458  
standards and requirements that are uniform throughout the state, 44459  
for construction and construction materials, including 44460  
construction of industrialized units, to make residential and 44461  
nonresidential buildings safe and sanitary as defined in section 44462  
3781.06 of the Revised Code; 44463

(2) Formulate such standards and requirements, so far as may 44464  
be practicable, in terms of performance objectives, so as to make 44465  
adequate performance for the use intended the test of 44466  
acceptability; 44467

(3) Permit, to the fullest extent feasible, the use of 44468

materials and technical methods, devices, and improvements, 44469  
including the use of industrialized units which tend to reduce the 44470  
cost of construction and erection without affecting minimum 44471  
requirements for the health, safety, and security of the occupants 44472  
or users of buildings or industrialized units and without 44473  
preferential treatment of types or classes of materials or 44474  
products or methods of construction; 44475

(4) Encourage, so far as may be practicable, the 44476  
standardization of construction practices, methods, equipment, 44477  
material, and techniques, including methods employed to produce 44478  
industrialized units; 44479

(5) Not require any alteration or repair of any part of a 44480  
school building owned by a chartered nonpublic school or a city, 44481  
local, exempted village, or joint vocational school district and 44482  
operated in conjunction with any primary or secondary school 44483  
program that is not being altered or repaired if all of the 44484  
following apply: 44485

(a) The school building meets all of the applicable building 44486  
code requirements in existence at the time of the construction of 44487  
the building. 44488

(b) The school building otherwise satisfies the requirements 44489  
of section 3781.06 of the Revised Code. 44490

(c) The part of the school building altered or repaired 44491  
conforms to all rules of the board existing on the date of the 44492  
repair or alteration. 44493

(6) Not require any alteration or repair to any part of a 44494  
workshop or factory that is not otherwise being altered, repaired, 44495  
or added to if all of the following apply: 44496

(a) The workshop or factory otherwise satisfies the 44497  
requirements of section 3781.06 of the Revised Code. 44498

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of ~~labor~~ industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, mechanical, electrical, mercantile, art, and laundering establishments,

printing, telegraph, and telephone offices, railroad depots, and 44530  
memorial buildings, but does not include hotels and tenement and 44531  
apartment houses. 44532

**Sec. 3781.112.** (A) As used in this section, "secured 44533  
facility" means any of the following: 44534

(1) A maternity ~~boardinghouse or lying-in hospital unit,~~ 44535  
newborn care nursery, or maternity home licensed under ~~section~~ 44536  
~~3711.02~~ Chapter 3711. of the Revised Code; 44537

(2) A pediatric intensive care unit subject to rules adopted 44538  
by the director of health pursuant to section 3702.11 of the 44539  
Revised Code; 44540

(3) A children's hospital, as defined in section ~~3702.51~~ 44541  
3727.01 of the Revised Code; 44542

(4) A hospital that is licensed under section 5119.20 of the 44543  
Revised Code to receive mentally ill persons; 44544

(5) The portion of a nursing home licensed under section 44545  
3721.02 of the Revised Code or in accordance with section 3721.09 44546  
of the Revised Code in which specialized care is provided to 44547  
residents of the nursing home who have physical or mental 44548  
conditions that require a resident to be restricted in the 44549  
resident's freedom of movement for the health and safety of the 44550  
resident, the staff attending the resident, or the general public. 44551

(B) A secured facility may take reasonable steps in 44552  
accordance with rules the board of building standards adopts under 44553  
division (A) of section 3781.10 of the Revised Code and in 44554  
accordance with the state fire code the fire marshal adopts under 44555  
section 3737.82 of the Revised Code, to deny egress to confine and 44556  
protect patients or residents of the secured facility who are not 44557  
capable of self-preservation. A secured facility that wishes to 44558  
deny egress to those patients or residents may use delayed-egress 44559

doors and electronically coded doors to deny egress, on the 44560  
condition that those doors are installed and used in accordance 44561  
with rules the board of building standards adopts under division 44562  
(A) of section 3781.10 of the Revised Code and in accordance with 44563  
the state fire code the fire marshal adopts under section 3737.82 44564  
of the Revised Code. A secured facility also may install 44565  
controlled-egress locks, in compliance with rules the board of 44566  
building standards adopts under division (A) section 3781.10 of 44567  
the Revised Code and in compliance with the state fire code the 44568  
fire marshal adopts under section 3737.82 of the Revised Code, in 44569  
areas of the secured facility where patients or residents who have 44570  
physical or mental conditions that would endanger the patients or 44571  
residents, the staff attending the patients or residents, or the 44572  
general public if those patients or residents are not restricted 44573  
in their freedom of movement. A secured facility that uses 44574  
delayed-egress doors and electronically coded doors, 44575  
controlled-egress locks, or both, shall do both of the following: 44576

(1) Provide continuous, twenty-four-hour custodial care to 44577  
the patients or residents of the facility; 44578

(2) Establish a system to evacuate patients or residents in 44579  
the event of fire or other emergency. 44580

**Sec. 3783.05.** The board of building standards, in accordance 44581  
with Chapters 119., 3781., and 3791. of the Revised Code, shall 44582  
adopt, amend, or repeal such rules as may be reasonably necessary 44583  
to administer this chapter. All fees collected by the board 44584  
pursuant to this chapter shall be paid into the state treasury to 44585  
the credit of the ~~labor~~ industrial compliance operating fund 44586  
created in section 121.084 of the Revised Code. 44587

**Sec. 3791.02.** No owner, or person having the control as an 44588  
officer or member of a board or committee or otherwise of any 44589

opera house, hall, theater, church, schoolhouse, college, academy, 44590  
seminary, infirmary, sanitarium, children's home, hospital, 44591  
medical institute, asylum, memorial building, armory, assembly 44592  
hall, or other building for the assemblage or betterment of people 44593  
shall fail to obey any order of the state fire marshal, boards of 44594  
health of city and general health districts, the building 44595  
inspector or commissioner in cities having a building inspection 44596  
department, or the superintendent of ~~labor~~ industrial compliance 44597  
in the department of commerce under Chapters 3781. and 3791. of 44598  
the Revised Code or rules or regulations adopted pursuant thereto. 44599

Whoever violates this section shall be fined not more than 44600  
one thousand dollars. 44601

**Sec. 3791.04.** (A)(1) Before beginning the construction, 44602  
erection, or manufacture of any building to which section 3781.06 44603  
of the Revised Code applies, including all industrialized units, 44604  
the owner of that building, in addition to any other submission 44605  
required by law, shall submit plans or drawings, specifications, 44606  
and data prepared for the construction, erection, equipment, 44607  
alteration, or addition that indicate the portions that have been 44608  
approved pursuant to section 3781.12 of the Revised Code and for 44609  
which no further approval is required, to the municipal, township, 44610  
or county building department having jurisdiction unless one of 44611  
the following applies: 44612

(a) If no municipal, township, or county building department 44613  
certified for nonresidential buildings pursuant to division (E) of 44614  
section 3781.10 of the Revised Code has jurisdiction, the owner 44615  
shall make the submissions described in division (A)(1) of this 44616  
section to the superintendent of ~~labor~~ industrial compliance. 44617

(b) If no certified municipal, township, or county building 44618  
department certified for residential buildings pursuant to 44619  
division (E) of section 3781.10 of the Revised Code has 44620



jurisdiction, the owner is not required to make the submissions 44621  
described in division (A)(1) of this section. 44622

(2)(a) The seal of an architect registered under Chapter 44623  
4703. of the Revised Code or an engineer registered under Chapter 44624  
4733. of the Revised Code is required for any plans, drawings, 44625  
specifications, or data submitted for approval, unless the plans, 44626  
drawings, specifications, or data are permitted to be prepared by 44627  
persons other than registered architects pursuant to division (C) 44628  
or (D) of section 4703.18 of the Revised Code, or by persons other 44629  
than registered engineers pursuant to division (C) or (D) of 44630  
section 4733.18 of the Revised Code. 44631

(b) No seal is required for any plans, drawings, 44632  
specifications, or data submitted for approval for any residential 44633  
buildings, as defined in section 3781.06 of the Revised Code, or 44634  
erected as industrialized one-, two-, or three-family units or 44635  
structures within the meaning of "industrialized unit" as defined 44636  
in section 3781.06 of the Revised Code. 44637

(c) No seal is required for approval of the installation of 44638  
replacement equipment or systems that are similar in type or 44639  
capacity to the equipment or systems being replaced. No seal is 44640  
required for approval for any new construction, improvement, 44641  
alteration, repair, painting, decorating, or other modification of 44642  
any buildings or structures subject to sections 3781.06 to 3781.18 44643  
and 3791.04 of the Revised Code if the proposed work does not 44644  
involve technical design analysis, as defined by rule adopted by 44645  
the board of building standards. 44646

(B) No owner shall proceed with the construction, erection, 44647  
alteration, or equipment of any building until the plans or 44648  
drawings, specifications, and data have been approved as this 44649  
section requires, or the industrialized unit inspected at the 44650  
point of origin. No plans or specifications shall be approved or 44651  
inspection approval given unless the building represented would, 44652

if constructed, repaired, erected, or equipped, comply with 44653  
Chapters 3781. and 3791. of the Revised Code and any rule made 44654  
under those chapters. 44655

(C) The approval of plans or drawings and specifications or 44656  
data pursuant to this section is invalid if construction, 44657  
erection, alteration, or other work upon the building has not 44658  
commenced within twelve months of the approval of the plans or 44659  
drawings and specifications. One extension shall be granted for an 44660  
additional twelve-month period if the owner requests at least ten 44661  
days in advance of the expiration of the permit and upon payment 44662  
of a fee not to exceed one hundred dollars. If in the course of 44663  
construction, work is delayed or suspended for more than six 44664  
months, the approval of plans or drawings and specifications or 44665  
data is invalid. Two extensions shall be granted for six months 44666  
each if the owner requests at least ten days in advance of the 44667  
expiration of the permit and upon payment of a fee for each 44668  
extension of not more than one hundred dollars. Before any work 44669  
may continue on the construction, erection, alteration, or 44670  
equipment of any building for which the approval is invalid, the 44671  
owner of the building shall resubmit the plans or drawings and 44672  
specifications for approval pursuant to this section. 44673

(D) Subject to section 3791.042 of the Revised Code, the 44674  
board of building standards or the legislative authority of a 44675  
municipal corporation, township, or county, by rule, may regulate 44676  
the requirements for the submission of plans and specifications to 44677  
the respective enforcing departments and for processing by those 44678  
departments. The board of building standards or the legislative 44679  
authority of a municipal corporation, township, or county may 44680  
adopt rules to provide for the approval, subject to section 44681  
3791.042 of the Revised Code, by the department having 44682  
jurisdiction of the plans for construction of a foundation or any 44683  
other part of a building or structure before the complete plans 44684

and specifications for the entire building or structure are 44685  
submitted. When any plans are approved by the department having 44686  
jurisdiction, the structure and every particular represented by 44687  
and disclosed in those plans shall, in the absence of fraud or a 44688  
serious safety or sanitation hazard, be conclusively presumed to 44689  
comply with Chapters 3781. and 3791. of the Revised Code and any 44690  
rule issued pursuant to those chapters, if constructed, altered, 44691  
or repaired in accordance with those plans and any rule in effect 44692  
at the time of approval. 44693

(E) The approval of plans and specifications, including 44694  
inspection of industrialized units, under this section is a 44695  
"license" and the failure to approve plans or specifications as 44696  
submitted or to inspect the unit at the point of origin within 44697  
thirty days after the plans or specifications are filed or the 44698  
request to inspect the industrialized unit is made, the 44699  
disapproval of plans and specifications, or the refusal to approve 44700  
an industrialized unit following inspection at the point of origin 44701  
is "an adjudication order denying the issuance of a license" 44702  
requiring an "adjudication hearing" as provided by sections 119.07 44703  
to 119.13 of the Revised Code and as modified by sections 3781.031 44704  
and 3781.19 of the Revised Code. An adjudication order denying the 44705  
issuance of a license shall specify the reasons for that denial. 44706

(F) The board of building standards shall not require the 44707  
submission of site preparation plans or plot plans to the division 44708  
of ~~labor~~ industrial compliance when industrialized units are used 44709  
exclusively as one-, two-, or three-family dwellings. 44710

(G) Notwithstanding any procedures the board establishes, if 44711  
the agency having jurisdiction objects to any portion of the plans 44712  
or specifications, the owner or the owner's representative may 44713  
request the agency to issue conditional approval to proceed with 44714  
construction up to the point of the objection. Approval shall be 44715  
issued only when the objection results from conflicting 44716

interpretations of the rules of the board of building standards 44717  
rather than the application of specific technical requirements of 44718  
the rules. Approval shall not be issued where the correction of 44719  
the objection would cause extensive changes in the building design 44720  
or construction. The giving of conditional approval is a 44721  
"conditional license" to proceed with construction up to the point 44722  
where the construction or materials objected to by the agency are 44723  
to be incorporated into the building. No construction shall 44724  
proceed beyond that point without the prior approval of the agency 44725  
or another agency that conducts an adjudication hearing relative 44726  
to the objection. The agency having jurisdiction shall specify its 44727  
objections to the plans or specifications, which is an 44728  
"adjudication order denying the issuance of a license" and may be 44729  
appealed pursuant to sections 119.07 to 119.13 of the Revised Code 44730  
and as modified by sections 3781.031 and 3781.19 of the Revised 44731  
Code. 44732

(H) A certified municipal, township, or county building 44733  
department having jurisdiction, or the superintendent, as 44734  
appropriate, shall review any plans, drawings, specifications, or 44735  
data described in this section that are submitted to it or to the 44736  
superintendent. 44737

(I) No owner or persons having control as an officer, or as a 44738  
member of a board or committee, or otherwise, of a building to 44739  
which section 3781.06 of the Revised Code is applicable, and no 44740  
architect, designer, engineer, builder, contractor, subcontractor, 44741  
or any officer or employee of a municipal, township, or county 44742  
building department shall violate this section. 44743

(J) Whoever violates this section shall be fined not more 44744  
than five hundred dollars. 44745

**Sec. 3791.05.** No owner, lessee, agent, factor, architect, or 44746  
contractor engaged in and having supervision or charge of the 44747

building, erection, or construction of a block, building, or 44748  
structure, shall neglect or refuse to place or have placed upon 44749  
the joists of each story thereof, as soon as joists are in 44750  
position, counter floors of such quality and strength as to render 44751  
perfectly safe the going to and from thereon of all mechanics, 44752  
laborers, and other persons engaged upon the work of construction 44753  
or supervision, or in placing materials for such construction. 44754

Whoever violates this section shall be fined not less than 44755  
twenty-five nor more than two hundred dollars. 44756

Each day that such person neglects or refuses to have such 44757  
counter floors so placed, after notice is given by a building 44758  
inspector, a chief inspector, or deputy inspector of the city 44759  
building inspection department in cities where such department is 44760  
organized, or by the superintendent of ~~labor~~ industrial compliance 44761  
of the state, in cities where such departments are not organized, 44762  
or from a person whose life or personal safety may be endangered 44763  
by such neglect or refusal, is a separate offense. 44764

**Sec. 3791.07.** (A) The board of building standards may 44765  
establish such reasonable inspection fee schedules as it 44766  
determines necessary or desirable relating to the inspection of 44767  
all plans and specifications submitted for approval to the 44768  
division of ~~labor~~ industrial compliance, and all industrialized 44769  
units inspected at the point of origin and at the construction 44770  
site of the building. The inspection fee schedule established 44771  
shall bear some reasonable relationship to the cost of 44772  
administering and enforcing the provisions of Chapters 3781. and 44773  
3791. of the Revised Code. 44774

(B) In addition to the fee assessed in division (A) of this 44775  
section, the board shall assess a fee of not more than five 44776  
dollars for each application for acceptance and approval of plans 44777  
and specifications and for making inspections pursuant to section 44778

3791.04 of the Revised Code. The board shall adopt rules, in 44779  
accordance with Chapter 119. of the Revised Code, specifying the 44780  
manner by which the superintendent of ~~labor~~ industrial compliance 44781  
shall collect and remit to the board the fees assessed under this 44782  
division and requiring that remittance of the fees be made at 44783  
least quarterly. 44784

(C) Any person who fails to pay an inspection fee required 44785  
for any inspection conducted by the department of commerce 44786  
pursuant to Chapters 3781. and 3791. of the Revised Code, except 44787  
for fees charged for the inspection of plans and specifications, 44788  
within forty-five days after the inspection is conducted, shall 44789  
pay a late payment fee equal to twenty-five per cent of the 44790  
inspection fee. 44791

(D) The board shall pay the fees assessed under this section 44792  
into the state treasury to the credit of the ~~labor~~ industrial 44793  
compliance operating fund created in section 121.084 of the 44794  
Revised Code. 44795

**Sec. 3791.11.** (A) As used in this section and sections 44796  
3791.12 and 3791.13 of the Revised Code: 44797

(1) "Service station" means any facility designed and 44798  
constructed primarily for use in the retail sale of gasoline, 44799  
other petroleum products, and related accessories; except that 44800  
"service station" does not include any such facility that has been 44801  
converted for use for another bona fide business purpose, on and 44802  
after the date of commencement of such other use. 44803

(2) "Abandoned service station" means any service station 44804  
that has not been used for the retail sale of gasoline, other 44805  
petroleum products, and related accessories for a continuous 44806  
period of six months, whenever failure to reasonably secure 44807  
station buildings from ready access by unauthorized persons and to 44808  
reasonably maintain the station's premises has resulted in 44809

conditions that endanger the public health, welfare, safety, or 44810  
morals; provided, that such conditions include, but are not 44811  
limited to, the presence of defective or deteriorated electrical 44812  
wiring, heating apparatus, and gas connections, or of unprotected 44813  
gasoline storage tanks, piping, and valves, or any combination of 44814  
the foregoing; and provided further that the casual and 44815  
intermittent use of a service station for the retail sale of any 44816  
item described in division (A)(1) of this section during such 44817  
six-month period shall not be held to prevent the station from 44818  
being determined an abandoned service station if it meets the 44819  
other qualifications of this division. 44820

(B) No person shall construct, renew operation of, or 44821  
continue operation of a service station unless, prior to the 44822  
commencement of construction or renewed operation and during the 44823  
period of continued operation, a valid bond is on file as provided 44824  
in division (C) ~~or (D)~~ of this section. The bond shall be obtained 44825  
by the owner of the property if ~~he~~ the owner is also the owner of 44826  
the service station. If the owner of the property is not the owner 44827  
of the service station, then the bond shall be obtained by the 44828  
lessee of the property; except that such lessee shall be other 44829  
than any person who leases and operates the service station 44830  
pursuant to a contract with a supplier of gasoline and petroleum 44831  
products. The bond shall identify and list the name and address of 44832  
the property owner and any lessee other than a person who leases 44833  
and operates the service station pursuant to a contract with a 44834  
supplier of gasoline and petroleum products. 44835

(C) The bond required by division (B) of this section shall 44836  
be filed annually with the executive authority of the municipal 44837  
corporation in which the service station is, or is to be, located, 44838  
or with the clerk of the board of county commissioners if the 44839  
service station is not, or is not to be, located within a 44840  
municipal corporation. The bond shall either be a cash bond or 44841

have sufficient sureties approved by the executive authority or 44842  
clerk with whom it is filed. The bond shall be for a term of one 44843  
year and shall be renewed annually. The bond shall be in the 44844  
amount of three thousand dollars for each service station to 44845  
provide for the repair or removal of the service station and its 44846  
appurtenances and restoration of the property. The bond shall be 44847  
conditioned upon the repair or removal of the service station and 44848  
restoration of the property if the service station is determined 44849  
to be an abandoned service station as provided in section 3791.12 44850  
of the Revised Code. If the service station is determined to be an 44851  
abandoned service station, and division (D) or (F) of section 44852  
3791.12 of the Revised Code applies, the bond shall be forfeited 44853  
and the proceeds applied to the costs of repair or removal and 44854  
restoration as provided in section 3791.13 of the Revised Code. If 44855  
the amount of the bond exceeds the costs of repair or removal and 44856  
restoration, the excess shall be returned to the depositor. 44857

~~(D) Whenever a property owner or lessee, other than a person 44858  
leasing and operating a service station pursuant to a contract 44859  
with a supplier of gasoline and other petroleum products, owns, 44860  
leases, or is constructing two or more service stations in this 44861  
state, such owner or lessee may deposit with the treasurer of 44862  
state, in lieu of the bond required by division (C) of this 44863  
section, money or a surety bond approved by the treasurer in the 44864  
amount of one hundred fifty thousand dollars, or bonds of the 44865  
United States, this state, or of a political subdivision of this 44866  
state, having a market value, as determined by the treasurer, of 44867  
one hundred fifty thousand dollars. The bond or deposit shall 44868  
cover all service stations owned in the state, being constructed, 44869  
leased, or operated by the depositor and shall be conditioned upon 44870  
the repair or removal of any such station and its appurtenances 44871  
and restoration of the property, if the station is determined to 44872  
be an abandoned service station as provided in section 3791.12 of 44873  
the Revised Code. If any such service station is determined to be 44874~~



~~an abandoned service station, and division (D) or (F) of section 44875  
3791.12 of the Revised Code applies, the portion of the bond or 44876  
deposit required to pay the costs of repair or removal and 44877  
restoration shall be forfeited and paid to the executive authority 44878  
of the municipal corporation or to the board of county 44879  
commissioners of the county, upon request therefor. If the surety 44880  
refuses to pay the costs of repair or removal and restoration to 44881  
the treasurer, the treasurer shall forthwith file an action on the 44882  
bond in the amount certified by the executive authority or board 44883  
as the costs of repair or removal and restoration, and shall pay 44884  
to the executive authority or board the proceeds of any judgment. 44885  
A bond or deposit shall remain valid as long as it is sufficient 44886  
to cover one hundred thousand dollars of liability. If the bond or 44887  
deposit is reduced to a lesser amount, it shall be invalid unless 44888  
sufficient additional bond or deposit is provided to restore the 44889  
amount of liability covered to one hundred fifty thousand dollars. 44890~~

**Sec. 3791.12.** (A) The executive authority of each municipal 44891  
corporation and the board of county commissioners of each county 44892  
shall designate a suitable person to make inspections, within 44893  
their respective territorial jurisdictions, of any service 44894  
stations that are, or appear to be, no longer in use for the 44895  
purposes described in division (A)(1) of section 3791.11 of the 44896  
Revised Code, or for any other bona fide business purpose. 44897  
Inspections of service stations under this section shall be made 44898  
at the order of the executive authority or board, or upon the 44899  
complaint of any person claiming to be adversely affected by the 44900  
condition of a service station. Any inspector designated under 44901  
this section shall have the right to enter upon and inspect any 44902  
service station that is, or appears to be, no longer in use as 44903  
described in this section. No inspector, while in the lawful 44904  
pursuit of his official duties for such purpose, shall be subject 44905  
to arrest for trespass while so engaged or for such cause 44906

thereafter. 44907

(B) Whenever an inspector, upon inspecting a service station 44908  
as provided in this section, has reasonable cause to believe that 44909  
it qualifies as an abandoned service station, ~~he~~ the inspector 44910  
shall prepare a written report of the condition of the station's 44911  
buildings and premises. The report shall be filed immediately with 44912  
the executive authority or board. Upon receipt of the report, the 44913  
executive authority or board shall fix a place and time, not less 44914  
than thirty days nor more than sixty days after receipt of the 44915  
report, for a hearing to determine whether the service station is 44916  
an abandoned service station. The executive authority or board 44917  
shall send written notice of the place and date of the hearing, 44918  
together with a copy of the inspector's report and information 44919  
that the service station may be ordered repaired or removed if 44920  
determined to be abandoned, to all persons listed in the bond 44921  
filed under division (C) ~~or (D)~~ of section 3791.11 of the Revised 44922  
Code, and to all persons listed in the records of the county 44923  
recorder or county clerk of courts as holding a lien on the 44924  
affected property. Such notice shall be sent by certified mail to 44925  
the address shown on such records. 44926

(C) In hearing the matter and deciding the issue, the 44927  
executive authority or board shall consider the testimony of any 44928  
persons appearing pursuant to the notice, or their authorized 44929  
representatives, the testimony of any witnesses appearing on 44930  
behalf of such persons, the inspector's report or testimony, or 44931  
both, and any other evidence pertinent to the matter. If the 44932  
executive authority or board thereupon determines that the service 44933  
station is an abandoned service station in such condition as to 44934  
constitute a danger to the public health, welfare, safety, or 44935  
morals, it shall order the satisfactory repair, or removal, of the 44936  
service station and its appurtenances, and restoration of the 44937  
property, within such period of time, not less than thirty days, 44938

as the executive authority or board thereupon determines 44939  
reasonable. Notice of the findings and order shall be sent to all 44940  
persons required to be notified by division (B) of this section in 44941  
the same manner as provided in that division. 44942

(D) If an abandoned service station is not satisfactorily 44943  
repaired or removed within the period of time provided in an order 44944  
made under division (C) of this section, the municipal corporation 44945  
or county may enter the land and complete the repair, if repair 44946  
was ordered, or remove the service station and its appurtenances, 44947  
if removal was ordered, and restore the property. 44948

(E) Any person aggrieved by an order of an executive 44949  
authority or board made under division (C) of this section, may 44950  
appeal as provided in Chapter 2506. of the Revised Code within 44951  
thirty days of the mailing of notice of the order. 44952

(F) In the event that no persons notified as provided in 44953  
division (B) of this section, or their authorized representatives, 44954  
appear at the hearing, respond to an order of the executive 44955  
authority or board, or appeal within thirty days of the mailing of 44956  
notice of the order as provided in division (E) of this section, 44957  
the municipal corporation or county may proceed as provided in 44958  
division (D) of this section. 44959

**Sec. 3793.04.** The department of alcohol and drug addiction 44960  
services shall develop, administer, and revise as necessary a 44961  
comprehensive statewide alcohol and drug addiction services plan 44962  
for the implementation of this chapter. The plan shall emphasize 44963  
abstinence from the use of alcohol and drugs of abuse as the 44964  
primary goal of alcohol and drug addiction services. The council 44965  
on alcohol ~~and~~, drug, and gambling addiction services shall advise 44966  
the department in the development and implementation of the plan. 44967

The plan shall provide for the allocation and distribution of 44968  
funds appropriated to the department by the general assembly for 44969

services furnished by alcohol and drug addiction programs under 44970  
contract with boards of alcohol, drug addiction, and mental health 44971  
services. The department shall exclude from the allocation and 44972  
distribution any funds that are transferred to the department of 44973  
job and family services to pay the nonfederal share of alcohol and 44974  
drug addiction services covered by the medicaid program. 44975

The plan shall specify the methodology that the department 44976  
will use for determining how the funds will be allocated and 44977  
distributed. A portion of the funds shall be allocated on the 44978  
basis of the ratio of the population of each alcohol, drug 44979  
addiction, and mental health service district to the total 44980  
population of the state as determined from the most recent federal 44981  
census or the most recent official estimate made by the United 44982  
States census bureau. 44983

The plan shall ensure that alcohol and drug addiction 44984  
services of a high quality are accessible to, and responsive to 44985  
the needs of, all persons, especially those who are members of 44986  
underserved groups, including, but not limited to, African 44987  
Americans, Hispanics, native Americans, Asians, juvenile and adult 44988  
offenders, women, veterans, and persons with special services 44989  
needs due to age or disability. The plan shall include a program 44990  
to promote and protect the rights of those who receive services. 44991

To aid in formulating the plan and in evaluating the 44992  
effectiveness and results of alcohol and drug addiction services, 44993  
the department, in consultation with the department of mental 44994  
health, shall establish and maintain an information system or 44995  
systems. The department of alcohol and drug addiction services 44996  
shall specify the information that must be provided by boards of 44997  
alcohol, drug addiction, and mental health services and by alcohol 44998  
and drug addiction programs for inclusion in the system. The 44999  
department shall not collect any personal information from the 45000  
boards except as required or permitted by state or federal law for 45001

purposes related to payment, health care operations, program and 45002  
service evaluation, reporting activities, research, system 45003  
administration, and oversight. 45004

In consultation with boards, programs, and persons receiving 45005  
services, the department shall establish guidelines for the use of 45006  
funds allocated and distributed under this section and for the 45007  
boards' development of plans for services required by sections 45008  
340.033 and 3793.05 of the Revised Code. 45009

In any fiscal year, the department shall spend, or allocate 45010  
to boards, for methadone maintenance programs or any similar 45011  
programs not more than eight per cent of the total amount 45012  
appropriated to the department for the fiscal year. 45013

Sec. 3793.041. The department of alcohol and drug addiction 45014  
services shall develop, administer, and revise as necessary a 45015  
comprehensive statewide gambling addiction services plan. The 45016  
council on alcohol, drug, and gambling addiction services shall 45017  
advise the department in the development and implementation of the 45018  
plan. 45019

The plan shall provide for allocation and distribution of 45020  
funds from the problem casino gambling and addictions fund 45021  
described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, 45022  
and any funding to be distributed by the department for problem 45023  
gambling. 45024

The plan shall specify the methodology that the department 45025  
will use for determining how the funds will be allocated and 45026  
distributed. A portion of the funds shall be allocated on the 45027  
basis of the ratio of the population of each alcohol, drug 45028  
addiction, and mental health service district to the total 45029  
population of the state as determined from the most recent federal 45030  
census or the most recent official estimate made by the United 45031  
States census bureau. 45032

The plan shall ensure that gambling addiction services of a high quality are accessible to, and responsive to the needs of, all persons, especially those who are members of underserved groups, including, but not limited to, African Americans, Hispanics, native Americans, Asians, juvenile and adult offenders, women, veterans, and persons with special services needs due to age or disability. The plan shall include a program to promote and protect the rights of those who receive services.

To aid in formulating the plan and in evaluating the effectiveness and results of gambling addiction services, the department, in consultation with the department of mental health, shall establish and maintain an information system or systems. The department of alcohol and drug addiction services shall specify the information that must be provided by boards of alcohol, drug addiction, and mental health services and by gambling addiction programs for inclusion in the system. The department shall not collect any personal information from the boards except as required or permitted by state or federal law for purposes related to payment, health care operations, program and service evaluation, reporting activities, research, system administration, and oversight.

In consultation with boards, programs, and persons receiving services, the department shall establish guidelines for the use of funds allocated and distributed under this section.

**Sec. 3793.09.** (A) There is hereby created the council on alcohol ~~and~~, drug, and gambling addiction services which shall consist of the public officials specified in division (B) of this section, or their designees, and ~~thirteen~~ fourteen members appointed by the governor with the advice and consent of the senate. The members appointed by the governor shall be representatives of the following: boards of alcohol, drug

addiction, and mental health services; the criminal and juvenile 45064  
justice systems; ~~and~~ alcohol and drug addiction programs; and 45065  
gambling addiction programs. At least four of the appointed 45066  
members shall be persons who have received or are receiving 45067  
alcohol or drug addiction services or are parents or other 45068  
relatives of such persons; of these at least two shall be women 45069  
and at least one shall be a member of a minority ~~group~~. 45070

~~The governor shall make initial appointments to the council 45071  
not later than thirty days after October 10, 1989. Of the initial 45072  
appointments, six shall be for terms ending July 31, 1991, and 45073  
seven shall be for terms ending July 31, 1992. Thereafter, terms 45074  
group. At least one appointed member shall be an individual who 45075  
has received or is receiving gambling addiction services.~~ 45076

Terms of office shall be two years, with each term ending on 45077  
the same day of the same month as the term it succeeds. Each 45078  
member shall hold office from the date of the member's appointment 45079  
until the end of the term for which the member was appointed. 45080  
Members may be reappointed. Vacancies shall be filled in the same 45081  
manner as original appointments. Any member appointed to fill a 45082  
vacancy occurring prior to the expiration of the term for which 45083  
the member's predecessor was appointed shall hold office as a 45084  
member for the remainder of the term. A member shall continue in 45085  
office subsequent to the expiration of the member's term until the 45086  
member's successor takes office or until a period of sixty days 45087  
has elapsed, whichever occurs first. 45088

(B) The directors of health, public safety, mental health, 45089  
rehabilitation and correction, and youth services; the 45090  
superintendents of public instruction and liquor control; the 45091  
attorney general; the adjutant general; ~~and~~ the executive director 45092  
of the division of criminal justice services in the department of 45093  
public safety; the executive director of the casino control 45094  
commission; the executive director of the lottery commission; and 45095

the executive director of the state racing commission shall be 45096  
voting members of the council, except that any of these officials 45097  
may designate an individual to serve in the official's place as a 45098  
voting member of the council. The director of alcohol and drug 45099  
addiction services shall serve as a nonvoting member of the 45100  
council. 45101

(C) The governor shall annually appoint a chairperson from 45102  
among the members of the council. The council shall meet quarterly 45103  
and at other times the chairperson considers necessary. In 45104  
addition to other duties specified in this chapter, the council 45105  
shall review the development of the comprehensive statewide plan 45106  
for alcohol and drug addiction services, the comprehensive 45107  
statewide plan for gambling addiction services, revisions of ~~the~~ 45108  
~~plan~~ those plans, and other actions taken to implement the 45109  
purposes of this chapter by the department of alcohol and drug 45110  
addiction services and shall act as an advisory council to the 45111  
director of alcohol and drug addiction services. 45112

(D) Members of the council shall serve without compensation, 45113  
but shall be paid actual and necessary expenses incurred in the 45114  
performance of their duties. 45115

**Sec. 3798.01.** As used in this chapter: 45116

(A) "Approved health information exchange" means a health 45117  
information exchange that has been approved or reapproved by the 45118  
director of job and family services pursuant to the approval or 45119  
reapproval process, as applicable, the director establishes in 45120  
rules adopted under division (A) of section 3798.15 of the Revised 45121  
Code or that has been certified by the office of the national 45122  
coordinator for health information technology in the United States 45123  
department of health and human services. 45124

(B) "Covered entity," "disclosure," "health care provider," 45125  
"health information," "individually identifiable health 45126



information," "protected health information," and "use" have the same meanings as in 45 C.F.R. 160.103. 45127  
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(C) "Designated record set" has the same meaning as in 45 C.F.R. 164.501. 45129  
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(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange. 45131  
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(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103. 45135  
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(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider. 45137  
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(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E. 45145  
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(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner. 45148  
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(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the director of job and family services under section 3798.13 of the Revised Code. 45151  
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(J) "More stringent" has the same meaning as in 45 C.F.R. 45156

160.202. 45157

(K) "Office of health transformation" means the office of 45158  
health transformation created by executive order 2011-02K or a 45159  
successor governmental entity responsible for health system 45160  
oversight in this state. 45161

(L) "Personal representative" means a person who has 45162  
authority under applicable law to make decisions related to health 45163  
care on behalf of an adult or emancipated minor, or the parent, 45164  
legal guardian, or other person acting in loco parentis who is 45165  
authorized under law to make health care decisions on behalf of an 45166  
unemancipated minor. "Personal representative" does not include 45167  
the parent or legal guardian of, or another person acting in loco 45168  
parentis to, a minor who consents to the minor's own receipt of 45169  
health care or a minor who makes medical decisions on the minor's 45170  
own behalf pursuant to law, court approval, or because the minor's 45171  
parent, legal guardian, or other person acting in loco parentis 45172  
has assented to an agreement of confidentiality between the 45173  
provider and the minor. 45174

(M) "Political subdivision" means a municipal corporation, 45175  
township, county, school district, or other body corporate and 45176  
politic responsible for governmental activities in a geographic 45177  
area smaller than that of the state. 45178

(N) "State agency" means any one or more of the following: 45179

(1) The department of aging; 45180

(2) The department of alcohol and drug addiction services; 45181

(3) The department of developmental disabilities; 45182

(4) The department of education; 45183

(5) The department of health; 45184

(6) The department of insurance; 45185

(7) The department of job and family services; 45186

<u>(8) The department of mental health;</u>	45187
<u>(9) The department of rehabilitation and correction;</u>	45188
<u>(10) The department of youth services;</u>	45189
<u>(11) The bureau of workers' compensation;</u>	45190
<u>(12) The rehabilitation services commission;</u>	45191
<u>(13) The office of the attorney general;</u>	45192
<u>(14) A health care licensing board created under Title XLVII</u>	45193
<u>of the Revised Code that possesses individually identifiable</u>	45194
<u>health information.</u>	45195
<u>Sec. 3798.02. It is the intent of the general assembly in</u>	45196
<u>enacting this chapter to make the laws of this state governing the</u>	45197
<u>use and disclosure of protected health information by covered</u>	45198
<u>entities consistent with, but generally not more stringent than,</u>	45199
<u>the HIPAA privacy rule for the purpose of eliminating barriers to</u>	45200
<u>the adoption and use of electronic health records and health</u>	45201
<u>information exchanges. Therefore, it is also the general</u>	45202
<u>assembly's intent in enacting this chapter to supersede any</u>	45203
<u>judicial or administrative ruling issued in this state that is</u>	45204
<u>inconsistent with the provisions of this chapter.</u>	45205
<u>Sec. 3798.03. (A) Subject to division (B) of this section, a</u>	45206
<u>covered entity shall do both of the following:</u>	45207
<u>(1) If an individual's protected health information is</u>	45208
<u>maintained by the covered entity in a designated record set,</u>	45209
<u>provide the individual or the individual's personal representative</u>	45210
<u>with access to that information in a manner consistent with 45</u>	45211
<u>C.F.R. 164.524;</u>	45212
<u>(2) Implement and maintain appropriate administrative,</u>	45213
<u>technical, and physical safeguards to protect the privacy of</u>	45214
<u>protected health information in a manner consistent with 45 C.F.R.</u>	45215

<u>164.530(c).</u>	45216
<u>(B) If a covered entity is a hybrid entity, this section</u>	45217
<u>applies only to the health care component of the covered entity.</u>	45218
<u>Sec. 3798.04. A covered entity shall not do either of the</u>	45219
<u>following:</u>	45220
<u>(A) Use or disclose protected health information without an</u>	45221
<u>authorization that is valid under 45 C.F.R. 164.508 and, if</u>	45222
<u>applicable, 42 C.F.R. part 2, except when the use or disclosure is</u>	45223
<u>required or permitted without such authorization by Subchapter C</u>	45224
<u>of Subtitle A of Title 45 of the Code of Federal Regulations and,</u>	45225
<u>if applicable, 42 C.F.R. part 2;</u>	45226
<u>(B) Use or disclose protected health information in a manner</u>	45227
<u>that is not consistent with 45 C.F.R. 164.502.</u>	45228
<u>Sec. 3798.06. Except in the circumstances described in</u>	45229
<u>division (A) of section 3798.04 of the Revised Code when a covered</u>	45230
<u>entity is permitted to disclose protected health information</u>	45231
<u>without an authorization that is valid under 45 C.F.R. 164.508, a</u>	45232
<u>covered entity shall not disclose protected health information to</u>	45233
<u>a health information exchange without an authorization described</u>	45234
<u>in division (A) of section 3798.04 of the Revised Code unless all</u>	45235
<u>of the following are true:</u>	45236
<u>(A) The disclosure is to an approved health information</u>	45237
<u>exchange.</u>	45238
<u>(B) The covered entity is a party to a valid participation</u>	45239
<u>agreement with the approved health information exchange that meets</u>	45240
<u>the requirements of rules adopted under section 3798.16 of the</u>	45241
<u>Revised Code.</u>	45242
<u>(C) The disclosure is consistent with all procedures</u>	45243
<u>established by the approved health information exchange.</u>	45244

(D) Prior to the disclosure, the covered entity furnishes to the individual or individual's personal representative a written notice that complies with rules adopted under division (A)(3) of section 3798.16 of the Revised Code. 45245  
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**Sec. 3798.07.** (A) In addition to being subject to the general prohibition in section 3798.06 of the Revised Code on disclosure of protected health information to a health information exchange without a valid authorization, a covered entity shall also be subject to the following conditions when it discloses protected health information to a health information exchange: 45249  
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(1) The covered entity shall restrict disclosure consistent with all applicable federal laws governing the disclosure; 45255  
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(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. 45257  
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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. 45265  
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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. 45269  
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<u>(B) The conditions in division (A) of this section on a</u>	45275
<u>covered entity's disclosure of protected health information to a</u>	45276
<u>health information exchange do not render unenforceable or</u>	45277
<u>restrict in any manner any of the following:</u>	45278
<u>(1) A provision of the Revised Code that on the effective</u>	45279
<u>date of this section requires a person or governmental entity to</u>	45280
<u>disclose protected health information to a state agency, political</u>	45281
<u>subdivision, or other governmental entity;</u>	45282
<u>(2) The confidential status of proceedings and records within</u>	45283
<u>the scope of a peer review committee of a health care entity as</u>	45284
<u>described in section 2305.252 of the Revised Code;</u>	45285
<u>(3) The confidential status of quality assurance program</u>	45286
<u>activities and quality assurance records as described in section</u>	45287
<u>5122.32 of the Revised Code;</u>	45288
<u>(4) The testimonial privilege established by division (B) of</u>	45289
<u>section 2317.02 of the Revised Code;</u>	45290
<u>(5) Any of the following items that govern the</u>	45291
<u>confidentiality, privacy, security, or privileged status of</u>	45292
<u>protected health information in the possession or custody of an</u>	45293
<u>agency; govern the process for obtaining from a patient consent to</u>	45294
<u>the provision of health care or consent for participation in</u>	45295
<u>medical or other scientific research; govern the process for</u>	45296
<u>determining whether an adult has a physical or mental impairment</u>	45297
<u>or an adult's capacity to make health care decisions for purposes</u>	45298
<u>of Chapter 5126. of the Revised Code; or govern the process for</u>	45299
<u>determining whether a minor has been emancipated:</u>	45300
<u>(a) A section of the Revised Code that is not in this</u>	45301
<u>chapter;</u>	45302
<u>(b) A rule as defined in section 119.01 of the Revised Code;</u>	45303
<u>(c) An internal management rule as defined in section 111.15</u>	45304

<u>of the Revised Code;</u>	45305
<u>(d) Guidance issued by an agency;</u>	45306
<u>(e) Orders or regulations of a board of health of a city</u>	45307
<u>health district made under section 3709.20 of the Revised Code;</u>	45308
<u>(f) Orders or regulations of a board of health of a general</u>	45309
<u>health district made under section 3709.21 of the Revised Code;</u>	45310
<u>(g) An ordinance or resolution adopted by a political</u>	45311
<u>subdivision;</u>	45312
<u>(h) A professional code of ethics;</u>	45313
<u>(i) When a minor is authorized to consent to the minor's own</u>	45314
<u>receipt of health care or make medical decisions on the minor's</u>	45315
<u>own behalf, including the circumstances described in sections</u>	45316
<u>2907.29, 3709.241, 3719.012, 5120.172, 5122.04, and 5126.043 of</u>	45317
<u>the Revised Code.</u>	45318
<u>Sec. 3798.08. (A) A covered entity that uses or discloses</u>	45319
<u>protected health information in a manner that complies with</u>	45320
<u>sections 3798.03 and 3798.07 of the Revised Code and is not in</u>	45321
<u>violation of section 3798.04 or 3798.06 of the Revised Code is not</u>	45322
<u>liable in a civil action and is not subject to criminal</u>	45323
<u>prosecution or professional disciplinary action arising out of or</u>	45324
<u>relating to the access or disclosure.</u>	45325
<u>(B) An approved health information exchange is not liable in</u>	45326
<u>a civil action and not subject to criminal prosecution arising out</u>	45327
<u>of or relating to a covered entity's disclosure of protected</u>	45328
<u>health information to the approved health information exchange, or</u>	45329
<u>use of protected health information accessed from the approved</u>	45330
<u>health information exchange, if the disclosure or use complies</u>	45331
<u>with sections 3798.03 and 3798.07 of the Revised Code and is not</u>	45332
<u>in violation of section 3798.04 or 3798.06 of the Revised Code.</u>	45333

Sec. 3798.10. (A) Not later than six months after the 45334  
effective date of this section, the director of job and family 45335  
services, in consultation with the office of health 45336  
transformation, shall prescribe by rules adopted in accordance 45337  
with Chapter 119. of the Revised Code a standard authorization 45338  
form for the use and disclosure of protected health information by 45339  
covered entities in this state. The form shall meet all 45340  
requirements specified in 45 C.F.R. 164.508 and, where applicable, 45341  
42 C.F.R. part 2. 45342

(B) If a form the director prescribes under division (A) of 45343  
this section is properly executed by an individual or the 45344  
individual's personal representative, it shall be accepted by any 45345  
person or governmental entity in this state as valid authorization 45346  
for the use or disclosure of the individual's protected health 45347  
information to the persons or governmental entities specified in 45348  
the form. 45349

(C) This section does not preclude a person or governmental 45350  
entity from accepting as valid authorization for the use or 45351  
disclosure of protected health information a form other than the 45352  
form prescribed under division (A) of this section if the other 45353  
form meets all requirements specified in 45 C.F.R. 164.508 and, if 45354  
applicable, 42 C.F.R. part 2. 45355

Sec. 3798.12. As used in this section, "agency" has the same 45356  
meaning as in section 111.15 of the Revised Code. 45357

(A) Except as provided in division (B) of this section, any 45358  
of the following pertaining to the confidentiality, privacy, 45359  
security, or privileged status of protected health information 45360  
transacted, maintained in, or accessed through a health 45361  
information exchange is unenforceable if it conflicts with this 45362  
chapter: 45363



<u>(1) A section of the Revised Code that is not in this chapter;</u>	45364 45365
<u>(2) A rule as defined in section 119.01 of the Revised Code;</u>	45366
<u>(3) An internal management rule as defined in section 111.15 of the Revised Code;</u>	45367 45368
<u>(4) Guidance issued by an agency;</u>	45369
<u>(5) Orders or regulations of a board of health of a city health district made under section 3709.20 of the Revised Code;</u>	45370 45371
<u>(6) Orders or regulations of a board of health of a general health district made under section 3709.21 of the Revised Code;</u>	45372 45373
<u>(7) An ordinance or resolution adopted by a political subdivision;</u>	45374 45375
<u>(8) A professional code of ethics.</u>	45376
<u>(B) Division (A) of this section does not render unenforceable or restrict in any manner any of the following:</u>	45377 45378
<u>(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;</u>	45379 45380 45381 45382
<u>(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;</u>	45383 45384 45385
<u>(3) The confidential status of quality assurance program activities and quality assurance records as described in section 5122.32 of the Revised Code;</u>	45386 45387 45388
<u>(4) The testimonial privilege established by division (B) of section 2317.02 of the Revised Code;</u>	45389 45390
<u>(5) An item described in divisions (A)(1) to (8) of this section that governs any of the following:</u>	45391 45392

<u>(a) The confidentiality, privacy, security, or privileged status of protected health information in the possession or custody of an agency;</u>	45393
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<u>(b) The process for obtaining from a patient consent to the provision of health care or consent for participation in medical or other scientific research;</u>	45396
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<u>(c) 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;</u>	45399
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<u>(d) The process for determining whether a minor has been emancipated.</u>	45403
	45404
<u>(6) 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 the Revised Code.</u>	45405
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<u>Sec. 3798.13. The director of job and family services shall adopt rules for purposes of specifying the criteria a person who is mentally or physically disabled and who is under twenty-one years of age must meet to be considered a minor for purposes of sections 3798.07 and 3798.12 of the Revised Code.</u>	45410
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<u>Sec. 3798.14. (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 standards the director must use to approve health information exchanges operating in this state. The rules shall not be adopted until the earlier of sixty days following the adoption of a federal certification process for health information exchanges by the office of the national coordinator for health</u>	45415
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information technology in the United States department of health 45423  
and human services or January 1, 2013. Subject to division (B) of 45424  
this section, the rules may include standards and procedures to be 45425  
followed by a health information exchange regarding the following: 45426

(1) Access to and use and disclosure of protected health 45427  
information maintained by or on an approved health information 45428  
exchange; 45429

(2) Demonstration of adequate financial resources to sustain 45430  
continued operations in compliance with the rules adopted under 45431  
this section; 45432

(3) Participation in outreach activities for individuals and 45433  
covered entities; 45434

(4) Conduct of operations in a transparent manner to promote 45435  
consumer confidence; 45436

(5) Implementation of security breach notification 45437  
procedures. 45438

(B) The rules the director adopts pursuant to division (A) of 45439  
this section shall be consistent with certification standards for 45440  
health information exchanges established in federal statutes and 45441  
regulations, including nationally recognized standards for 45442  
interoperability. 45443

**Sec. 3798.15.** (A) The director of job and family services, in 45444  
consultation with the office of health transformation, shall adopt 45445  
rules in accordance with Chapter 119. of the Revised Code for the 45446  
purpose of establishing processes for all of the following: 45447

(1) A health information exchange to obtain approval to 45448  
operate as an approved health information exchange in this state 45449  
and, at times specified by the director, obtain reapproval of such 45450  
and, at times specified by the director, obtain reapproval of such 45451

status; 45452

(2) The director to investigate and resolve concerns and complaints submitted to the director regarding an approved health information exchange; 45453  
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(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; 45456  
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(4) Covered entities and approved health information exchanges to enter into participation agreements and enforce the terms of such agreements. 45459  
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(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. 45462  
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**Sec. 3798.16.** (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 specifying the content of agreements governing covered entities' participation in approved health information exchanges. At a minimum, the rules shall require the content of such participation agreements to include all of the following: 45466  
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(1) Procedures for a covered entity to disclose an individual's protected health information to an approved health information exchange; 45473  
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(2) Procedures for a covered entity to access an individual's protected health information from an approved health information exchange; 45476  
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(3) Subject to division (B) of this section, a written notice to be provided by a covered entity to an individual or the individual's personal representative prior to the covered entity's 45479  
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disclosure of the individual's protected health information to an 45482  
approved health information exchange; 45483

(4) Documentation the covered entity must use to verify that 45484  
a notice described in division (A)(3) of this section has been 45485  
provided by the covered entity to an individual or the 45486  
individual's personal representative prior to the disclosure of 45487  
the individual's protected health information to an approved 45488  
health information exchange; 45489

(5) Procedures, which must take into consideration the 45490  
technical capabilities of software available to health information 45491  
exchanges, for an individual or the individual's personal 45492  
representative to submit to the covered entity a written request 45493  
to place restrictions on the covered entity's disclosure of 45494  
protected health information to the approved health information 45495  
exchange; 45496

(6) The standards a covered entity must use to determine 45497  
whether, and to what extent, to comply with a written request 45498  
described in division (A)(5) of this section; 45499

(7) The purposes for which a covered entity may access and 45500  
use protected health information from the approved health 45501  
information exchange. 45502

(B) With respect to the written notice described in division 45503  
(A)(3) of this section, the rules may specify that the notice can 45504  
be incorporated into the covered entity's notice of privacy 45505  
practices required by 45 C.F.R. 164.520 and shall specify that the 45506  
notice include the following statements: 45507

(1) The individual's protected health information will be 45508  
disclosed to the approved health information exchange to 45509  
facilitate the provision of health care to the individual. 45510

(2) The approved health information exchange maintains 45511  
appropriate safeguards to protect the privacy and security of 45512

protected health information. 45513

(3) Only authorized individuals may access and use protected health information from the approved health information exchange. 45514  
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(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: 45516  
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45518

(a) Not disclose any of the individual's protected health information to the approved health information exchange; 45519  
45520

(b) Not disclose specific categories of the individual's protected health information to the approved health information exchange. 45521  
45522  
45523

(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 provider not having access to information that is necessary for the provider to render appropriate care to the individual. 45524  
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(6) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(a) of this section must be honored by the covered entity. 45529  
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(7) Any restrictions on the disclosure of protected health information an individual requests as described in division (B)(4)(b) of this section must be honored if the restriction is consistent with rules adopted under this chapter. 45532  
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**Sec. 3905.36.** (A) Every insured association, company, corporation, or other person that enters, directly or indirectly, into any independent procurement or direct placement agreement with any insurance company, association, individual, firm, underwriter, or Lloyd's, not authorized to do business in this state, whereby the insured shall procure, continue, or renew contracts of insurance with such unauthorized insurance company, 45536  
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association, individual, firm, underwriter, or Lloyd's, for which 45543  
insurance there is a gross premium, shall file the details of the 45544  
transaction annually, on or before the thirty-first day of March, 45545  
and shall at the same time pay to the treasurer of state, or to 45546  
the superintendent of insurance upon the mutual agreement of the 45547  
superintendent and the treasurer, a tax of five per cent of such 45548  
gross premium, after a deduction for return premium, if any, as 45549  
calculated in the prescribed format or in compliance with any 45550  
requirements of the compact entered into by the superintendent 45551  
pursuant to division (D) of section 3905.33 of the Revised Code. 45552  
An insurer may submit the required details of the transaction and 45553  
remit the tax payment on behalf of an insured. 45554

All taxes collected under this section shall be paid into the 45555  
general revenue fund. If the tax is not paid when due, the tax 45556  
shall be increased by a penalty of twenty-five per cent. An 45557  
interest charge computed as set forth in section 5725.221 of the 45558  
Revised Code shall be made on the entire sum of the tax plus 45559  
penalty, which interest shall be computed from the date the tax is 45560  
due until it is paid. For purposes of this section, payment is 45561  
considered made when it is received by the treasurer or the 45562  
superintendent, irrespective of any United States postal service 45563  
marking or other stamp or mark indicating the date on which the 45564  
payment may have been mailed. 45565

The superintendent of insurance, in the superintendent's sole 45566  
discretion, may waive the twenty-five per cent penalty and 45567  
interest charge thereon for a first-time, inadvertent nonpayment 45568  
of the tax when due if the nonpayment is reported immediately upon 45569  
discovery and the outstanding tax is thereafter immediately paid 45570  
to the superintendent. 45571

(B) Each person licensed under section 3905.30 of the Revised 45572  
Code shall pay to the treasurer of state, or to the superintendent 45573  
of insurance upon the mutual agreement of the superintendent and 45574

the treasurer, on or before the thirty-first day of March of each 45575  
year, five per cent of the balance of the gross premiums charged 45576  
for insurance placed or procured under the license after a 45577  
deduction for return premiums in the prescribed format or in 45578  
compliance with any requirements of the compact entered into by 45579  
the superintendent pursuant to division (D) of section 3905.33 of 45580  
the Revised Code. The tax shall be collected from the insured by 45581  
the surplus lines broker who placed or procured the policy of 45582  
insurance at the time the policy is delivered to the insured. No 45583  
license issued under section 3905.30 of the Revised Code shall be 45584  
renewed until payment is made. If the tax is not paid when due, 45585  
the tax shall be increased by a penalty of twenty-five per cent. 45586  
An interest charge computed as set forth in section 5725.221 of 45587  
the Revised Code shall be made on the entire sum of the tax plus 45588  
penalty, which interest shall be computed from the date the tax is 45589  
due until it is paid. For purposes of this section, payment is 45590  
considered made when it is received by the treasurer or the 45591  
superintendent, irrespective of any United States postal service 45592  
marking or other stamp or mark indicating the date on which the 45593  
payment may have been mailed. 45594

The superintendent, in the superintendent's sole discretion, 45595  
may waive the twenty-five per cent penalty and interest charge 45596  
thereon for a first-time, inadvertent nonpayment of the tax when 45597  
due if the nonpayment is reported immediately upon discovery and 45598  
the outstanding tax is thereafter immediately paid to the 45599  
superintendent. 45600

(C) This section does not apply to: 45601

(1) An insured otherwise exempt from the payment of premium 45602  
or franchise taxes under state or federal law; 45603

(2) Attorneys-at-law acting on behalf of their clients in the 45604  
adjustment of claims or losses; 45605



(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;

(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;

(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;

(7) A political subdivision or any combination or consortium of two or more political subdivisions.

(D) As used in this section:

(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 institution of any one or more of those political subdivisions, that is entirely or substantially supported by public tax moneys.

(2) "Municipal corporation" means all municipal corporations, including those that have adopted a charter under Article XVIII, Ohio Constitution.

**Sec. 4104.01.** As used in sections 4104.01 to 4104.20 and section 4104.99 of the Revised Code:

(A) "Board of building standards" or "board" means the board established by section 3781.07 of the Revised Code.

(B) "Superintendent" means the superintendent of ~~labor~~ industrial compliance created by section 121.04 of the Revised Code.

(C) "Boiler" means a closed vessel in which water is heated, steam is generated, steam is superheated, or any combination

thereof, under pressure or vacuum for use externally to itself by 45667  
the direct application of heat from the combustion of fuels, or 45668  
from electricity or nuclear energy. "Boiler" includes fired units 45669  
for heating or vaporizing liquids other than water where these 45670  
units are separate from processing systems and are complete within 45671  
themselves. 45672

(D) "Power boiler" means a boiler in which steam or other 45673  
vapor (to be used externally to itself) is generated at a pressure 45674  
of more than fifteen psig. 45675

(E) "High pressure, high temperature water boiler" means a 45676  
water heating boiler operating at pressures exceeding one hundred 45677  
sixty psig or temperatures exceeding two hundred fifty degrees 45678  
Fahrenheit. 45679

(F) "Low pressure boiler" means a steam boiler operating at 45680  
pressures not exceeding fifteen psig, or a hot water heating 45681  
boiler operating at pressures not exceeding one hundred sixty psig 45682  
or temperatures not exceeding two hundred fifty degrees 45683  
Fahrenheit. 45684

(G) "Pressure vessel" means a container for the containment 45685  
of pressure, either internal or external. This pressure may be 45686  
obtained from an external source or by the application of heat 45687  
from a direct or indirect source or any combination thereof. 45688

(H) "Process boiler" means a boiler to which all of the 45689  
following apply: 45690

(1) The steam in the boiler is either generated or 45691  
superheated, or both, under pressure or vacuum for use external to 45692  
itself. 45693

(2) The source of heat for the boiler is in part or in whole 45694  
from a process other than the boiler itself. 45695

(3) The boiler is part of a continuous processing unit, such 45696

as used in chemical manufacture or petroleum refining, other than 45697  
a steam-generated process unit. 45698

(I) "Stationary steam engine" means an engine or turbine in 45699  
which the mechanical force arising from the elasticity and 45700  
expansion action of steam or from its property of rapid 45701  
condensation or from a combination of the two is made available as 45702  
a motive power. 45703

**Sec. 4104.02.** The board of building standards shall: 45704

(A) Formulate rules for the construction, installation, 45705  
repair, conservation of energy, and operation of boilers and the 45706  
construction and repair of pressure vessels and for ascertaining 45707  
the safe working pressures to be carried on such boilers and 45708  
pressure vessels and the qualification of inspectors of boilers 45709  
and pressure vessels; 45710

(B) Prescribe tests, if it is considered necessary, to 45711  
ascertain the qualities of materials used in the construction of 45712  
boilers and pressure vessels; 45713

(C) Adopt rules regulating the construction and sizes of 45714  
safety valves for boilers and pressure vessels of different sizes 45715  
and pressures, for the construction, use, and location of fusible 45716  
plugs, appliances for indicating the pressure of steam and level 45717  
of water in the boiler or pressure vessels, and such other 45718  
appliances as the board considers necessary to safety in operating 45719  
boilers; 45720

(D) Establish reasonable fees for the performance of reviews, 45721  
surveys, or audits of manufacturer's facilities by the division of 45722  
~~labor~~ industrial compliance for certification by the American 45723  
society of mechanical engineers and the national board of boiler 45724  
and pressure vessel inspectors; 45725

(E) The definitions and rules adopted by the board for the 45726

construction, installation, repair, conservation of energy, and 45727  
operation of boilers and the construction and repair of pressure 45728  
vessels and for ascertaining the safe working pressures to be used 45729  
on such boilers and pressure vessels shall be based upon and 45730  
follow generally accepted engineering standards, formulae, and 45731  
practices established and pertaining to boilers and pressure 45732  
vessel construction, operation, and safety, and the board may, for 45733  
this purpose, adopt existing published standards as well as 45734  
amendments thereto subsequently published by the same authority. 45735

When a person desires to manufacture a special type of boiler 45736  
or pressure vessel, the design of which is not covered by the 45737  
rules of the board, the person shall submit drawings and 45738  
specifications of such boiler or pressure vessel to the board for 45739  
investigation, after which the board may permit its installation. 45740

The provisions of sections 119.03 and 119.11 of the Revised 45741  
Code in particular, and the applicable provisions of Chapter 119. 45742  
of the Revised Code in general, shall govern the proceedings of 45743  
the board of building standards in adopting, amending, or 45744  
rescinding rules pursuant to this section. 45745

**Sec. 4104.06.** (A) The inspection of boilers and their 45746  
appurtenances and pressure vessels shall be made by the inspectors 45747  
mentioned in sections 4104.07 to 4104.20 of the Revised Code. The 45748  
superintendent of ~~labor~~ industrial compliance shall administer and 45749  
enforce such sections and rules adopted by the board of building 45750  
standards pursuant to section 4104.02 of the Revised Code. 45751

(B) The superintendent shall adopt, amend, and repeal rules 45752  
exclusively for the issuance, renewal, suspension, and revocation 45753  
of certificates of competency and certificates of operation, for 45754  
conducting hearings in accordance with Chapter 119. of the Revised 45755  
Code related to these actions, and for the inspection of boilers 45756  
and their appurtenances, and pressure vessels. 45757

(C) Notwithstanding division (B) of this section, the superintendent shall not adopt rules relating to construction, maintenance, or repair of boilers and their appurtenances, or repair of pressure vessels.

(D) The superintendent and each general inspector may enter any premises and any building or room at all reasonable hours to perform an examination or inspection.

**Sec. 4104.07.** (A) An application for examination as an inspector of boilers and pressure vessels shall be in writing, accompanied by a fee of one hundred fifty dollars, upon a blank to be furnished by the superintendent of ~~labor~~ industrial compliance. 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.

(B) The superintendent shall determine if an applicant meets all the requirements for examination in accordance with rules adopted by the board of building standards under section 4104.02 of the Revised Code. An application shall be rejected which contains any willful falsification, or untruthful statements.

(C) An applicant shall be examined by the superintendent, by a written examination, prescribed by the board, dealing with the construction, installation, operation, maintenance, and repair of boilers and pressure vessels and their appurtenances, and the applicant shall be accepted or rejected on the merits of the applicant's application and examination.

(D) Upon a favorable report by the superintendent of the result of an examination, the superintendent shall immediately issue to the successful applicant a certificate of competency to that effect.

**Sec. 4104.08.** (A) The director of commerce may appoint from

the holders of certificates of competency provided for in section 45788  
4104.07 of the Revised Code, general inspectors of boilers and 45789  
pressure vessels. 45790

(B) Any company authorized to insure boilers and pressure 45791  
vessels against explosion in this state may designate from holders 45792  
of certificates of competency issued by the superintendent of 45793  
~~labor~~ industrial compliance, or holders of certificates of 45794  
competency or commissions issued by other states or nations whose 45795  
examinations for certificates or commissions have been approved by 45796  
the board of building standards, persons to inspect and stamp 45797  
boilers and pressure vessels covered by the company's policies, 45798  
and the superintendent shall issue to such persons commissions 45799  
authorizing them to act as special inspectors. Special inspectors 45800  
shall be compensated by the company designating them. 45801

(C) The director shall establish an annual fee to be charged 45802  
by the superintendent for each certificate of competency or 45803  
commission the superintendent issues. 45804

(D) The superintendent shall issue to each general or special 45805  
inspector a commission to the effect that the holder thereof is 45806  
authorized to inspect boilers and pressure vessels in this state. 45807

(E) No person shall be authorized to act as a general 45808  
inspector or a special inspector who is directly or indirectly 45809  
interested in the manufacture or sale of boilers or pressure 45810  
vessels. 45811

**Sec. 4104.09.** The certificate of competency issued under 45812  
section 4104.07 of the Revised Code or the commission provided for 45813  
in section 4104.08 of the Revised Code may be revoked by the 45814  
superintendent of ~~labor~~ industrial compliance for the incompetence 45815  
or untrustworthiness of the holder thereof, or for willful 45816  
falsification of any matter or statement contained in the holder's 45817  
application or in a report of any inspection in accordance with 45818

Chapter 119. of the Revised Code. If a certificate or commission 45819  
is lost or destroyed, a new certificate or commission shall be 45820  
issued in its place without another examination. 45821  
45822

**Sec. 4104.10.** All unfired pressure vessels, except unfired 45823  
pressure vessels exempt under section 4104.04 of the Revised Code, 45824  
shall be thoroughly inspected during fabrication and upon 45825  
completion and shall not be operated until a copy of the 45826  
manufacturers' data report, properly executed and signed by the 45827  
inspector is filed in the office of the superintendent of ~~labor~~ 45828  
industrial compliance. All unfired pressure vessels shall conform 45829  
in every detail with applicable rules adopted by the board of 45830  
building standards pursuant to section 4104.02 of the Revised 45831  
Code. 45832

**Sec. 4104.101.** (A) No person shall install or make major 45833  
repairs or modifications to any boiler without first registering 45834  
to do so with the division of ~~labor~~ industrial compliance. 45835

(B) No person shall make any installation or major repair or 45836  
modification of any boiler without first obtaining a permit to do 45837  
so from the division. The permit application form shall provide 45838  
the name and address of the owner, location of the boiler, and 45839  
type of repair or modification that will be made. The application 45840  
permit fee shall be one hundred dollars. 45841

(C) The superintendent of ~~labor~~ industrial compliance shall 45842  
require annual registration of all contractors who install, make 45843  
major repairs to, or modify any boiler. The board of building 45844  
standards shall establish a reasonable fee to cover the cost of 45845  
processing registrations. 45846

**Sec. 4104.12.** All boilers, except boilers mentioned in 45847  
section 4104.04 of the Revised Code, shall be inspected when 45848



installed and shall not be operated until an appropriate 45849  
certificate of operation has been issued by the superintendent of 45850  
~~labor~~ industrial compliance. The certificate of operation required 45851  
by this section shall not be issued for any boiler which has not 45852  
been thoroughly inspected during construction and upon completion, 45853  
by either a general or special inspector, and which does not 45854  
conform in every detail with the rules adopted by the board of 45855  
building standards and unless, upon completion, such boiler is 45856  
distinctly stamped under such rules by such inspector. 45857

**Sec. 4104.15.** (A) All certificates of inspection for boilers, 45858  
issued prior to October 15, 1965, are valid and effective for the 45859  
period set forth in such certificates unless sooner withdrawn by 45860  
the superintendent of ~~labor~~ industrial compliance. The owner or 45861  
user of any such boiler shall obtain an appropriate certificate of 45862  
operation for such boiler, and shall not operate such boiler, or 45863  
permit it to be operated unless a certificate of operation has 45864  
been obtained in accordance with section 4104.17 of the Revised 45865  
Code. 45866

(B) If, upon making the internal and external inspection 45867  
required under sections 4104.11, 4104.12, and 4104.13 of the 45868  
Revised Code, the inspector finds the boiler to be in safe working 45869  
order, with the fittings necessary to safety, and properly set up, 45870  
upon the inspector's report to the superintendent, the 45871  
superintendent shall issue to the owner or user thereof, or renew, 45872  
upon application and upon compliance with sections 4104.17 and 45873  
4104.18 of the Revised Code, a certificate of operation which 45874  
shall state the maximum pressure at which the boiler may be 45875  
operated, as ascertained by the rules of the board of building 45876  
standards. Such certificates shall also state the name of the 45877  
owner or user, the location, size, and number of each boiler, and 45878  
the date of issuance, and shall be so placed as to be easily read 45879  
in the engine room or boiler room of the plant where the boiler is 45880

located, except that the certificate of operation for a portable 45881  
boiler shall be kept on the premises and shall be accessible at 45882  
all times. 45883

(C) If an inspector at any inspection finds that the boiler 45884  
or pressure vessel is not in safe working condition, or is not 45885  
provided with the fittings necessary to safety, or if the fittings 45886  
are improperly arranged, the inspector shall immediately notify 45887  
the owner or user and person in charge of the boiler and shall 45888  
report the same to the superintendent who may revoke, suspend, or 45889  
deny the certificate of operation and not renew the same until the 45890  
boiler or pressure vessel and its fittings are put in condition to 45891  
insure safety of operation, and the owner or user shall not 45892  
operate the boiler or pressure vessel, or permit it to be operated 45893  
until such certificate has been granted or restored. 45894

(D) If the superintendent or a general boiler inspector finds 45895  
that a pressure vessel or boiler or a part thereof poses an 45896  
explosion hazard that reasonably can be regarded as posing an 45897  
imminent danger of death or serious physical harm to persons, the 45898  
superintendent or the general boiler inspector shall seal the 45899  
pressure vessel or boiler and order, in writing, the operator or 45900  
owner of the pressure vessel or boiler to immediately cease the 45901  
pressure vessel's or boiler's operation. The order shall be 45902  
effective until the nonconformities are eliminated, corrected, or 45903  
otherwise remedied, or for a period of seventy-two hours from the 45904  
time of issuance, whichever occurs first. During the 45905  
seventy-two-hour period, the superintendent may request that the 45906  
prosecuting attorney or city attorney of Franklin county or of the 45907  
county in which the pressure vessel or boiler is located obtain an 45908  
injunction restraining the operator or owner of the pressure 45909  
vessel or boiler from continuing its operation after the 45910  
seventy-two-hour period expires until the nonconformities are 45911  
eliminated, corrected, or otherwise remedied. 45912

(E) Each boiler which has been inspected shall be assigned a number by the superintendent, which number shall be stamped on a nonferrous metal tag affixed to the boiler or its fittings by seal or otherwise. No person except an inspector shall deface or remove any such number or tag.

(F) If the owner or user of any pressure vessel or boiler disagrees with the inspector as to the necessity for shutting down a pressure vessel or boiler or for making repairs or alterations in it, or taking any other measures for safety that are requested by an inspector, the owner or user may appeal from the decision of the inspector to the superintendent, who may, after such other inspection by a general inspector or special inspector as the superintendent deems necessary, decide the issue.

(G) Neither sections 4104.01 to 4104.20 of the Revised Code, nor an inspection or report by any inspector, shall relieve the owner or user of a pressure vessel or boiler of the duty of using due care in the inspection, operation, and repair of the pressure vessel or boiler or of any liability for damages for failure to inspect, repair, or operate the pressure vessel or boiler safely.

**Sec. 4104.16.** The owner or user of any boiler required by sections 4104.01 to 4104.20 of the Revised Code, to be inspected, shall immediately notify the superintendent of ~~labor~~ industrial compliance in case a defect affecting the safety of the boiler is discovered.

The owner or user of any stationary boiler required by such sections to be inspected, who moves the same, shall report to the superintendent the new location of the boiler. Such boiler shall be inspected before it is again operated.

**Sec. 4104.17.** Certificates of operation issued for boilers subject to inspection under Chapter 4104. of the Revised Code

shall be issued and renewed in accordance with and at dates 45943  
prescribed by rules and regulations adopted by the superintendent 45944  
of ~~labor~~ industrial compliance. 45945

**Sec. 4104.18.** (A) The owner or user of a boiler required 45946  
under section 4104.12 of the Revised Code to be inspected upon 45947  
installation, and the owner or user of a boiler for which a 45948  
certificate of inspection has been issued which is replaced with 45949  
an appropriate certificate of operation, shall pay to the 45950  
superintendent of ~~labor~~ industrial compliance a fee in the amount 45951  
of fifty dollars for boilers subject to annual inspections under 45952  
section 4104.11 of the Revised Code, one hundred dollars for 45953  
boilers subject to biennial inspection under section 4104.13 of 45954  
the Revised Code, one hundred fifty dollars for boilers subject to 45955  
triennial inspection under section 4104.11 of the Revised Code, or 45956  
two hundred fifty dollars for boilers subject to quinquennial 45957  
inspection under section 4104.13 of the Revised Code. 45958

(B) The fee for complete inspection during construction by a 45959  
general inspector on boilers and pressure vessels manufactured 45960  
within the state shall be thirty-five dollars per hour. Boiler and 45961  
pressure vessel manufacturers other than those located in the 45962  
state may secure inspection by a general inspector on work during 45963  
construction, upon application to the superintendent, and upon 45964  
payment of a fee of thirty-five dollars per hour, plus the 45965  
necessary traveling and hotel expenses incurred by the inspector. 45966

(C) The application fee for applicants for steam engineer, 45967  
high pressure boiler operator, or low pressure boiler operator 45968  
licenses is seventy-five dollars. The fee for each original or 45969  
renewal steam engineer, high pressure boiler operator, or low 45970  
pressure boiler operator license is fifty dollars. 45971

(D) The director of commerce, subject to the approval of the 45972  
controlling board, may establish fees in excess of the fees 45973

provided in divisions (A), (B), and (C) of this section. Any 45974  
moneys collected under this section shall be paid into the state 45975  
treasury to the credit of the ~~labor~~ industrial compliance 45976  
operating fund created in section 121.084 of the Revised Code. 45977

(E) Any person who fails to pay an invoiced renewal fee or an 45978  
invoiced inspection fee required for any inspection conducted by 45979  
the division of ~~labor~~ industrial compliance pursuant to this 45980  
chapter within forty-five days of the invoice date shall pay a 45981  
late payment fee equal to twenty-five per cent of the invoiced 45982  
fee. 45983

(F) In addition to the fees assessed in divisions (A) and (B) 45984  
of this section, the board of building standards shall assess the 45985  
owner or user a fee of three dollars and twenty-five cents for 45986  
each certificate of operation or renewal thereof issued under 45987  
division (A) of this section and for each inspection conducted 45988  
under division (B) of this section. The board shall adopt rules, 45989  
in accordance with Chapter 119. of the Revised Code, specifying 45990  
the manner by which the superintendent shall collect and remit to 45991  
the board the fees assessed under this division and requiring that 45992  
remittance of the fees be made at least quarterly. 45993

**Sec. 4104.19.** (A) Any person seeking a license to operate as 45994  
a steam engineer, high pressure boiler operator, or low pressure 45995  
boiler operator shall file a written application with the 45996  
superintendent of ~~labor~~ industrial compliance on a form prescribed 45997  
by the superintendent with the appropriate application fee as set 45998  
forth in section 4104.18 of the Revised Code. The application 45999  
shall contain information satisfactory to the superintendent to 46000  
demonstrate that the applicant meets the requirements of division 46001  
(B) of this section. The application shall be filed with the 46002  
superintendent not more than sixty days and not less than thirty 46003  
days before the license examination is offered. 46004

(B) To qualify to take the examination required to obtain a steam engineer, high pressure boiler operator, or low pressure boiler operator license, a person shall meet both of the following requirements:

(1) Be at least eighteen years of age;

(2) Have one year of experience in the operation of steam engines, high pressure boilers, or low pressure boilers as applicable to the type of license being sought, or a combination of experience and education for the type of license sought as determined to be acceptable by the superintendent.

(C) No applicant shall qualify to take an examination or to renew a license if the applicant has violated this chapter or if the applicant has obtained or renewed a license issued under this chapter by fraud, misrepresentation, or deception.

(D) The superintendent shall issue a license to each applicant who receives a passing score on the examination, as determined by the superintendent, for the license for which the applicant applied.

(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:

(1) Prepare, administer, score, and maintain the confidentiality of the examination;

(2) Maintain responsibility for all expenses required to fulfill division (E)(1) of this section;

(3) Charge each applicant a fee for administering the examination, in an amount authorized by the superintendent;

(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. 46035

(F) Each license issued under this chapter expires one year 46036  
after the date of issue. Each person holding a valid, unexpired 46037  
license may renew the license, without reexamination, by applying 46038  
to the superintendent not more than ninety days before the 46039  
expiration of the license, and submitting with the application the 46040  
renewal fee established in section 4104.18 of the Revised Code. 46041  
Upon receipt of the renewal information and fee, the 46042  
superintendent shall issue the licensee a certificate of renewal. 46043

(G) The superintendent, in accordance with Chapter 119. of 46044  
the Revised Code, may suspend or revoke any license, or may refuse 46045  
to issue a license under this chapter upon finding that a licensee 46046  
or an applicant for a license has violated or is violating the 46047  
requirements of this chapter. 46048

**Sec. 4104.21.** On receipt of a notice pursuant to section 46049  
3123.43 of the Revised Code, the superintendent of ~~labor~~ 46050  
industrial compliance shall comply with sections 3123.41 to 46051  
3123.50 of the Revised Code and any applicable rules adopted under 46052  
section 3123.63 of the Revised Code with respect to a certificate 46053  
or license issued pursuant to this chapter. 46054

**Sec. 4104.33.** There is hereby created the historical boilers 46055  
licensing board consisting of seven members, three of whom shall 46056  
be appointed by the governor with the advice and consent of the 46057  
senate. The governor shall make initial appointments to the board 46058  
within ninety days after October 24, 2002. Of the initial members 46059  
appointed by the governor, one shall be for a term ending three 46060  
years after October 24, 2002, one shall be for a term ending four 46061  
years after October 24, 2002, and one shall be for a term ending 46062  
five years after October 24, 2002. Thereafter, terms of office 46063  
shall be for five years, each term ending on the same day of the 46064

same month of the year as did the term that it succeeds. Of the 46065  
three members the governor appoints, one member shall be an 46066  
employee of the division of boiler inspection in the department of 46067  
commerce; one member shall be an independent mechanical engineer 46068  
who is not involved in selling or inspecting historical boilers; 46069  
and one shall be an active member of an association that 46070  
represents managers of fairs or festivals. 46071

Two members of the board shall be appointed by the president 46072  
of the senate and two members of the board shall be appointed by 46073  
the speaker of the house of representatives. The president and 46074  
speaker shall make initial appointments to the board within ninety 46075  
days after October 24, 2002. Of the initial members appointed by 46076  
the president, one shall be for a term ending four years after 46077  
October 24, 2002 and one shall be for a term ending five years 46078  
after October 24, 2002. Of the initial members appointed by the 46079  
speaker, one shall be for a term ending three years after October 46080  
24, 2002 and one shall be for a term ending five years after 46081  
October 24, 2002. Thereafter, terms of office shall be for five 46082  
years, each term ending on the same day of the same month of the 46083  
year as did the term that it succeeds. Of the four members 46084  
appointed by the president and speaker, each shall own a 46085  
historical boiler and also have at least ten years of experience 46086  
in the operation of historical boilers, and each of these four 46087  
members shall reside in a different region of the state. 46088

Each member shall hold office from the date of the member's 46089  
appointment until the end of the term for which the member was 46090  
appointed. Members may be reappointed. Vacancies shall be filled 46091  
in the manner provided for initial appointments. Any member 46092  
appointed to fill a vacancy occurring prior to the expiration date 46093  
of the term for which the member's predecessor was appointed shall 46094  
hold office as a member for the remainder of that term. A member 46095  
shall continue in office subsequent to the expiration date of the 46096



member's term until the successor takes office or until a period of sixty days has elapsed, whichever occurs first.

The members of the board, annually, shall elect, by majority vote, a chairperson from among their members. The board shall meet at least once annually and at other times at the call of the chairperson. Board members shall receive their actual and necessary expenses incurred in the discharge of their duties as board members.

The superintendent of ~~labor~~ industrial compliance shall furnish office space, staff, and supplies to the board as the superintendent determines are necessary for the board to carry out its official duties under sections 4104.33 to 4104.37 of the Revised Code.

**Sec. 4104.42.** (A) The owner of any power piping or process piping system shall ensure that all of the following are performed in compliance with applicable sections of the B31 standards contained in the code for pressure piping, published by the American society of mechanical engineers:

(1) The design, fabrication, assembly, installation, testing, examination, and inspection of power and process piping systems;

(2) Qualification of personnel and qualification of welding and brazing procedures;

(3) The implementation of an inspection program.

(B) The owner of a power piping or process piping system shall do both of the following:

(1) Maintain for five years complete records documenting the design, examination, and testing of the piping system that include all of the following:

(a) The specific edition of the code for pressure piping used in the design;

(b) The design assumptions;	46127
(c) The calculations, piping material specifications, and construction documents for the piping;	46128 46129
(d) The records of piping alterations;	46130
(e) The piping examination and inspection records.	46131
(2) Disclose the types and quantities of flammable, combustible, or hazardous materials proposed to be used in the facility to the building and fire code enforcement authorities who have inspection authority to enable those authorities to determine compliance with the rules the board of building standards adopts pursuant to section 3781.10 of the Revised Code and the rules the state fire marshal adopts pursuant to section 3737.82 of the Revised Code.	46132 46133 46134 46135 46136 46137 46138 46139
(C) No person or state agency shall require that the records described in division (B)(1) of this section be submitted to the division of <del>labor</del> <u>industrial compliance</u> in the department of commerce or to a certified building department for approval.	46140 46141 46142 46143
(D) Nothing in this section limits the application of Chapters 4703. and 4733. of the Revised Code.	46144 46145
<b>Sec. 4104.43.</b> (A)(1) The board of building standards shall adopt rules establishing requirements for the design, installation, inspection of and design review procedure for building services piping.	46146 46147 46148 46149
(2) The board of building standards shall adopt rules establishing requirements for the design, installation, inspection of and design review procedure for nonflammable medical gas, medical oxygen, and medical vacuum piping systems.	46150 46151 46152 46153
(B) A municipal, township, or county building department certified under division (E) of section 3781.10 of the Revised Code shall enforce the rules the board adopts pursuant to division	46154 46155 46156

(A)(2) of this section if that building department requests and obtains special certification to enforce those rules.

(C) In a health district where no municipal, township, or county building department is specially certified under division (B) of this section, an employee of the health district shall enforce the rules adopted pursuant to division (A)(2) of this section if both of the following conditions are satisfied:

(1) The health district employee requests and obtains special certification by the board to enforce those rules.

(2) The health district notifies the superintendent of the division of ~~labor~~ industrial compliance in the department of commerce that the health district's specially certified employee shall enforce those rules.

(D) In a jurisdiction where enforcement authority as described in divisions (B) and (C) of this section does not exist, the superintendent of ~~labor~~ industrial compliance shall enforce the rules the board adopts pursuant to division (A)(2) of this section.

**Sec. 4104.44.** All welding and brazing of metallic piping systems shall be performed in accordance with section IX of the boiler and pressure vessel code, published by the American society of mechanical engineers. The owner shall maintain, at the job site, the certified performance qualification records of all welders and brazers employed at the facility. The owner shall submit copies of all certified welding and brazing procedure specifications, procedure qualification records, and performance qualification records for building services piping for review to the superintendent of ~~labor~~ industrial compliance in the department of commerce in accordance with rules the superintendent adopts. The submission shall be accompanied by the fee the superintendent establishes.

**Sec. 4104.48.** (A) No person shall violate sections 4104.41 to 46188  
4104.48 of the Revised Code, fail to perform any duty lawfully 46189  
enjoined in connection with those sections, or fail to comply with 46190  
any order issued by the superintendent of ~~labor~~ industrial 46191  
compliance or any judgment or decree issued by any court in 46192  
connection with the enforcement of sections 4104.41 to 4104.48 of 46193  
the Revised Code. 46194

(B) Every day during which a person violates sections 4104.41 46195  
to 4104.48 of the Revised Code, fails to perform any duty lawfully 46196  
enjoined in connection with those sections, or fails to comply 46197  
with any order issued by the superintendent or any judgment or 46198  
decree issued by any court in connection with the enforcement of 46199  
sections 4104.41 to 4104.48 of the Revised Code constitutes a 46200  
separate offense. 46201

**Sec. 4105.01.** As used in this chapter: 46202

(A) "Elevator" means a hoisting and lowering apparatus 46203  
equipped with a car, cage, or platform which moves on or between 46204  
permanent rails or guides and serves two or more fixed landings in 46205  
a building or structure to which section 3781.06 of the Revised 46206  
Code applies. "Elevator" includes dumb-waiters other than 46207  
hand-powered dumb-waiters, escalators, ~~peoplelifts~~ manlifts, 46208  
moving walks, of the endless belt type, other lifting or lowering 46209  
apparatus permanently installed on or between rails or guides, and 46210  
all equipment, machinery, and construction related to any 46211  
elevator; but does not include construction hoists and other 46212  
similar temporary lifting or lowering apparatuses, ski lifts, 46213  
traveling, portable amusement rides or devices that are not 46214  
affixed to a permanent foundation, or nonportable amusement rides 46215  
or devices that are affixed to a permanent foundation. 46216

(B) "Passenger elevator" means an elevator that is designed 46217

to carry persons to its contract capacity. 46218

(C) "Freight elevator" means an elevator normally used for 46219  
carrying freight and on which only the operator and employees in 46220  
the pursuit of their duties, by the permission of the employer, 46221  
are allowed to ride. 46222

(D) "Gravity elevator" means an elevator utilizing gravity to 46223  
move. 46224

(E) "General inspector" means a state inspector examined and 46225  
hired to inspect elevators and lifting apparatus for that state. 46226

(F) "Special inspector" means an inspector examined and 46227  
commissioned by the superintendent of ~~labor~~ industrial compliance 46228  
to inspect elevators and lifting apparatus in the state. 46229

(G) "Inspector" means either a general or special inspector. 46230

**Sec. 4105.02.** No person may act, either as a general 46231  
inspector or as a special inspector, of elevators, unless the 46232  
person holds a certificate of competency from the division of 46233  
~~labor~~ industrial compliance. 46234

Application for examination as an inspector of elevators 46235  
shall be in writing, accompanied by a fee to be established as 46236  
provided in section 4105.17 of the Revised Code, and upon a blank 46237  
to be furnished by the division, stating the school education of 46238  
the applicant, a list of the applicant's employers, the 46239  
applicant's period of employment, and the position held with each. 46240  
An applicant shall also submit a letter from one or more of the 46241  
applicant's previous employers certifying as to the applicant's 46242  
character and experience. 46243

Applications shall be rejected which contain any willful 46244  
falsification or untruthful statements. An applicant, if the 46245  
division considers the applicant's history and experience 46246  
sufficient, shall be examined by the superintendent of ~~labor~~ 46247

industrial compliance by a written examination dealing with the 46248  
construction, installation, operation, maintenance, and repair of 46249  
elevators and their appurtenances, and the applicant shall be 46250  
accepted or rejected on the merits of the applicant's application 46251  
and examination. 46252

The superintendent shall issue a certificate of competency in 46253  
the inspection of elevators to any applicant found competent upon 46254  
examination. A rejected applicant shall be entitled, after the 46255  
expiration of ninety days and upon payment of an examination fee 46256  
to be established as provided in section 4105.17 of the Revised 46257  
Code, to another examination. Should an applicant fail to pass the 46258  
prescribed examination on second trial, the applicant will not be 46259  
permitted to be an applicant for another examination for a period 46260  
of one year after the second examination. 46261

**Sec. 4105.03.** The superintendent of ~~labor~~ industrial 46262  
compliance, with the consent of the director of commerce, shall 46263  
hire an assistant who has at least ten years of experience in the 46264  
construction, installation, maintenance, and repair of elevators 46265  
and their appurtenances. 46266

The superintendent, with the consent of the director, and in 46267  
compliance with Chapter 124. of the Revised Code, may appoint and 46268  
hire general inspectors of elevators from the holders of 46269  
certificates of competency. 46270

**Sec. 4105.04.** From the holders of certificates of competency 46271  
in the inspection of elevators, any company that is authorized to 46272  
insure elevators in the state, may designate persons to inspect 46273  
elevators covered by such company's policies, and the department 46274  
of public safety of any city and the clerk of any village may 46275  
designate persons to inspect elevators in such city or village. 46276  
Such persons shall, upon the payment of a fee to be established as 46277

provided in section 4105.17 of the Revised Code, have issued to 46278  
them annually by the division of ~~labor~~ industrial compliance, 46279  
commissions to serve as special inspectors of elevators in the 46280  
state. 46281

**Sec. 4105.05.** A commission to serve as a special inspector 46282  
may be suspended or revoked by the superintendent of ~~labor~~ 46283  
industrial compliance, for the incompetence or untrustworthiness 46284  
of the holder thereof, or for the falsification of any matter or 46285  
statement contained in the holder's application or in a report of 46286  
any inspection. 46287

**Sec. 4105.06.** If a certificate or commission issued under 46288  
sections 4105.02 and 4105.04 of the Revised Code is lost or 46289  
destroyed a new one shall be issued in its place by the division 46290  
of ~~labor~~ industrial compliance without another examination, upon 46291  
the payment of a fee to be established as provided in section 46292  
4105.07 of the Revised Code. 46293

**Sec. 4105.09.** The owner or user of any elevator shall 46294  
register, with the division of ~~labor~~ industrial compliance, every 46295  
elevator operated by the owner or user, giving the type, capacity, 46296  
and description, name of manufacturer, and purpose for which each 46297  
is used. Such registration shall be made on a form to be furnished 46298  
by the division. 46299

**Sec. 4105.11.** The inspection of elevators shall be made by 46300  
the inspectors authorized in sections 4105.03 and 4105.04 of the 46301  
Revised Code, under the supervision of the superintendent of ~~labor~~ 46302  
industrial compliance, and the superintendent shall enforce this 46303  
chapter and any rules adopted pursuant thereto. 46304

Every inspector shall forward to the superintendent a full 46305  
and complete report of each inspection made of any elevator and 46306

shall, on the day the inspection is completed, leave a copy of 46307  
such report with the owner or operator of the elevator, or the 46308  
owner's or operator's agent or representative. Such report shall 46309  
indicate the exact condition of the elevator and shall list any 46310  
and all of the provisions of this chapter and any rules adopted 46311  
pursuant thereto, with which the elevator does not comply. Before 46312  
attempting to enforce, by any remedy, civil or criminal, the 46313  
provisions with which the inspected elevator does not comply, the 46314  
chief shall issue an adjudication order within the meaning of 46315  
Chapter 119. of the Revised Code. 46316

The approval of construction plans, or an application of 46317  
specifications under section 4105.16 of the Revised Code is a 46318  
license, and the failure to approve such plans or specifications 46319  
by the chief within sixty days after they are filed is an 46320  
adjudication order denying the issuance of a license. 46321

Every adjudication order shall specify what appliances, site 46322  
preparations, additions, repairs, or alterations to any elevators, 46323  
plans, materials, assemblages, or procedures are necessary for the 46324  
same to comply with this chapter, or any rules adopted pursuant 46325  
thereto. Such adjudication order shall be issued pursuant to 46326  
Chapter 119. of the Revised Code and shall be effective without 46327  
prior hearing, within thirty days after the receipt of such order, 46328  
the owner of the elevator specified therein may appeal to the 46329  
board of building appeals under section 3781.19 of the Revised 46330  
Code. 46331

Notwithstanding the provisions of Chapter 119. of the Revised 46332  
Code relating to adjudication hearings, a stenographic or 46333  
mechanical record of the testimony and other evidence submitted 46334  
before the board of building appeals shall be taken at the expense 46335  
of the agency. A party adversely affected by an order issued 46336  
following such adjudication hearing may appeal to the court of 46337  
common pleas of the county in which the party is a resident or in 46338



which the elevator affected by such order is located. The court in 46339  
such case shall not be confined to the record as certified to it 46340  
by the agency, but any party may produce additional evidence and 46341  
the court shall hear the matter upon such record and such 46342  
additional evidence as is introduced by any party. The court shall 46343  
not affirm the order of the agency unless the preponderance of the 46344  
evidence before it supports the reasonableness and lawfulness of 46345  
such order, and of any rules upon which the order of the agency is 46346  
based in its application to the facts involved in the appeal. 46347

Failure to comply with the requirements of any order issued 46348  
pursuant to this section or the continued operation of any 46349  
elevator after it has been sealed pursuant to section 4105.21 of 46350  
the Revised Code is hereby declared a public nuisance. 46351

**Sec. 4105.12.** (A) The superintendent of ~~labor~~ industrial 46352  
compliance shall adopt, amend, and repeal rules exclusively for 46353  
the issuance, renewal, suspension, and revocation of certificates 46354  
of competency and certificates of operation, for the conduct of 46355  
hearings related to these actions, and for the inspection of 46356  
elevators. 46357

(B) Notwithstanding division (A) of this section, the 46358  
superintendent shall not adopt rules relating to construction, 46359  
maintenance, and repair of elevators. 46360

**Sec. 4105.13.** Every elevator shall be constructed, equipped, 46361  
maintained, and operated, with respect to the supporting members, 46362  
elevator car, shaftways, guides, cables, doors, and gates, safety 46363  
stops and mechanism, electrical apparatus and wiring, mechanical 46364  
apparatus, counterweights, and all other appurtenances, in 46365  
accordance with state laws and rules as are authorized in respect 46366  
thereto. Where reasonable safety is obtained without complying to 46367  
the literal requirements of such rules as in cases of practical 46368

difficulty or unnecessary hardship, the literal requirements of 46369  
such rules shall not be required. The superintendent of ~~labor~~ 46370  
industrial compliance may permit the installation of vertical 46371  
wheelchair lifts in public buildings to provide for handicapped 46372  
accessibility where such lifts do not meet the literal 46373  
requirements of the rules adopted by the board of building 46374  
standards pursuant to section 4105.011 of the Revised Code, 46375  
provided that reasonable safety may be obtained. 46376

**Sec. 4105.15.** No certificate of operation for any elevator 46377  
shall be issued by the director of commerce until such elevator 46378  
has been inspected as required by this chapter. Certificates of 46379  
operation shall be renewed by the owner or user of the elevator in 46380  
accordance with rules adopted by the superintendent of ~~labor~~ 46381  
industrial compliance pursuant to section 4105.12 of the Revised 46382  
Code. 46383

**Sec. 4105.16.** Before any new installation of an elevator of 46384  
permanent nature is erected or before any existing elevator is 46385  
removed to and installed in a different location, an application 46386  
of specifications in duplicate shall be submitted to the division 46387  
of ~~labor~~ industrial compliance giving such information concerning 46388  
the construction, installation, and operation of said elevator as 46389  
the division may require on forms to be furnished by the division, 46390  
together with complete construction plans in duplicate. In all 46391  
cases where any changes or repairs are made which alter its 46392  
construction of classification, grade or rated lifting capacity, 46393  
except when made pursuant to a report of an inspector, an 46394  
application of specifications in duplicate shall be submitted to 46395  
the division, containing such information, or approval, except in 46396  
those municipal corporations which maintain their own elevator 46397  
inspection departments, in which event such specifications shall 46398  
be submitted to the elevator department of the municipal 46399

corporation for its approval, and if approved, a permit for the 46400  
erection or repair of such elevator shall be issued by the 46401  
municipal corporation. Upon approval of such application and 46402  
construction plans, the superintendent of ~~labor~~ industrial  
compliance shall issue a permit for the erection or repair of such 46403  
elevator. No new elevator shall be operated until completion in 46404  
accordance with the approved plans and specifications, unless a 46405  
temporary permit is granted by the division. 46406  
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The final inspection, before operation, of a permanent, new 46408  
or repaired elevator shall be made by a general inspector or a 46409  
special inspector designated by the superintendent. 46410

**Sec. 4105.17.** (A) The fee for each inspection, or attempted 46411  
inspection that, due to no fault of a general inspector or the 46412  
division of ~~labor~~ industrial compliance, is not successfully 46413  
completed, by a general inspector before the operation of a 46414  
permanent new elevator prior to the issuance of a certificate of 46415  
operation, before operation of an elevator being put back into 46416  
service after a repair or after an adjudication under section 46417  
4105.11 of the Revised Code, or as a result of the operation of 46418  
section 4105.08 of the Revised Code and is an elevator required to 46419  
be inspected under this chapter is one hundred twenty dollars plus 46420  
ten dollars for each floor where the elevator stops. The 46421  
superintendent of ~~labor~~ industrial compliance may assess an 46422  
additional fee of one hundred twenty dollars plus ten dollars for 46423  
each floor where an elevator stops for the reinspection of an 46424  
elevator when a previous attempt to inspect that elevator has been 46425  
unsuccessful through no fault of a general inspector or the 46426  
division of ~~labor~~ industrial compliance. 46427

(B) The fee for each inspection, or attempted inspection, 46428  
that due to no fault of the general inspector or the division, is 46429  
not successfully completed by a general inspector before operation 46430

of a permanent new escalator or moving walk prior to the issuance 46431  
of a certificate of operation, before operation of an escalator or 46432  
moving walk being put back in service after a repair, or as a 46433  
result of the operation of section 4105.08 of the Revised Code is 46434  
three hundred dollars. The superintendent may assess an additional 46435  
fee of one hundred fifty dollars for the reinspection of an 46436  
escalator or moving walk when a previous attempt to inspect that 46437  
escalator or moving walk has been unsuccessful through no fault of 46438  
the general inspector or the division. 46439

(C) The fee for issuing or renewing a certificate of 46440  
operation under section 4105.15 of the Revised Code for an 46441  
elevator that is inspected every six months in accordance with 46442  
division (A) of section 4105.10 of the Revised Code is two hundred 46443  
twenty dollars plus twelve dollars for each floor where the 46444  
elevator stops, except where the elevator has been inspected by a 46445  
special inspector in accordance with section 4105.07 of the 46446  
Revised Code. 46447

(D) The fee for issuing or renewing a certificate of 46448  
operation under section 4105.05 of the Revised Code for an 46449  
elevator that is inspected every twelve months in accordance with 46450  
division (A) of section 4105.10 of the Revised Code is fifty-five 46451  
dollars plus ten dollars for each floor where the elevator stops, 46452  
except where the elevator has been inspected by a special 46453  
inspector in accordance with section 4105.07 of the Revised Code. 46454

(E) The fee for issuing or renewing a certificate of 46455  
operation under section 4105.15 of the Revised Code for an 46456  
escalator or moving walk is three hundred dollars, except where 46457  
the escalator or moving walk has been inspected by a special 46458  
inspector in accordance section 4105.07 of the Revised Code. 46459

(F) All other fees to be charged for any examination given or 46460  
other service performed by the division pursuant to this chapter 46461  
shall be prescribed by the director of commerce. The fees shall be 46462

reasonably related to the costs of such examination or other service. 46463  
46464

(G) 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), (C), (D), and (E) 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. 46465  
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(H) Any person who fails to pay an inspection fee required for any inspection conducted by the division pursuant to this chapter within forty-five days after the inspection is conducted shall pay a late payment fee equal to twenty-five per cent of the inspection fee. 46471  
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(I) In addition to the fees assessed in divisions (A), (B), (C), (D), and (E) of this section, the board of building standards shall assess a fee of three dollars and twenty-five cents for each certificate of operation or renewal thereof issued under divisions (A), (B), (C), (D), or (E) of this section and for each permit issued under section 4105.16 of the Revised Code. 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 the board the fees assessed under this division and requiring that remittance of the fees be made at least quarterly. 46476  
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(J) For purposes of this section: 46486

(1) "Escalator" means a power driven, inclined, continuous stairway used for raising or lowering passengers. 46487  
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(2) "Moving walk" means a passenger carrying device on which passengers stand or walk, with a passenger carrying surface that is uninterrupted and remains parallel to its direction of motion. 46489  
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**Sec. 4105.191.** Any person owning or operating any elevator 46492

subject to this chapter shall file a written report with the 46493  
superintendent of ~~labor~~ industrial compliance within seventy-two 46494  
hours after the occurrence of any accident involving such elevator 46495  
which results in death or bodily injury to any person. 46496

**Sec. 4105.20.** No person shall violate any law relative to the 46497  
operation, construction, maintenance, and repair of elevators. All 46498  
fines collected for violation of this section shall be forwarded 46499  
to the superintendent of ~~labor~~ industrial compliance, who shall 46500  
pay them into the state treasury to the credit of the ~~labor~~ 46501  
industrial compliance operating fund created in section 121.084 of 46502  
the Revised Code. 46503

**Sec. 4105.21.** The superintendent of ~~labor~~ industrial 46504  
compliance shall enforce this chapter. If the superintendent or a 46505  
general inspector of elevators finds that an elevator or a part 46506  
thereof does not afford reasonable safety as required by section 46507  
4105.13 of the Revised Code, the superintendent or the general 46508  
inspector may seal such elevator and post a notice thereon 46509  
prohibiting further use of the elevator until the changes or 46510  
alterations set forth in the notice have been made to the 46511  
satisfaction of the superintendent or the inspector. The notice 46512  
shall contain a statement that operators or passengers are subject 46513  
to injury by its continued use, a description of the alteration or 46514  
other change necessary to be made in order to secure safety of 46515  
operation, date of such notice, name and signature of the 46516  
superintendent or inspector issuing the notice. 46517

**Sec. 4115.10.** (A) No person, firm, corporation, or public 46518  
authority that constructs a public improvement with its own 46519  
forces, the total overall project cost of which is fairly 46520  
estimated to be more than the amounts set forth in division (B) of 46521  
section 4115.03 of the Revised Code, adjusted biennially by the 46522

director of commerce pursuant to section 4115.034 of the Revised Code, as appropriate, shall violate the wage provisions of sections 4115.03 to 4115.16 of the Revised Code, or suffer, permit, or require any employee to work for less than the rate of wages so fixed, or violate the provisions of section 4115.07 of the Revised Code. Any employee upon any public improvement, except an employee to whom or on behalf of whom restitution is made pursuant to division (C) of section 4115.13 of the Revised Code, who is paid less than the fixed rate of wages applicable thereto may recover from such person, firm, corporation, or public authority that constructs a public improvement with its own forces the difference between the fixed rate of wages and the amount paid to the employee and in addition thereto a sum equal to twenty-five per cent of that difference. The person, firm, corporation, or public authority who fails to pay the rate of wages so fixed also shall pay a penalty to the director of seventy-five per cent of the difference between the fixed rate of wages and the amount paid to the employees on the public improvement. The director shall deposit all moneys received from penalties paid to the director pursuant to this section into the ~~labor~~ industrial compliance operating fund. The director shall use the fund for the enforcement of sections 4115.03 to 4115.16 of the Revised Code. The employee may file suit for recovery within ninety days of the director's determination of a violation of sections 4115.03 to 4115.16 of the Revised Code or is barred from further action under this division. Where the employee prevails in a suit, the employer shall pay the costs and reasonable attorney's fees allowed by the court.

(B) Any employee upon any public improvement who is paid less than the prevailing rate of wages applicable thereto may file a complaint in writing with the director upon a form furnished by the director. The complaint shall include documented evidence to demonstrate that the employee was paid less than the prevailing

wage in violation of this chapter. Upon receipt of a properly  
completed written complaint of any employee paid less than the  
prevailing rate of wages applicable, the director shall take an  
assignment of a claim in trust for the assigning employee and  
bring any legal action necessary to collect the claim. The  
employer shall pay the costs and reasonable attorney's fees  
allowed by the court if the employer is found in violation of  
sections 4115.03 to 4115.16 of the Revised Code.

(C) If after investigation pursuant to section 4115.13 of the  
Revised Code, the director determines there is a violation of  
sections 4115.03 to 4115.16 of the Revised Code and a period of  
sixty days has elapsed from the date of the determination, and if:

(1) No employee has brought suit pursuant to division (A) of  
this section;

(2) No employee has requested that the director take an  
assignment of a wage claim pursuant to division (B) of this  
section.

The director shall bring any legal action necessary to  
collect any amounts owed to employees and the director. The  
director shall pay over to the affected employees the amounts  
collected to which the affected employees are entitled under  
division (A) of this section. In any action in which the director  
prevails, the employer shall pay the costs and reasonable  
attorney's fees allowed by the court.

(D) Where persons are employed and their rate of wages has  
been determined as provided in section 4115.04 of the Revised  
Code, no person, either for self or any other person, shall  
request, demand, or receive, either before or after the person is  
engaged, that the person so engaged pay back, return, donate,  
contribute, or give any part or all of the person's wages, salary,  
or thing of value, to any person, upon the statement,



representation, or understanding that failure to comply with such 46587  
request or demand will prevent the procuring or retaining of 46588  
employment, and no person shall, directly or indirectly, aid, 46589  
request, or authorize any other person to violate this section. 46590  
This division does not apply to any agent or representative of a 46591  
duly constituted labor organization acting in the collection of 46592  
dues or assessments of such organization. 46593

(E) The director shall enforce sections 4115.03 to 4115.16 of 46594  
the Revised Code. 46595

(F) For the purpose of supplementing existing resources and 46596  
to assist in enforcing division (E) of this section, the director 46597  
may contract with a person registered as a public accountant under 46598  
Chapter 4701. of the Revised Code to conduct an audit of a person, 46599  
firm, corporation, or public authority. 46600

(G) No contractor or subcontractor shall be responsible for 46601  
the payment of the penalties provided in division (A) of this 46602  
section resulting from a violation of sections 4115.03 to 4115.16 46603  
of the Revised Code by its subcontractor, provided that the 46604  
contractor or subcontractor has made a good faith effort to ensure 46605  
that its subcontractor complied with the requirements of sections 46606  
4115.03 to 4115.16 of the Revised Code. 46607

**Sec. 4115.101.** There is hereby created the prevailing wage 46608  
custodial fund, which shall be in the custody of the treasurer of 46609  
state but shall not be part of the state treasury. The director of 46610  
commerce shall deposit to the fund all money paid by employers to 46611  
the director that are held in trust for employees to whom 46612  
prevailing wages are due and owing. The director shall make 46613  
disbursements from the fund in accordance with this chapter to 46614  
employees affected by violations of this chapter. If the director 46615  
determines that any funds in the prevailing wage custodial fund 46616  
are not returnable to employees as required under this section, 46617

then the director shall certify to the treasurer of state the 46618  
amount of the funds that are not returnable. Upon the receipt of a 46619  
certification from the director in accordance with this section, 46620  
the treasurer of state shall transfer the certified amount of the 46621  
funds from the prevailing wage custodial fund to the ~~labor~~ 46622  
industrial compliance operating fund. 46623

**Sec. 4121.04.** (A) There is hereby created the industrial 46624  
commission nominating council consisting of five employer 46625  
representatives, four labor representatives, one representative 46626  
from the Ohio association for justice, and two members of the 46627  
public, each of a different political party, who are appointed by 46628  
the governor. The nominating council shall make recommendations to 46629  
the governor for the appointment of members to the industrial 46630  
commission as provided in section 4121.02 of the Revised Code. 46631

(B) In making the appointments, the governor shall select the 46632  
members representing employees from a list of eight names 46633  
submitted by the Ohio federation of labor, the member representing 46634  
the Ohio association for justice from a list of two names 46635  
submitted by the Ohio association of justice, and the members 46636  
representing employers from a list of ten names submitted jointly 46637  
by the Ohio industry organizations. The governor shall appoint at 46638  
least one member from each of the Ohio industry organizations. Of 46639  
the list submitted by the Ohio industry organizations, two 46640  
individuals from each of the Ohio industry organizations shall be 46641  
included in the list. Terms of office of employer and employee 46642  
representatives are for four years, each term ending on the same 46643  
day as the date of their original appointment. The Ohio federation 46644  
of labor for a vacancy of an employee representative on the 46645  
council, and the Ohio industry organizations, for a vacancy of an 46646  
employer representative on the council, shall submit to the 46647  
governor a list containing two names for appointment and the 46648  
governor shall appoint an individual from the list to fill the 46649

vacancy provided that the list submitted to fill an industry 46650  
representative vacancy shall contain the names of individuals who 46651  
represent the organizations for which a vacancy has occurred. One 46652  
public member shall represent the interests of small business. 46653  
Public members shall serve for a term of two years, each term 46654  
ending on the same day as the date of their original appointment. 46655  
The governor shall fill a vacancy occurring on the nominating 46656  
council for a public member in the same manner as for the original 46657  
appointment but only for the unexpired part of the term. As used 46658  
in this division, "small business" means any manufacturing 46659  
establishment employing five hundred or fewer employees or any 46660  
retail, or other service establishment employing one hundred or 46661  
fewer employees. The representative from the Ohio association for 46662  
justice shall serve for a term of four years, each term ending on 46663  
the twentieth day of October of the appropriate year. The governor 46664  
shall fill a vacancy occurring on the nominating council for the 46665  
representative from the Ohio association for justice in the same 46666  
manner as the original appointment. In the event that an 46667  
appointment to the council does not conform to this division, such 46668  
organizations may challenge the appointment pursuant to division 46669  
(E) of this section, provided that the industry organizations only 46670  
may challenge the appointment of an industry representative, and 46671  
further provided that the labor organization only may challenge 46672  
the appointment of a labor representative. 46673

(C) The nominating council annually shall meet and elect such 46674  
officers as it determines appropriate and shall meet at such other 46675  
times as it determines appropriate in order to make 46676  
recommendations to the governor for the appointment of industrial 46677  
commission members pursuant to section 4121.02 of the Revised 46678  
Code. The nominating council may conduct a meeting by interactive 46679  
video teleconference if provisions are made for public attendance 46680  
at any location involved in the teleconference. Notwithstanding 46681  
division (C) of section 121.22 of the Revised Code, all members of 46682

the nominating council, whether attending a meeting of the 46683  
nominating council in person or by teleconference, are entitled to 46684  
full and complete voting privileges on all nominating council 46685  
matters. 46686

(D) Members of the nominating council shall be paid fifty 46687  
dollars per day and their actual and necessary expenses while 46688  
engaged in the performance of their duties as members of the 46689  
nominating council, which the industrial commission shall pay from 46690  
funds which the industrial commission uses to pay its operating 46691  
expenses. 46692

(E) An association generally recognized as representing the 46693  
interests of labor or industry may file, within fifteen days after 46694  
the governor's appointment of a member, a challenge in the common 46695  
pleas court of Franklin county asserting that a representative 46696  
named to represent its interests is not representative of the 46697  
interests the appointee has been appointed to represent. An 46698  
appointee whose appointment has been challenged shall not receive 46699  
any pay nor serve on the nominating council until the court, 46700  
acting without a jury and following the expedited timetable 46701  
provided for hearing on restraining orders in Civil Rule 65, makes 46702  
a determination that the appointee is a true and qualified 46703  
representative of the group for which the appointee is selected 46704  
and possesses all of the qualifications. 46705

A challenged appointee may request the attorney general to 46706  
represent the appointee in an action brought under this division 46707  
and the attorney general shall provide the appointee with 46708  
competent representation without charge. 46709

(F) As used in this section, "Ohio industry organizations" 46710  
means all of the following organizations: 46711

(1) The Ohio self-insurers' association; 46712

(2) The Ohio manufacturers' association; 46713

- (3) The Ohio council of retail merchants; 46714
- (4) The Ohio chamber of commerce; 46715
- (5) The national federation of independent business. 46716

**Sec. 4121.123.** (A) There is hereby created the workers' 46717  
compensation board of directors nominating committee consisting of 46718  
the following: 46719

(1) Three individuals who are members of affiliated employee 46720  
organizations of the Ohio chapter of the American federation of 46721  
labor-congress of industrial organizations, who are selected by 46722  
the Ohio chapter of the American federation of labor-congress of 46723  
industrial organizations and who, on account of their previous 46724  
vocation, employment, or affiliations, can be classed as 46725  
representative of employees who are members of an employee 46726  
organization. Terms of office shall be for one year, with each 46727  
term ending on the same day of the same month as did the term that 46728  
it succeeds. 46729

(2) Two individuals who, on account of their previous 46730  
vocation, employment, or affiliations, can be classed as 46731  
representative of employees, one of whom shall be an injured 46732  
worker with a valid, open, and active workers' compensation claim 46733  
and at least one of these two representatives also shall represent 46734  
employees who are not members of an employee organization. The 46735  
president of the senate and the speaker of the house of 46736  
representatives each shall appoint annually one of these members. 46737  
The member who is an injured worker shall serve for a full term 46738  
even if the member's workers' compensation claim is invalidated, 46739  
closed, or inactivated during the member's term. 46740

(3) The chief executive officer, or the equivalent of the 46741  
chief executive officer, of the Ohio chamber of commerce, the Ohio 46742  
manufacturers' association, the Ohio self-insurers' association, 46743

the Ohio council of retail merchants, the national federation of independent business, and the Ohio farm bureau;

(4) The director of development;

(5) The president of the Ohio township association and the president of the Ohio county commissioners association, or, ~~in~~ if any of the following circumstances apply:

(a) In the event of a vacancy in the either presidency, a designee appointed by the governing body authorized to appoint the president. A designee so appointed shall serve on the nominating committee only until the vacancy in the presidency is filled.

(b) In the event that the president of the Ohio township association is unavailable, a designee selected by the president;

(c) In the event that the president of the Ohio county commissioners association is unavailable, a designee selected by the president.

(B) Each member appointed under divisions (A)(1) and (2) of this section shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. Such members may be reappointed. Vacancies shall be filled in the manner provided for original appointments. Any such member appointed to fill a vacancy occurring prior to the expiration date of the term for which the member's predecessor was appointed shall hold office as a member for the remainder of that term. Such a member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C) The nominating committee shall meet at the request of the governor or as the nominating committee determines appropriate in order to make recommendations to the governor for the appointment of members of the bureau of workers' compensation board of

directors under section 4121.12 of the Revised Code. 46775

(D) The director of development shall serve as chairperson of 46776  
the nominating committee and have no voting rights on matters 46777  
coming before the nominating committee, except that the director 46778  
may vote in the event of a tie vote of the nominating committee. 46779  
Annually, the nominating committee shall select a secretary from 46780  
among its members. The nominating committee may adopt by-laws 46781  
governing its proceedings. 46782

(E) Members of the nominating committee shall be paid their 46783  
reasonable and necessary expenses pursuant to section 126.31 of 46784  
the Revised Code while engaged in the performance of their duties 46785  
as members of the nominating committee. 46786

(F) The nominating committee shall: 46787

(1) Review and evaluate possible appointees for the board. In 46788  
reviewing and evaluating possible appointees for the board, the 46789  
nominating committee may accept comments from, cooperate with, and 46790  
request information from any person. 46791

(2) Make recommendations to the governor for the appointment 46792  
of members to the board as provided in division (C) of section 46793  
4121.12 of the Revised Code. 46794

(G) The nominating committee may make recommendations to the 46795  
general assembly concerning changes in legislation that will 46796  
assist the nominating committee in the performance of its duties. 46797

**Sec. 4121.30.** (A) All rules governing the operating procedure 46798  
of the bureau of workers' compensation and the industrial 46799  
commission shall be adopted in accordance with Chapter 119. of the 46800  
Revised Code, except that determinations of the bureau, district 46801  
hearing officers, staff hearing officers, and the commission, with 46802  
respect to an individual employee's claim to participate in the 46803  
state insurance fund are governed only by Chapter 4123. of the 46804

Revised Code. 46805

The administrator of workers' compensation and commission 46806  
shall proceed jointly, in accordance with Chapter 119. of the 46807  
Revised Code, including a joint hearing, to adopt joint rules 46808  
governing the operating procedures of the bureau and commission. 46809  
~~The bureau shall publish the joint rules in a single publication.~~ 46810

(B) Upon submission to the bureau or the commission of a 46811  
petition containing not less than fifteen hundred signatures of 46812  
adult residents of the state, any individual may propose a rule 46813  
for adoption, amendment, or rescission by the bureau or the 46814  
commission. If, upon investigation, the bureau or commission is 46815  
satisfied that the signatures upon the petition are valid, it 46816  
shall proceed, in accordance with Chapter 119. of the Revised 46817  
Code, to consider adoption, amendment, or rescission of the rule. 46818

(C) The administrator shall ~~publish~~ make available 46819  
electronically all rules adopted by the bureau and the commission 46820  
~~in a single publication~~ and shall make available in a timely 46821  
manner ~~and at cost copies of~~ all rules adopted by the bureau and 46822  
the commission that are currently in force. ~~For that purpose, the~~ 46823  
~~administrator shall maintain a mailing list of all persons~~ 46824  
~~requesting copies of the rules.~~ 46825

(D) The rule-making authority granted to the administrator 46826  
under this section does not limit the commission's rule-making 46827  
authority relative to its overall adjudicatory policy-making and 46828  
management duties under this chapter and Chapters 4123., 4127., 46829  
and 4131. of the Revised Code. The administrator shall not 46830  
disregard any rule adopted by the commission, provided that the 46831  
rule is within the commission's rule-making authority. 46832

**Sec. 4123.20.** The administrator of workers' compensation 46833  
shall ~~cause to be printed, in proper form for distribution~~ make 46834  
available electronically to the public, its classifications, 46835



rates, rules, and rules of procedure, and shall furnish the same 46836  
to any person upon ~~application therefor, and the fact that the~~ 46837  
~~classifications, rates, rules, and rules of procedure are printed~~ 46838  
~~ready for distribution to all who apply for the same is a~~ 46839  
~~sufficient publication of the same as required by this chapter~~ 46840  
request. 46841

**Sec. 4123.35.** (A) Except as provided in this section, every 46842  
employer mentioned in division (B)(2) of section 4123.01 of the 46843  
Revised Code, and every publicly owned utility shall pay 46844  
semiannually in the months of January and July into the state 46845  
insurance fund the amount of annual premium the administrator of 46846  
workers' compensation fixes for the employment or occupation of 46847  
the employer, the amount of which premium to be paid by each 46848  
employer to be determined by the classifications, rules, and rates 46849  
made and published by the administrator. The employer shall pay 46850  
semiannually a further sum of money into the state insurance fund 46851  
as may be ascertained to be due from the employer by applying the 46852  
rules of the administrator, and a receipt or certificate 46853  
certifying that payment has been made, along with a written notice 46854  
as is required in section 4123.54 of the Revised Code, shall be 46855  
mailed immediately to the employer by the bureau of workers' 46856  
compensation. The receipt or certificate is prima-facie evidence 46857  
of the payment of the premium, and the proper posting of the 46858  
notice constitutes the employer's compliance with the notice 46859  
requirement mandated in section 4123.54 of the Revised Code. 46860

The bureau of workers' compensation shall verify with the 46861  
secretary of state the existence of all corporations and 46862  
organizations making application for workers' compensation 46863  
coverage and shall require every such application to include the 46864  
employer's federal identification number. 46865

An employer as defined in division (B)(2) of section 4123.01 46866

of the Revised Code who has contracted with a subcontractor is 46867  
liable for the unpaid premium due from any subcontractor with 46868  
respect to that part of the payroll of the subcontractor that is 46869  
for work performed pursuant to the contract with the employer. 46870

Division (A) of this section providing for the payment of 46871  
premiums semiannually does not apply to any employer who was a 46872  
subscriber to the state insurance fund prior to January 1, 1914, 46873  
or who may first become a subscriber to the fund in any month 46874  
other than January or July. Instead, the semiannual premiums shall 46875  
be paid by those employers from time to time upon the expiration 46876  
of the respective periods for which payments into the fund have 46877  
been made by them. 46878

The administrator shall adopt rules to permit employers to 46879  
make periodic payments of the semiannual premium due under this 46880  
division. The rules shall include provisions for the assessment of 46881  
interest charges, where appropriate, and for the assessment of 46882  
penalties when an employer fails to make timely premium payments. 46883  
An employer who timely pays the amounts due under this division is 46884  
entitled to all of the benefits and protections of this chapter. 46885  
Upon receipt of payment, the bureau immediately shall mail a 46886  
receipt or certificate to the employer certifying that payment has 46887  
been made, which receipt is prima-facie evidence of payment. 46888  
Workers' compensation coverage under this chapter continues 46889  
uninterrupted upon timely receipt of payment under this division. 46890

Every public employer, except public employers that are 46891  
self-insuring employers under this section, shall comply with 46892  
sections 4123.38 to 4123.41, and 4123.48 of the Revised Code in 46893  
regard to the contribution of moneys to the public insurance fund. 46894

(B) Employers who will abide by the rules of the 46895  
administrator and who may be of sufficient financial ability to 46896  
render certain the payment of compensation to injured employees or 46897  
the dependents of killed employees, and the furnishing of medical, 46898

surgical, nursing, and hospital attention and services and 46899  
medicines, and funeral expenses, equal to or greater than is 46900  
provided for in sections 4123.52, 4123.55 to 4123.62, and 4123.64 46901  
to 4123.67 of the Revised Code, and who do not desire to insure 46902  
the payment thereof or indemnify themselves against loss sustained 46903  
by the direct payment thereof, upon a finding of such facts by the 46904  
administrator, may be granted the privilege to pay individually 46905  
compensation, and furnish medical, surgical, nursing, and hospital 46906  
services and attention and funeral expenses directly to injured 46907  
employees or the dependents of killed employees, thereby being 46908  
granted status as a self-insuring employer. The administrator may 46909  
charge employers who apply for the status as a self-insuring 46910  
employer a reasonable application fee to cover the bureau's costs 46911  
in connection with processing and making a determination with 46912  
respect to an application. 46913

All employers granted status as self-insuring employers shall 46914  
demonstrate sufficient financial and administrative ability to 46915  
assure that all obligations under this section are promptly met. 46916  
The administrator shall deny the privilege where the employer is 46917  
unable to demonstrate the employer's ability to promptly meet all 46918  
the obligations imposed on the employer by this section. 46919

(1) The administrator shall consider, but is not limited to, 46920  
the following factors, where applicable, in determining the 46921  
employer's ability to meet all of the obligations imposed on the 46922  
employer by this section: 46923

(a) The employer employs a minimum of five hundred employees 46924  
in this state; 46925

(b) The employer has operated in this state for a minimum of 46926  
two years, provided that an employer who has purchased, acquired, 46927  
or otherwise succeeded to the operation of a business, or any part 46928  
thereof, situated in this state that has operated for at least two 46929  
years in this state, also shall qualify; 46930

(c) Where the employer previously contributed to the state insurance fund or is a successor employer as defined by bureau rules, the amount of the buyout, as defined by bureau rules;

(d) The sufficiency of the employer's assets located in this state to insure the employer's solvency in paying compensation directly;

(e) The financial records, documents, and data, certified by a certified public accountant, necessary to provide the employer's full financial disclosure. The records, documents, and data include, but are not limited to, balance sheets and profit and loss history for the current year and previous four years.

(f) The employer's organizational plan for the administration of the workers' compensation law;

(g) The employer's proposed plan to inform employees of the change from a state fund insurer to a self-insuring employer, the procedures the employer will follow as a self-insuring employer, and the employees' rights to compensation and benefits; and

(h) The employer has either an account in a financial institution in this state, or if the employer maintains an account with a financial institution outside this state, ensures that workers' compensation checks are drawn from the same account as payroll checks or the employer clearly indicates that payment will be honored by a financial institution in this state.

The administrator may waive the requirements of divisions (B)(1)(a) and (b) of this section and the requirement of division (B)(1)(e) of this section that the financial records, documents, and data be certified by a certified public accountant. The administrator shall adopt rules establishing the criteria that an employer shall meet in order for the administrator to waive the requirement of division (B)(1)(e) of this section. Such rules may require additional security of that employer pursuant to division

(E) of section 4123.351 of the Revised Code. 46962

The administrator shall not grant the status of self-insuring 46963  
employer to the state, except that the administrator may grant the 46964  
status of self-insuring employer to a state institution of higher 46965  
education, ~~excluding~~ including its hospitals, that meets the 46966  
requirements of division (B)(2) of this section. 46967

(2) When considering the application of a public employer, 46968  
except for a board of county commissioners described in division 46969  
(G) of section 4123.01 of the Revised Code, a board of a county 46970  
hospital, or a publicly owned utility, the administrator shall 46971  
verify that the public employer satisfies all of the following 46972  
requirements as the requirements apply to that public employer: 46973

(a) For the two-year period preceding application under this 46974  
section, the public employer has maintained an unvoted debt 46975  
capacity equal to at least two times the amount of the current 46976  
annual premium established by the administrator under this chapter 46977  
for that public employer for the year immediately preceding the 46978  
year in which the public employer makes application under this 46979  
section. 46980

(b) For each of the two fiscal years preceding application 46981  
under this section, the unreserved and undesignated year-end fund 46982  
balance in the public employer's general fund is equal to at least 46983  
five per cent of the public employer's general fund revenues for 46984  
the fiscal year computed in accordance with generally accepted 46985  
accounting principles. 46986

(c) For the five-year period preceding application under this 46987  
section, the public employer, to the extent applicable, has 46988  
complied fully with the continuing disclosure requirements 46989  
established in rules adopted by the United States securities and 46990  
exchange commission under 17 C.F.R. 240.15c 2-12. 46991

(d) For the five-year period preceding application under this 46992

section, the public employer has not had its local government fund 46993  
distribution withheld on account of the public employer being 46994  
indebted or otherwise obligated to the state. 46995

(e) For the five-year period preceding application under this 46996  
section, the public employer has not been under a fiscal watch or 46997  
fiscal emergency pursuant to section 118.023, 118.04, or 3316.03 46998  
of the Revised Code. 46999

(f) For the public employer's fiscal year preceding 47000  
application under this section, the public employer has obtained 47001  
an annual financial audit as required under section 117.10 of the 47002  
Revised Code, which has been released by the auditor of state 47003  
within seven months after the end of the public employer's fiscal 47004  
year. 47005

(g) On the date of application, the public employer holds a 47006  
debt rating of Aa3 or higher according to Moody's investors 47007  
service, inc., or a comparable rating by an independent rating 47008  
agency similar to Moody's investors service, inc. 47009

(h) The public employer agrees to generate an annual 47010  
accumulating book reserve in its financial statements reflecting 47011  
an actuarially generated reserve adequate to pay projected claims 47012  
under this chapter for the applicable period of time, as 47013  
determined by the administrator. 47014

(i) For a public employer that is a hospital, the public 47015  
employer shall submit audited financial statements showing the 47016  
hospital's overall liquidity characteristics, and the 47017  
administrator shall determine, on an individual basis, whether the 47018  
public employer satisfies liquidity standards equivalent to the 47019  
liquidity standards of other public employers. 47020

(j) Any additional criteria that the administrator adopts by 47021  
rule pursuant to division (E) of this section. 47022

The administrator may adopt rules establishing the criteria 47023

that a public employer shall satisfy in order for the 47024  
administrator to waive any of the requirements listed in divisions 47025  
(B)(2)(a) to (j) of this section. The rules may require additional 47026  
security from that employer pursuant to division (E) of section 47027  
4123.351 of the Revised Code. The administrator shall not waive 47028  
any of the requirements listed in divisions (B)(2)(a) to (j) of 47029  
this section for a public employer who does not satisfy the 47030  
criteria established in the rules the administrator adopts. 47031

(C) A board of county commissioners described in division (G) 47032  
of section 4123.01 of the Revised Code, as an employer, that will 47033  
abide by the rules of the administrator and that may be of 47034  
sufficient financial ability to render certain the payment of 47035  
compensation to injured employees or the dependents of killed 47036  
employees, and the furnishing of medical, surgical, nursing, and 47037  
hospital attention and services and medicines, and funeral 47038  
expenses, equal to or greater than is provided for in sections 47039  
4123.52, 4123.55 to 4123.62, and 4123.64 to 4123.67 of the Revised 47040  
Code, and that does not desire to insure the payment thereof or 47041  
indemnify itself against loss sustained by the direct payment 47042  
thereof, upon a finding of such facts by the administrator, may be 47043  
granted the privilege to pay individually compensation, and 47044  
furnish medical, surgical, nursing, and hospital services and 47045  
attention and funeral expenses directly to injured employees or 47046  
the dependents of killed employees, thereby being granted status 47047  
as a self-insuring employer. The administrator may charge a board 47048  
of county commissioners described in division (G) of section 47049  
4123.01 of the Revised Code that applies for the status as a 47050  
self-insuring employer a reasonable application fee to cover the 47051  
bureau's costs in connection with processing and making a 47052  
determination with respect to an application. All employers 47053  
granted such status shall demonstrate sufficient financial and 47054  
administrative ability to assure that all obligations under this 47055  
section are promptly met. The administrator shall deny the 47056

privilege where the employer is unable to demonstrate the 47057  
employer's ability to promptly meet all the obligations imposed on 47058  
the employer by this section. The administrator shall consider, 47059  
but is not limited to, the following factors, where applicable, in 47060  
determining the employer's ability to meet all of the obligations 47061  
imposed on the board as an employer by this section: 47062

(1) The board as an employer employs a minimum of five 47063  
hundred employees in this state; 47064

(2) The board has operated in this state for a minimum of two 47065  
years; 47066

(3) Where the board previously contributed to the state 47067  
insurance fund or is a successor employer as defined by bureau 47068  
rules, the amount of the buyout, as defined by bureau rules; 47069

(4) The sufficiency of the board's assets located in this 47070  
state to insure the board's solvency in paying compensation 47071  
directly; 47072

(5) The financial records, documents, and data, certified by 47073  
a certified public accountant, necessary to provide the board's 47074  
full financial disclosure. The records, documents, and data 47075  
include, but are not limited to, balance sheets and profit and 47076  
loss history for the current year and previous four years. 47077

(6) The board's organizational plan for the administration of 47078  
the workers' compensation law; 47079

(7) The board's proposed plan to inform employees of the 47080  
proposed self-insurance, the procedures the board will follow as a 47081  
self-insuring employer, and the employees' rights to compensation 47082  
and benefits; 47083

(8) The board has either an account in a financial 47084  
institution in this state, or if the board maintains an account 47085  
with a financial institution outside this state, ensures that 47086



workers' compensation checks are drawn from the same account as 47087  
payroll checks or the board clearly indicates that payment will be 47088  
honored by a financial institution in this state; 47089

(9) The board shall provide the administrator a surety bond 47090  
in an amount equal to one hundred twenty-five per cent of the 47091  
projected losses as determined by the administrator. 47092

(D) The administrator shall require a surety bond from all 47093  
self-insuring employers, issued pursuant to section 4123.351 of 47094  
the Revised Code, that is sufficient to compel, or secure to 47095  
injured employees, or to the dependents of employees killed, the 47096  
payment of compensation and expenses, which shall in no event be 47097  
less than that paid or furnished out of the state insurance fund 47098  
in similar cases to injured employees or to dependents of killed 47099  
employees whose employers contribute to the fund, except when an 47100  
employee of the employer, who has suffered the loss of a hand, 47101  
arm, foot, leg, or eye prior to the injury for which compensation 47102  
is to be paid, and thereafter suffers the loss of any other of the 47103  
members as the result of any injury sustained in the course of and 47104  
arising out of the employee's employment, the compensation to be 47105  
paid by the self-insuring employer is limited to the disability 47106  
suffered in the subsequent injury, additional compensation, if 47107  
any, to be paid by the bureau out of the surplus created by 47108  
section 4123.34 of the Revised Code. 47109

(E) In addition to the requirements of this section, the 47110  
administrator shall make and publish rules governing the manner of 47111  
making application and the nature and extent of the proof required 47112  
to justify a finding of fact by the administrator as to granting 47113  
the status of a self-insuring employer, which rules shall be 47114  
general in their application, one of which rules shall provide 47115  
that all self-insuring employers shall pay into the state 47116  
insurance fund such amounts as are required to be credited to the 47117  
surplus fund in division (B) of section 4123.34 of the Revised 47118

Code. The administrator may adopt rules establishing requirements 47119  
in addition to the requirements described in division (B)(2) of 47120  
this section that a public employer shall meet in order to qualify 47121  
for self-insuring status. 47122

Employers shall secure directly from the bureau central 47123  
offices application forms upon which the bureau shall stamp a 47124  
designating number. Prior to submission of an application, an 47125  
employer shall make available to the bureau, and the bureau shall 47126  
review, the information described in division (B)(1) of this 47127  
section, and public employers shall make available, and the bureau 47128  
shall review, the information necessary to verify whether the 47129  
public employer meets the requirements listed in division (B)(2) 47130  
of this section. An employer shall file the completed application 47131  
forms with an application fee, which shall cover the costs of 47132  
processing the application, as established by the administrator, 47133  
by rule, with the bureau at least ninety days prior to the 47134  
effective date of the employer's new status as a self-insuring 47135  
employer. The application form is not deemed complete until all 47136  
the required information is attached thereto. The bureau shall 47137  
only accept applications that contain the required information. 47138

(F) The bureau shall review completed applications within a 47139  
reasonable time. If the bureau determines to grant an employer the 47140  
status as a self-insuring employer, the bureau shall issue a 47141  
statement, containing its findings of fact, that is prepared by 47142  
the bureau and signed by the administrator. If the bureau 47143  
determines not to grant the status as a self-insuring employer, 47144  
the bureau shall notify the employer of the determination and 47145  
require the employer to continue to pay its full premium into the 47146  
state insurance fund. The administrator also shall adopt rules 47147  
establishing a minimum level of performance as a criterion for 47148  
granting and maintaining the status as a self-insuring employer 47149  
and fixing time limits beyond which failure of the self-insuring 47150

employer to provide for the necessary medical examinations and 47151  
evaluations may not delay a decision on a claim. 47152

(G) The administrator shall adopt rules setting forth 47153  
procedures for auditing the program of self-insuring employers. 47154  
The bureau shall conduct the audit upon a random basis or whenever 47155  
the bureau has grounds for believing that a self-insuring employer 47156  
is not in full compliance with bureau rules or this chapter. 47157

The administrator shall monitor the programs conducted by 47158  
self-insuring employers, to ensure compliance with bureau 47159  
requirements and for that purpose, shall develop and issue to 47160  
self-insuring employers standardized forms for use by the 47161  
self-insuring employer in all aspects of the self-insuring 47162  
employers' direct compensation program and for reporting of 47163  
information to the bureau. 47164

The bureau shall receive and transmit to the self-insuring 47165  
employer all complaints concerning any self-insuring employer. In 47166  
the case of a complaint against a self-insuring employer, the 47167  
administrator shall handle the complaint through the 47168  
self-insurance division of the bureau. The bureau shall maintain a 47169  
file by employer of all complaints received that relate to the 47170  
employer. The bureau shall evaluate each complaint and take 47171  
appropriate action. 47172

The administrator shall adopt as a rule a prohibition against 47173  
any self-insuring employer from harassing, dismissing, or 47174  
otherwise disciplining any employee making a complaint, which rule 47175  
shall provide for a financial penalty to be levied by the 47176  
administrator payable by the offending self-insuring employer. 47177

(H) For the purpose of making determinations as to whether to 47178  
grant status as a self-insuring employer, the administrator may 47179  
subscribe to and pay for a credit reporting service that offers 47180  
financial and other business information about individual 47181

employers. The costs in connection with the bureau's subscription 47182  
or individual reports from the service about an applicant may be 47183  
included in the application fee charged employers under this 47184  
section. 47185

(I) The administrator, notwithstanding other provisions of 47186  
this chapter, may permit a self-insuring employer to resume 47187  
payment of premiums to the state insurance fund with appropriate 47188  
credit modifications to the employer's basic premium rate as such 47189  
rate is determined pursuant to section 4123.29 of the Revised 47190  
Code. 47191

(J) On the first day of July of each year, the administrator 47192  
shall calculate separately each self-insuring employer's 47193  
assessments for the safety and hygiene fund, administrative costs 47194  
pursuant to section 4123.342 of the Revised Code, and for the 47195  
portion of the surplus fund under division (B) of section 4123.34 47196  
of the Revised Code that is not used for handicapped 47197  
reimbursement, on the basis of the paid compensation attributable 47198  
to the individual self-insuring employer according to the 47199  
following calculation: 47200

(1) The total assessment against all self-insuring employers 47201  
as a class for each fund and for the administrative costs for the 47202  
year that the assessment is being made, as determined by the 47203  
administrator, divided by the total amount of paid compensation 47204  
for the previous calendar year attributable to all amenable 47205  
self-insuring employers; 47206

(2) Multiply the quotient in division (J)(1) of this section 47207  
by the total amount of paid compensation for the previous calendar 47208  
year that is attributable to the individual self-insuring employer 47209  
for whom the assessment is being determined. Each self-insuring 47210  
employer shall pay the assessment that results from this 47211  
calculation, unless the assessment resulting from this calculation 47212  
falls below a minimum assessment, which minimum assessment the 47213

administrator shall determine on the first day of July of each 47214  
year with the advice and consent of the bureau of workers' 47215  
compensation board of directors, in which event, the self-insuring 47216  
employer shall pay the minimum assessment. 47217

In determining the total amount due for the total assessment 47218  
against all self-insuring employers as a class for each fund and 47219  
the administrative assessment, the administrator shall reduce 47220  
proportionately the total for each fund and assessment by the 47221  
amount of money in the self-insurance assessment fund as of the 47222  
date of the computation of the assessment. 47223

The administrator shall calculate the assessment for the 47224  
portion of the surplus fund under division (B) of section 4123.34 47225  
of the Revised Code that is used for handicapped reimbursement in 47226  
the same manner as set forth in divisions (J)(1) and (2) of this 47227  
section except that the administrator shall calculate the total 47228  
assessment for this portion of the surplus fund only on the basis 47229  
of those self-insuring employers that retain participation in the 47230  
handicapped reimbursement program and the individual self-insuring 47231  
employer's proportion of paid compensation shall be calculated 47232  
only for those self-insuring employers who retain participation in 47233  
the handicapped reimbursement program. The administrator, as the 47234  
administrator determines appropriate, may determine the total 47235  
assessment for the handicapped portion of the surplus fund in 47236  
accordance with sound actuarial principles. 47237

The administrator shall calculate the assessment for the 47238  
portion of the surplus fund under division (B) of section 4123.34 47239  
of the Revised Code that under division (D) of section 4121.66 of 47240  
the Revised Code is used for rehabilitation costs in the same 47241  
manner as set forth in divisions (J)(1) and (2) of this section, 47242  
except that the administrator shall calculate the total assessment 47243  
for this portion of the surplus fund only on the basis of those 47244  
self-insuring employers who have not made the election to make 47245

payments directly under division (D) of section 4121.66 of the Revised Code and an individual self-insuring employer's proportion of paid compensation only for those self-insuring employers who have not made that election.

The administrator shall calculate the assessment for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is used for reimbursement to a self-insuring employer under division (H) of section 4123.512 of the Revised Code in the same manner as set forth in divisions (J)(1) and (2) of this section except that the administrator shall calculate the total assessment for this portion of the surplus fund only on the basis of those self-insuring employers that retain participation in reimbursement to the self-insuring employer under division (H) of section 4123.512 of the Revised Code and the individual self-insuring employer's proportion of paid compensation shall be calculated only for those self-insuring employers who retain participation in reimbursement to the self-insuring employer under division (H) of section 4123.512 of the Revised Code.

An employer who no longer is a self-insuring employer in this state or who no longer is operating in this state, shall continue to pay assessments for administrative costs and for the portion of the surplus fund under division (B) of section 4123.34 of the Revised Code that is not used for handicapped reimbursement, based upon paid compensation attributable to claims that occurred while the employer was a self-insuring employer within this state.

(K) There is hereby created in the state treasury the self-insurance assessment fund. All investment earnings of the fund shall be deposited in the fund. The administrator shall use the money in the self-insurance assessment fund only for administrative costs as specified in section 4123.341 of the Revised Code.

(L) Every self-insuring employer shall certify, in affidavit 47278  
form subject to the penalty for perjury, to the bureau the amount 47279  
of the self-insuring employer's paid compensation for the previous 47280  
calendar year. In reporting paid compensation paid for the 47281  
previous year, a self-insuring employer shall exclude from the 47282  
total amount of paid compensation any reimbursement the 47283  
self-insuring employer receives in the previous calendar year from 47284  
the surplus fund pursuant to section 4123.512 of the Revised Code 47285  
for any paid compensation. The self-insuring employer also shall 47286  
exclude from the paid compensation reported any amount recovered 47287  
under section 4123.931 of the Revised Code and any amount that is 47288  
determined not to have been payable to or on behalf of a claimant 47289  
in any final administrative or judicial proceeding. The 47290  
self-insuring employer shall exclude such amounts from the paid 47291  
compensation reported in the reporting period subsequent to the 47292  
date the determination is made. The administrator shall adopt 47293  
rules, in accordance with Chapter 119. of the Revised Code, that 47294  
provide for all of the following: 47295

(1) Establishing the date by which self-insuring employers 47296  
must submit such information and the amount of the assessments 47297  
provided for in division (J) of this section for employers who 47298  
have been granted self-insuring status within the last calendar 47299  
year; 47300

(2) If an employer fails to pay the assessment when due, the 47301  
administrator may add a late fee penalty of not more than five 47302  
hundred dollars to the assessment plus an additional penalty 47303  
amount as follows: 47304

(a) For an assessment from sixty-one to ninety days past due, 47305  
the prime interest rate, multiplied by the assessment due; 47306

(b) For an assessment from ninety-one to one hundred twenty 47307  
days past due, the prime interest rate plus two per cent, 47308  
multiplied by the assessment due; 47309

(c) For an assessment from one hundred twenty-one to one hundred fifty days past due, the prime interest rate plus four per cent, multiplied by the assessment due; 47310  
47311  
47312

(d) For an assessment from one hundred fifty-one to one hundred eighty days past due, the prime interest rate plus six per cent, multiplied by the assessment due; 47313  
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47315

(e) For an assessment from one hundred eighty-one to two hundred ten days past due, the prime interest rate plus eight per cent, multiplied by the assessment due; 47316  
47317  
47318

(f) For each additional thirty-day period or portion thereof that an assessment remains past due after it has remained past due for more than two hundred ten days, the prime interest rate plus eight per cent, multiplied by the assessment due. 47319  
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(3) An employer may appeal a late fee penalty and penalty assessment to the administrator. 47323  
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For purposes of division (L)(2) of this section, "prime interest rate" means the average bank prime rate, and the administrator shall determine the prime interest rate in the same manner as a county auditor determines the average bank prime rate under section 929.02 of the Revised Code. 47325  
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The administrator shall include any assessment and penalties that remain unpaid for previous assessment periods in the calculation and collection of any assessments due under this division or division (J) of this section. 47330  
47331  
47332  
47333

(M) As used in this section, "paid compensation" means all amounts paid by a self-insuring employer for living maintenance benefits, all amounts for compensation paid pursuant to sections 4121.63, 4121.67, 4123.56, 4123.57, 4123.58, 4123.59, 4123.60, and 4123.64 of the Revised Code, all amounts paid as wages in lieu of such compensation, all amounts paid in lieu of such compensation under a nonoccupational accident and sickness program fully funded 47334  
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by the self-insuring employer, and all amounts paid by a 47341  
self-insuring employer for a violation of a specific safety 47342  
standard pursuant to Section 35 of Article II, Ohio Constitution 47343  
and section 4121.47 of the Revised Code. 47344

(N) Should any section of this chapter or Chapter 4121. of 47345  
the Revised Code providing for self-insuring employers' 47346  
assessments based upon compensation paid be declared 47347  
unconstitutional by a final decision of any court, then that 47348  
section of the Revised Code declared unconstitutional shall revert 47349  
back to the section in existence prior to November 3, 1989, 47350  
providing for assessments based upon payroll. 47351

(O) The administrator may grant a self-insuring employer the 47352  
privilege to self-insure a construction project entered into by 47353  
the self-insuring employer that is scheduled for completion within 47354  
six years after the date the project begins, and the total cost of 47355  
which is estimated to exceed one hundred million dollars or, for 47356  
employers described in division (R) of this section, if the 47357  
construction project is estimated to exceed twenty-five million 47358  
dollars. The administrator may waive such cost and time criteria 47359  
and grant a self-insuring employer the privilege to self-insure a 47360  
construction project regardless of the time needed to complete the 47361  
construction project and provided that the cost of the 47362  
construction project is estimated to exceed fifty million dollars. 47363  
A self-insuring employer who desires to self-insure a construction 47364  
project shall submit to the administrator an application listing 47365  
the dates the construction project is scheduled to begin and end, 47366  
the estimated cost of the construction project, the contractors 47367  
and subcontractors whose employees are to be self-insured by the 47368  
self-insuring employer, the provisions of a safety program that is 47369  
specifically designed for the construction project, and a 47370  
statement as to whether a collective bargaining agreement 47371  
governing the rights, duties, and obligations of each of the 47372

parties to the agreement with respect to the construction project 47373  
exists between the self-insuring employer and a labor 47374  
organization. 47375

A self-insuring employer may apply to self-insure the 47376  
employees of either of the following: 47377

(1) All contractors and subcontractors who perform labor or 47378  
work or provide materials for the construction project; 47379

(2) All contractors and, at the administrator's discretion, a 47380  
substantial number of all the subcontractors who perform labor or 47381  
work or provide materials for the construction project. 47382

Upon approval of the application, the administrator shall 47383  
mail a certificate granting the privilege to self-insure the 47384  
construction project to the self-insuring employer. The 47385  
certificate shall contain the name of the self-insuring employer 47386  
and the name, address, and telephone number of the self-insuring 47387  
employer's representatives who are responsible for administering 47388  
workers' compensation claims for the construction project. The 47389  
self-insuring employer shall post the certificate in a conspicuous 47390  
place at the site of the construction project. 47391

The administrator shall maintain a record of the contractors 47392  
and subcontractors whose employees are covered under the 47393  
certificate issued to the self-insured employer. A self-insuring 47394  
employer immediately shall notify the administrator when any 47395  
contractor or subcontractor is added or eliminated from inclusion 47396  
under the certificate. 47397

Upon approval of the application, the self-insuring employer 47398  
is responsible for the administration and payment of all claims 47399  
under this chapter and Chapter 4121. of the Revised Code for the 47400  
employees of the contractor and subcontractors covered under the 47401  
certificate who receive injuries or are killed in the course of 47402  
and arising out of employment on the construction project, or who 47403

contract an occupational disease in the course of employment on 47404  
the construction project. For purposes of this chapter and Chapter 47405  
4121. of the Revised Code, a claim that is administered and paid 47406  
in accordance with this division is considered a claim against the 47407  
self-insuring employer listed in the certificate. A contractor or 47408  
subcontractor included under the certificate shall report to the 47409  
self-insuring employer listed in the certificate, all claims that 47410  
arise under this chapter and Chapter 4121. of the Revised Code in 47411  
connection with the construction project for which the certificate 47412  
is issued. 47413

A self-insuring employer who complies with this division is 47414  
entitled to the protections provided under this chapter and 47415  
Chapter 4121. of the Revised Code with respect to the employees of 47416  
the contractors and subcontractors covered under a certificate 47417  
issued under this division for death or injuries that arise out 47418  
of, or death, injuries, or occupational diseases that arise in the 47419  
course of, those employees' employment on that construction 47420  
project, as if the employees were employees of the self-insuring 47421  
employer, provided that the self-insuring employer also complies 47422  
with this section. No employee of the contractors and 47423  
subcontractors covered under a certificate issued under this 47424  
division shall be considered the employee of the self-insuring 47425  
employer listed in that certificate for any purposes other than 47426  
this chapter and Chapter 4121. of the Revised Code. Nothing in 47427  
this division gives a self-insuring employer authority to control 47428  
the means, manner, or method of employment of the employees of the 47429  
contractors and subcontractors covered under a certificate issued 47430  
under this division. 47431

The contractors and subcontractors included under a 47432  
certificate issued under this division are entitled to the 47433  
protections provided under this chapter and Chapter 4121. of the 47434  
Revised Code with respect to the contractor's or subcontractor's 47435

employees who are employed on the construction project which is 47436  
the subject of the certificate, for death or injuries that arise 47437  
out of, or death, injuries, or occupational diseases that arise in 47438  
the course of, those employees' employment on that construction 47439  
project. 47440

The contractors and subcontractors included under a 47441  
certificate issued under this division shall identify in their 47442  
payroll records the employees who are considered the employees of 47443  
the self-insuring employer listed in that certificate for purposes 47444  
of this chapter and Chapter 4121. of the Revised Code, and the 47445  
amount that those employees earned for employment on the 47446  
construction project that is the subject of that certificate. 47447  
Notwithstanding any provision to the contrary under this chapter 47448  
and Chapter 4121. of the Revised Code, the administrator shall 47449  
exclude the payroll that is reported for employees who are 47450  
considered the employees of the self-insuring employer listed in 47451  
that certificate, and that the employees earned for employment on 47452  
the construction project that is the subject of that certificate, 47453  
when determining those contractors' or subcontractors' premiums or 47454  
assessments required under this chapter and Chapter 4121. of the 47455  
Revised Code. A self-insuring employer issued a certificate under 47456  
this division shall include in the amount of paid compensation it 47457  
reports pursuant to division (L) of this section, the amount of 47458  
paid compensation the self-insuring employer paid pursuant to this 47459  
division for the previous calendar year. 47460

Nothing in this division shall be construed as altering the 47461  
rights of employees under this chapter and Chapter 4121. of the 47462  
Revised Code as those rights existed prior to September 17, 1996. 47463  
Nothing in this division shall be construed as altering the rights 47464  
devolved under sections 2305.31 and 4123.82 of the Revised Code as 47465  
those rights existed prior to September 17, 1996. 47466

As used in this division, "privilege to self-insure a 47467

construction project" means privilege to pay individually 47468  
compensation, and to furnish medical, surgical, nursing, and 47469  
hospital services and attention and funeral expenses directly to 47470  
injured employees or the dependents of killed employees. 47471

(P) A self-insuring employer whose application is granted 47472  
under division (O) of this section shall designate a safety 47473  
professional to be responsible for the administration and 47474  
enforcement of the safety program that is specifically designed 47475  
for the construction project that is the subject of the 47476  
application. 47477

A self-insuring employer whose application is granted under 47478  
division (O) of this section shall employ an ombudsperson for the 47479  
construction project that is the subject of the application. The 47480  
ombudsperson shall have experience in workers' compensation or the 47481  
construction industry, or both. The ombudsperson shall perform all 47482  
of the following duties: 47483

(1) Communicate with and provide information to employees who 47484  
are injured in the course of, or whose injury arises out of 47485  
employment on the construction project, or who contract an 47486  
occupational disease in the course of employment on the 47487  
construction project; 47488

(2) Investigate the status of a claim upon the request of an 47489  
employee to do so; 47490

(3) Provide information to claimants, third party 47491  
administrators, employers, and other persons to assist those 47492  
persons in protecting their rights under this chapter and Chapter 47493  
4121. of the Revised Code. 47494

A self-insuring employer whose application is granted under 47495  
division (O) of this section shall post the name of the safety 47496  
professional and the ombudsperson and instructions for contacting 47497  
the safety professional and the ombudsperson in a conspicuous 47498

place at the site of the construction project. 47499

(Q) The administrator may consider all of the following when 47500  
deciding whether to grant a self-insuring employer the privilege 47501  
to self-insure a construction project as provided under division 47502  
(O) of this section: 47503

(1) Whether the self-insuring employer has an organizational 47504  
plan for the administration of the workers' compensation law; 47505

(2) Whether the safety program that is specifically designed 47506  
for the construction project provides for the safety of employees 47507  
employed on the construction project, is applicable to all 47508  
contractors and subcontractors who perform labor or work or 47509  
provide materials for the construction project, and has as a 47510  
component, a safety training program that complies with standards 47511  
adopted pursuant to the "Occupational Safety and Health Act of 47512  
1970," 84 Stat. 1590, 29 U.S.C.A. 651, and provides for continuing 47513  
management and employee involvement; 47514

(3) Whether granting the privilege to self-insure the 47515  
construction project will reduce the costs of the construction 47516  
project; 47517

(4) Whether the self-insuring employer has employed an 47518  
ombudsperson as required under division (P) of this section; 47519

(5) Whether the self-insuring employer has sufficient surety 47520  
to secure the payment of claims for which the self-insuring 47521  
employer would be responsible pursuant to the granting of the 47522  
privilege to self-insure a construction project under division (O) 47523  
of this section. 47524

(R) As used in divisions (O), (P), and (Q), "self-insuring 47525  
employer" includes the following employers, whether or not they 47526  
have been granted the status of being a self-insuring employer 47527  
under division (B) of this section: 47528

(1) A state institution of higher education;	47529
(2) A school district;	47530
(3) A county school financing district;	47531
(4) An educational service center;	47532
(5) A community school established under Chapter 3314. of the Revised Code;	47533 47534
(6) A municipal power agency as defined in section 3734.058 of the Revised Code.	47535 47536
(S) As used in this section:	47537
(1) "Unvoted debt capacity" means the amount of money that a public employer may borrow without voter approval of a tax levy;	47538 47539
(2) "State institution of higher education" means the state universities listed in section 3345.011 of the Revised Code, community colleges created pursuant to Chapter 3354. of the Revised Code, university branches created pursuant to Chapter 3355. of the Revised Code, technical colleges created pursuant to Chapter 3357. of the Revised Code, and state community colleges created pursuant to Chapter 3358. of the Revised Code.	47540 47541 47542 47543 47544 47545 47546
<b>Sec. 4123.57.</b> Partial disability compensation shall be paid as follows.	47547 47548
Except as provided in this section, not earlier than twenty-six weeks after the date of termination of the latest period of payments under section 4123.56 of the Revised Code, or not earlier than twenty-six weeks after the date of the injury or contraction of an occupational disease in the absence of payments under section 4123.56 of the Revised Code, the employee may file an application with the bureau of workers' compensation for the determination of the percentage of the employee's permanent partial disability resulting from an injury or occupational	47549 47550 47551 47552 47553 47554 47555 47556 47557

disease. 47558

Whenever the application is filed, the bureau shall send a 47559  
copy of the application to the employee's employer or the 47560  
employer's representative and shall schedule the employee for a 47561  
medical examination by the bureau medical section. The bureau 47562  
shall send a copy of the report of the medical examination to the 47563  
employee, the employer, and their representatives. Thereafter, the 47564  
administrator of workers' compensation shall review the employee's 47565  
claim file and make a tentative order as the evidence before the 47566  
administrator at the time of the making of the order warrants. If 47567  
the administrator determines that there is a conflict of evidence, 47568  
the administrator shall send the application, along with the 47569  
claimant's file, to the district hearing officer who shall set the 47570  
application for a hearing. 47571

The administrator shall notify the employee, the employer, 47572  
and their representatives, in writing, of the tentative order and 47573  
of the parties' right to request a hearing. Unless the employee, 47574  
the employer, or their representative notifies the administrator, 47575  
in writing, of an objection to the tentative order within twenty 47576  
days after receipt of the notice thereof, the tentative order 47577  
shall go into effect and the employee shall receive the 47578  
compensation provided in the order. In no event shall there be a 47579  
reconsideration of a tentative order issued under this division. 47580

If the employee, the employer, or their representatives 47581  
timely notify the administrator of an objection to the tentative 47582  
order, the matter shall be referred to a district hearing officer 47583  
who shall set the application for hearing with written notices to 47584  
all interested persons. Upon referral to a district hearing 47585  
officer, the employer may obtain a medical examination of the 47586  
employee, pursuant to rules of the industrial commission. 47587

(A) The district hearing officer, upon the application, shall 47588  
determine the percentage of the employee's permanent disability, 47589



except as is subject to division (B) of this section, based upon 47590  
that condition of the employee resulting from the injury or 47591  
occupational disease and causing permanent impairment evidenced by 47592  
medical or clinical findings reasonably demonstrable. The employee 47593  
shall receive sixty-six and two-thirds per cent of the employee's 47594  
average weekly wage, but not more than a maximum of thirty-three 47595  
and one-third per cent of the statewide average weekly wage as 47596  
defined in division (C) of section 4123.62 of the Revised Code, 47597  
per week regardless of the average weekly wage, for the number of 47598  
weeks which equals the percentage of two hundred weeks. Except on 47599  
application for reconsideration, review, or modification, which is 47600  
filed within ten days after the date of receipt of the decision of 47601  
the district hearing officer, in no instance shall the former 47602  
award be modified unless it is found from medical or clinical 47603  
findings that the condition of the claimant resulting from the 47604  
injury has so progressed as to have increased the percentage of 47605  
permanent partial disability. A staff hearing officer shall hear 47606  
an application for reconsideration filed and the staff hearing 47607  
officer's decision is final. An employee may file an application 47608  
for a subsequent determination of the percentage of the employee's 47609  
permanent disability. If such an application is filed, the bureau 47610  
shall send a copy of the application to the employer or the 47611  
employer's representative. No sooner than sixty days from the date 47612  
of the mailing of the application to the employer or the 47613  
employer's representative, the administrator shall review the 47614  
application. The administrator may require a medical examination 47615  
or medical review of the employee. The administrator shall issue a 47616  
tentative order based upon the evidence before the administrator, 47617  
provided that if the administrator requires a medical examination 47618  
or medical review, the administrator shall not issue the tentative 47619  
order until the completion of the examination or review. 47620

The employer may obtain a medical examination of the employee 47621  
and may submit medical evidence at any stage of the process up to 47622

a hearing before the district hearing officer, pursuant to rules 47623  
of the commission. The administrator shall notify the employee, 47624  
the employer, and their representatives, in writing, of the nature 47625  
and amount of any tentative order issued on an application 47626  
requesting a subsequent determination of the percentage of an 47627  
employee's permanent disability. An employee, employer, or their 47628  
representatives may object to the tentative order within twenty 47629  
days after the receipt of the notice thereof. If no timely 47630  
objection is made, the tentative order shall go into effect. In no 47631  
event shall there be a reconsideration of a tentative order issued 47632  
under this division. If an objection is timely made, the 47633  
application for a subsequent determination shall be referred to a 47634  
district hearing officer who shall set the application for a 47635  
hearing with written notice to all interested persons. No 47636  
application for subsequent percentage determinations on the same 47637  
claim for injury or occupational disease shall be accepted for 47638  
review by the district hearing officer unless supported by 47639  
substantial evidence of new and changed circumstances developing 47640  
since the time of the hearing on the original or last 47641  
determination. 47642

No award shall be made under this division based upon a 47643  
percentage of disability which, when taken with all other 47644  
percentages of permanent disability, exceeds one hundred per cent. 47645  
If the percentage of the permanent disability of the employee 47646  
equals or exceeds ninety per cent, compensation for permanent 47647  
partial disability shall be paid for two hundred weeks. 47648

Compensation payable under this division accrues and is 47649  
payable to the employee from the date of last payment of 47650  
compensation, or, in cases where no previous compensation has been 47651  
paid, from the date of the injury or the date of the diagnosis of 47652  
the occupational disease. 47653

When an award under this division has been made prior to the 47654

death of an employee, all unpaid installments accrued or to accrue 47655  
under the provisions of the award are payable to the surviving 47656  
spouse, or if there is no surviving spouse, to the dependent 47657  
children of the employee, and if there are no children surviving, 47658  
then to other dependents as the administrator determines. 47659

(B) ~~In~~ For purposes of this division, "payable per week" 47660  
means the seven consecutive day period in which compensation is 47661  
paid in installments according to the schedule associated with the 47662  
applicable injury as set forth in this division. 47663

Compensation paid in weekly installments according to the 47664  
schedule described in this division may only be commuted to one or 47665  
more lump-sum payments pursuant to the procedure set forth in 47666  
section 4123.64 of the Revised Code. 47667

In cases included in the following schedule the compensation 47668  
payable per week to the employee is the statewide average weekly 47669  
wage as defined in division (C) of section 4123.62 of the Revised 47670  
Code per week and shall ~~continue during the periods provided in~~ be 47671  
paid in installments according to the following schedule: 47672

For the loss of a first finger, commonly known as a thumb, 47673  
sixty weeks. 47674

For the loss of a second finger, commonly called index 47675  
finger, thirty-five weeks. 47676

For the loss of a third finger, thirty weeks. 47677

For the loss of a fourth finger, twenty weeks. 47678

For the loss of a fifth finger, commonly known as the little 47679  
finger, fifteen weeks. 47680

The loss of a second, or distal, phalange of the thumb is 47681  
considered equal to the loss of one half of such thumb; the loss 47682  
of more than one half of such thumb is considered equal to the 47683  
loss of the whole thumb. 47684

The loss of the third, or distal, phalange of any finger is considered equal to the loss of one-third of the finger.	47685 47686
The loss of the middle, or second, phalange of any finger is considered equal to the loss of two-thirds of the finger.	47687 47688
The loss of more than the middle and distal phalanges of any finger is considered equal to the loss of the whole finger. In no case shall the amount received for more than one finger exceed the amount provided in this schedule for the loss of a hand.	47689 47690 47691 47692
For the loss of the metacarpal bone (bones of the palm) for the corresponding thumb, or fingers, add ten weeks to the number of weeks under this division.	47693 47694 47695
For ankylosis (total stiffness of) or contractures (due to scars or injuries) which makes any of the fingers, thumbs, or parts of either useless, the same number of weeks apply to the members or parts thereof as given for the loss thereof.	47696 47697 47698 47699
If the claimant has suffered the loss of two or more fingers by amputation or ankylosis and the nature of the claimant's employment in the course of which the claimant was working at the time of the injury or occupational disease is such that the handicap or disability resulting from the loss of fingers, or loss of use of fingers, exceeds the normal handicap or disability resulting from the loss of fingers, or loss of use of fingers, the administrator may take that fact into consideration and increase the award of compensation accordingly, but the award made shall not exceed the amount of compensation for loss of a hand.	47700 47701 47702 47703 47704 47705 47706 47707 47708 47709
For the loss of a hand, one hundred seventy-five weeks.	47710
For the loss of an arm, two hundred twenty-five weeks.	47711
For the loss of a great toe, thirty weeks.	47712
For the loss of one of the toes other than the great toe, ten weeks.	47713 47714

The loss of more than two-thirds of any toe is considered 47715  
equal to the loss of the whole toe. 47716

The loss of less than two-thirds of any toe is considered no 47717  
loss, except as to the great toe; the loss of the great toe up to 47718  
the interphalangeal joint is co-equal to the loss of one-half of 47719  
the great toe; the loss of the great toe beyond the 47720  
interphalangeal joint is considered equal to the loss of the whole 47721  
great toe. 47722

For the loss of a foot, one hundred fifty weeks. 47723

For the loss of a leg, two hundred weeks. 47724

For the loss of the sight of an eye, one hundred twenty-five 47725  
weeks. 47726

For the permanent partial loss of sight of an eye, the 47727  
portion of one hundred twenty-five weeks as the administrator in 47728  
each case determines, based upon the percentage of vision actually 47729  
lost as a result of the injury or occupational disease, but, in no 47730  
case shall an award of compensation be made for less than 47731  
twenty-five per cent loss of uncorrected vision. "Loss of 47732  
uncorrected vision" means the percentage of vision actually lost 47733  
as the result of the injury or occupational disease. 47734

For the permanent and total loss of hearing of one ear, 47735  
twenty-five weeks; but in no case shall an award of compensation 47736  
be made for less than permanent and total loss of hearing of one 47737  
ear. 47738

For the permanent and total loss of hearing, one hundred 47739  
twenty-five weeks; but, except pursuant to the next preceding 47740  
paragraph, in no case shall an award of compensation be made for 47741  
less than permanent and total loss of hearing. 47742

In case an injury or occupational disease results in serious 47743  
facial or head disfigurement which either impairs or may in the 47744

future impair the opportunities to secure or retain employment, 47745  
the administrator shall make an award of compensation as it deems 47746  
proper and equitable, in view of the nature of the disfigurement, 47747  
and not to exceed the sum of ten thousand dollars. For the purpose 47748  
of making the award, it is not material whether the employee is 47749  
gainfully employed in any occupation or trade at the time of the 47750  
administrator's determination. 47751

When an award under this division has been made prior to the 47752  
death of an employee all unpaid installments accrued or to accrue 47753  
under the provisions of the award shall be payable to the 47754  
surviving spouse, or if there is no surviving spouse, to the 47755  
dependent children of the employee and if there are no such 47756  
children, then to such dependents as the administrator determines. 47757

When an employee has sustained the loss of a member by 47758  
severance, but no award has been made on account thereof prior to 47759  
the employee's death, the administrator shall make an award in 47760  
accordance with this division for the loss which shall be payable 47761  
to the surviving spouse, or if there is no surviving spouse, to 47762  
the dependent children of the employee and if there are no such 47763  
children, then to such dependents as the administrator determines. 47764

(C) Compensation for partial impairment under divisions (A) 47765  
and (B) of this section is in addition to the compensation paid 47766  
the employee pursuant to section 4123.56 of the Revised Code. A 47767  
claimant may receive compensation under divisions (A) and (B) of 47768  
this section. 47769

In all cases arising under division (B) of this section, if 47770  
it is determined by any one of the following: (1) the amputee 47771  
clinic at University hospital, Ohio state university; (2) the 47772  
rehabilitation services commission; (3) an amputee clinic or 47773  
prescribing physician approved by the administrator or the 47774  
administrator's designee, that an injured or disabled employee is 47775  
in need of an artificial appliance, or in need of a repair 47776

thereof, regardless of whether the appliance or its repair will be 47777  
serviceable in the vocational rehabilitation of the injured 47778  
employee, and regardless of whether the employee has returned to 47779  
or can ever again return to any gainful employment, the bureau 47780  
shall pay the cost of the artificial appliance or its repair out 47781  
of the surplus created by division (B) of section 4123.34 of the 47782  
Revised Code. 47783

In those cases where a rehabilitation services commission 47784  
recommendation that an injured or disabled employee is in need of 47785  
an artificial appliance would conflict with their state plan, 47786  
adopted pursuant to the "Rehabilitation Act of 1973," 87 Stat. 47787  
355, 29 U.S.C.A. 701, the administrator or the administrator's 47788  
designee or the bureau may obtain a recommendation from an amputee 47789  
clinic or prescribing physician that they determine appropriate. 47790

(D) If an employee of a state fund employer makes application 47791  
for a finding and the administrator finds that the employee has 47792  
contracted silicosis as defined in division (X), or coal miners' 47793  
pneumoconiosis as defined in division (Y), or asbestosis as 47794  
defined in division (AA) of section 4123.68 of the Revised Code, 47795  
and that a change of such employee's occupation is medically 47796  
advisable in order to decrease substantially further exposure to 47797  
silica dust, asbestos, or coal dust and if the employee, after the 47798  
finding, has changed or shall change the employee's occupation to 47799  
an occupation in which the exposure to silica dust, asbestos, or 47800  
coal dust is substantially decreased, the administrator shall 47801  
allow to the employee an amount equal to fifty per cent of the 47802  
statewide average weekly wage per week for a period of thirty 47803  
weeks, commencing as of the date of the discontinuance or change, 47804  
and for a period of one hundred weeks immediately following the 47805  
expiration of the period of thirty weeks, the employee shall 47806  
receive sixty-six and two-thirds per cent of the loss of wages 47807  
resulting directly and solely from the change of occupation but 47808

not to exceed a maximum of an amount equal to fifty per cent of 47809  
the statewide average weekly wage per week. No such employee is 47810  
entitled to receive more than one allowance on account of 47811  
discontinuance of employment or change of occupation and benefits 47812  
shall cease for any period during which the employee is employed 47813  
in an occupation in which the exposure to silica dust, asbestos, 47814  
or coal dust is not substantially less than the exposure in the 47815  
occupation in which the employee was formerly employed or for any 47816  
period during which the employee may be entitled to receive 47817  
compensation or benefits under section 4123.68 of the Revised Code 47818  
on account of disability from silicosis, asbestosis, or coal 47819  
miners' pneumoconiosis. An award for change of occupation for a 47820  
coal miner who has contracted coal miners' pneumoconiosis may be 47821  
granted under this division even though the coal miner continues 47822  
employment with the same employer, so long as the coal miner's 47823  
employment subsequent to the change is such that the coal miner's 47824  
exposure to coal dust is substantially decreased and a change of 47825  
occupation is certified by the claimant as permanent. The 47826  
administrator may accord to the employee medical and other 47827  
benefits in accordance with section 4123.66 of the Revised Code. 47828

(E) If a firefighter or police officer makes application for 47829  
a finding and the administrator finds that the firefighter or 47830  
police officer has contracted a cardiovascular and pulmonary 47831  
disease as defined in division (W) of section 4123.68 of the 47832  
Revised Code, and that a change of the firefighter's or police 47833  
officer's occupation is medically advisable in order to decrease 47834  
substantially further exposure to smoke, toxic gases, chemical 47835  
fumes, and other toxic vapors, and if the firefighter, or police 47836  
officer, after the finding, has changed or changes occupation to 47837  
an occupation in which the exposure to smoke, toxic gases, 47838  
chemical fumes, and other toxic vapors is substantially decreased, 47839  
the administrator shall allow to the firefighter or police officer 47840  
an amount equal to fifty per cent of the statewide average weekly 47841



wage per week for a period of thirty weeks, commencing as of the 47842  
date of the discontinuance or change, and for a period of 47843  
seventy-five weeks immediately following the expiration of the 47844  
period of thirty weeks the administrator shall allow the 47845  
firefighter or police officer sixty-six and two-thirds per cent of 47846  
the loss of wages resulting directly and solely from the change of 47847  
occupation but not to exceed a maximum of an amount equal to fifty 47848  
per cent of the statewide average weekly wage per week. No such 47849  
firefighter or police officer is entitled to receive more than one 47850  
allowance on account of discontinuance of employment or change of 47851  
occupation and benefits shall cease for any period during which 47852  
the firefighter or police officer is employed in an occupation in 47853  
which the exposure to smoke, toxic gases, chemical fumes, and 47854  
other toxic vapors is not substantially less than the exposure in 47855  
the occupation in which the firefighter or police officer was 47856  
formerly employed or for any period during which the firefighter 47857  
or police officer may be entitled to receive compensation or 47858  
benefits under section 4123.68 of the Revised Code on account of 47859  
disability from a cardiovascular and pulmonary disease. The 47860  
administrator may accord to the firefighter or police officer 47861  
medical and other benefits in accordance with section 4123.66 of 47862  
the Revised Code. 47863

(F) An order issued under this section is appealable pursuant 47864  
to section 4123.511 of the Revised Code but is not appealable to 47865  
court under section 4123.512 of the Revised Code. 47866

**Sec. 4141.35.** (A) If the director of job and family services 47867  
finds that any fraudulent misrepresentation has been made by an 47868  
applicant for or a recipient of benefits with the object of 47869  
obtaining benefits to which the applicant or recipient was not 47870  
entitled, and in addition to any other penalty or forfeiture under 47871  
this chapter, then the director: 47872

(1) Shall within four years after the end of the benefit year 47873  
in which the fraudulent misrepresentation was made reject or 47874  
cancel such person's entire weekly claim for benefits that was 47875  
fraudulently claimed, or the person's entire benefit rights if the 47876  
misrepresentation was in connection with the filing of the 47877  
claimant's application for determination of benefit rights; 47878

(2) Shall by order declare that, for each application for 47879  
benefit rights and for each weekly claim canceled, such person 47880  
shall be ineligible for two otherwise valid weekly claims for 47881  
benefits, claimed within six years subsequent to the discovery of 47882  
such misrepresentation; 47883

(3) By order shall require that the total amount of benefits 47884  
rejected or canceled under division (A)(1) of this section be 47885  
repaid to the director before such person may become eligible for 47886  
further benefits, and shall withhold such unpaid sums from future 47887  
benefit payments accruing and otherwise payable to such claimant. 47888  
Effective with orders issued on or after January 1, 1993, if such 47889  
benefits are not repaid within thirty days after the director's 47890  
order becomes final, interest on the amount remaining unpaid shall 47891  
be charged to the person at a rate and calculated in the same 47892  
manner as provided under section 4141.23 of the Revised Code. When 47893  
a person ordered to repay benefits has repaid all overpaid 47894  
benefits according to a plan approved by the director, the 47895  
director may cancel the amount of interest that accrued during the 47896  
period of the repayment plan. The director may take action in ~~the~~ 47897  
~~courts~~ any court of ~~this state~~ competent jurisdiction to collect 47898  
benefits and interest as provided in sections 4141.23 and 4141.27 47899  
of the Revised Code, in regard to the collection of unpaid 47900  
contributions, using the final repayment order as the basis for 47901  
such action. ~~No~~ Except as otherwise provided in this division, no 47902  
administrative or legal proceedings for the collection of such 47903  
benefits or interest due shall be initiated after the expiration 47904

of six years from the date on which the director's order requiring 47905  
repayment became final and the amount of any benefits or interest 47906  
not recovered at that time, and any liens thereon, shall be 47907  
canceled as uncollectible. The time limit for instituting 47908  
proceedings shall be extended by the period of any stay to the 47909  
collection or by any other time period to which the parties 47910  
mutually agree. 47911

(4) May take action to collect benefits fraudulently obtained 47912  
under the unemployment compensation law of any other state or the 47913  
United States or Canada. Such action may be initiated in the 47914  
courts of this state in the same manner as provided for unpaid 47915  
contributions in section 4141.41 of the Revised Code. 47916

(5) May take action to collect benefits that have been 47917  
fraudulently obtained from the director, interest pursuant to 47918  
division (A)(3) of this section, and court costs, through 47919  
attachment proceedings under Chapter 2715. of the Revised Code and 47920  
garnishment proceedings under Chapter 2716. of the Revised Code. 47921

(B) If the director finds that an applicant for benefits has 47922  
been credited with a waiting period or paid benefits to which the 47923  
applicant was not entitled for reasons other than fraudulent 47924  
misrepresentation, the director shall: 47925

(1)(a) Within six months after the determination under which 47926  
the claimant was credited with that waiting period or paid 47927  
benefits becomes final pursuant to section 4141.28 of the Revised 47928  
Code, or within three years after the end of the benefit year in 47929  
which such benefits were claimed, whichever is later, by order 47930  
cancel such waiting period and require that such benefits be 47931  
repaid to the director or be withheld from any benefits to which 47932  
such applicant is or may become entitled before any additional 47933  
benefits are paid, provided that the repayment or withholding 47934  
shall not be required where the overpayment is the result of the 47935  
director's correcting a prior decision due to a typographical or 47936

clerical error in the director's prior decision, or an error in an employer's report under division (G) of section 4141.28 of the Revised Code.

(b) The limitation specified in division (B)(1)(a) of this section shall not apply to cases involving the retroactive payment of remuneration covering periods for which benefits were previously paid to the claimant. However, in such cases, the director's order requiring repayment shall not be issued unless the director is notified of such retroactive payment within six months from the date the retroactive payment was made to the claimant.

(2) The director may, by reciprocal agreement with the United States secretary of labor or another state, recover overpayment amounts from unemployment benefits otherwise payable to an individual under Chapter 4141. of the Revised Code. Any overpayments made to the individual that have not previously been recovered under an unemployment benefit program of the United States may be recovered in accordance with section 303(g) of the "Social Security Act" and sections 3304(a)(4) and 3306(f) of the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311.

(3) If the amounts required to be repaid under division (B) of this section are not recovered within three years from the date the director's order requiring payment became final, initiate no further action to collect such benefits and the amount of any benefits not recovered at that time shall be canceled as uncollectible, provided that the time limit for collection shall be extended by the period of any stay to the collection or by any other time period to which the parties mutually agree.

(C) The appeal provisions of sections 4141.281 and 4141.282 of the Revised Code shall apply to all orders and determinations issued under this section, except that an individual's right of

appeal under division (B)(2) of this section shall be limited to 47969  
this state's authority to recover overpayment of benefits. 47970

(D) If an individual makes a full repayment or a repayment 47971  
that is less than the full amount required by this section, the 47972  
director shall apply the repayment to the mutualized account under 47973  
division (B) of section 4141.25 of the Revised Code, except that 47974  
the director shall credit the repayment to the accounts of the 47975  
individual's base period employers that previously have not been 47976  
credited for the amount of improperly paid benefits charged 47977  
against their accounts based on the proportion of benefits charged 47978  
against the accounts as determined pursuant to division (D) of 47979  
section 4141.24 of the Revised Code. 47980

The director shall deposit any repayment collected under this 47981  
section that the director determines to be payment of interest or 47982  
court costs into the unemployment compensation special 47983  
administrative fund established pursuant to section 4141.11 of the 47984  
Revised Code. 47985

**Sec. 4163.07.** (A)(1) Prior to transporting any high-level 47986  
radioactive waste, spent nuclear fuel, transuranic waste, or any 47987  
quantity of special nuclear material or by-product material that 47988  
meets or exceeds the highway route controlled quantity, within, 47989  
into, or through the state, the shipper of the material shall 47990  
notify the executive director of the emergency management agency 47991  
established under section 5502.22 of the Revised Code of the 47992  
shipment. The notice shall be in writing and be sent by certified 47993  
mail and shall include the name of the shipper; the name of the 47994  
carrier; the type and quantity of the material; the transportation 47995  
mode of the shipment; the proposed date and time of shipment of 47996  
the material within, into, or through the state; and the starting 47997  
point, termination or exit point, scheduled route, and each 47998  
alternate route, if any, of the shipment. In order to constitute 47999

effective notification under division (A)(1) of this section, 48000  
notification shall be received by the executive director at least 48001  
four days prior to shipment within, into, or through the state. 48002

(2) The carrier or shipper of any shipment subject to 48003  
division (A)(1) of this section shall immediately notify the 48004  
executive director of any change in the date and time of the 48005  
shipment or in the route of the shipment within, into, or through 48006  
the state. 48007

(B) Upon receipt of a notice of any shipment of material that 48008  
is subject to division (A)(1) of this section within, into, or 48009  
through the state, the executive director of the emergency 48010  
management agency shall immediately notify the director of public 48011  
safety, the director of environmental protection, the director of 48012  
health, the chairperson of the public utilities commission, and 48013  
the county emergency management agency and sheriff of each county 48014  
along the proposed route, or any alternate route, of the shipment. 48015

(C) The executive director of the emergency management agency 48016  
shall not disclose to any person other than those persons 48017  
enumerated in division (B) of this section any information 48018  
pertaining to any shipment of special nuclear material or 48019  
by-product material prior to the time that the shipment is 48020  
completed. 48021

(D) This section does not apply to radioactive materials, 48022  
other than by-products, shipped by or for the United States 48023  
department of defense and United States department of energy for 48024  
military or national defense purposes. Nothing in this section 48025  
requires the disclosure of any defense information or restricted 48026  
data as defined in the "Atomic Energy Act of 1954," 68 Stat. 919, 48027  
42 U.S.C. 2011, as amended. 48028

(E) No person shall transport or cause to be transported 48029  
within, into, or through the state any material that is subject to 48030

division (A)(1) of this section without first providing the notice 48031  
required in that division. 48032

(F) Whoever violates division (E) of this section, in 48033  
addition to any penalty imposed under section 4163.99 of the 48034  
Revised Code, is liable for a civil penalty in an amount not to 48035  
exceed the following, as applicable: 48036

(1) Twenty-five thousand dollars for a motor carrier, as 48037  
defined in section 4923.01 of the Revised Code; 48038

(2) Forty-five thousand dollars for the first cask designated 48039  
for transport by rail and thirty thousand dollars for each 48040  
additional cask designated for transport by rail that is shipped 48041  
by the same person or entity in the same shipment. 48042

The attorney general, upon the request of the executive 48043  
director of the emergency management agency, shall bring a civil 48044  
action to collect the penalty. Fines collected pursuant to this 48045  
section shall be deposited into the state treasury to the credit 48046  
of the ~~radioactive waste~~ public utilities transportation safety 48047  
fund created in section ~~4905.801~~ 4921.21 of the Revised Code. 48048

**Sec. 4169.02.** (A) For the purposes of regulating the 48049  
construction, maintenance, mechanical operation, and inspection of 48050  
passenger tramways that are associated with ski areas and of 48051  
registering operators of passenger tramways in this state, there 48052  
is hereby established in the division of ~~labor~~ industrial 48053  
compliance in the department of commerce a ski tramway board to be 48054  
appointed by the governor, with the advice and consent of the 48055  
senate. The board shall consist of three members, one of whom 48056  
shall be a public member who is an experienced skier and familiar 48057  
with ski areas in this state, one of whom shall be a ski area 48058  
operator actively engaged in the business of recreational skiing 48059  
in this state, and one of whom shall be a professional engineer 48060  
who is knowledgeable in the design or operation of passenger 48061

tramways. 48062

Of the initial appointments, one member shall be appointed 48063  
for a term of one year, one for a term of two years, and one for a 48064  
term of three years. The member appointed to the term beginning on 48065  
July 1, 1996, shall be appointed to a term ending on June 30, 48066  
1997; the member appointed to a term beginning on July 1, 1997, 48067  
shall be appointed to a term ending on June 30, 1999; and the 48068  
member appointed to a term beginning on July 1, 1998, shall be 48069  
appointed to a term ending on June 30, 2001. Thereafter, each of 48070  
the members shall be appointed for a term of six years. Each 48071  
member shall hold office from the date of appointment until the 48072  
end of the term for which the member was appointed. In the event 48073  
of a vacancy, the governor, with the advice and consent of the 48074  
senate, shall appoint a successor who shall hold office for the 48075  
remainder of the term for which the successor's predecessor was 48076  
appointed. A member shall continue in office subsequent to the 48077  
expiration date of the member's term until the member's successor 48078  
takes office or until a period of sixty days has elapsed, 48079  
whichever occurs first. The board shall elect a chairperson from 48080  
its members. 48081

The governor may remove any member of the board at any time 48082  
for misfeasance, nonfeasance, or malfeasance in office after 48083  
giving the member a copy of the charges against the member and an 48084  
opportunity to be heard publicly in person or by counsel in the 48085  
member's defense. Any such act of removal by the governor is 48086  
final. A statement of the findings of the governor, the reason for 48087  
the governor's action, and the answer, if any, of the member shall 48088  
be filed by the governor with the secretary of state and shall be 48089  
open to public inspection. 48090

Members of the board shall be paid two hundred fifty dollars 48091  
for each meeting that the member attends, except that no member 48092  
shall be paid or receive more than seven hundred fifty dollars for 48093



attending meetings during any calendar year. Each member shall be 48094  
reimbursed for the member's actual and necessary expenses incurred 48095  
in the performance of official board duties. The chairperson shall 48096  
be paid two hundred fifty dollars annually in addition to any 48097  
compensation the chairperson receives under this division for 48098  
attending meetings and any other compensation the chairperson 48099  
receives for serving on the board. 48100

The division shall provide the board with such offices and 48101  
such clerical, professional, and other assistance as may be 48102  
reasonably necessary for the board to carry on its work. The 48103  
division shall maintain accurate copies of the board's rules as 48104  
promulgated in accordance with division (B) of this section and 48105  
shall keep all of the board's records, including business records, 48106  
and inspection reports as well as its own records and reports. The 48107  
cost of administering the board and conducting inspections shall 48108  
be included in the budget of the division based on revenues 48109  
generated by the registration fees established under section 48110  
4169.03 of the Revised Code. 48111

(B) In accordance with Chapter 119. of the Revised Code, the 48112  
board shall adopt and may amend or rescind rules relating to 48113  
public safety in the construction, maintenance, mechanical 48114  
operation, and inspection of passenger tramways. The rules shall 48115  
be in accordance with established standards in the business of ski 48116  
area operation, if any, and shall not discriminate in their 48117  
application to ski area operators. 48118

No person shall violate the rules of the board. 48119

(C) The authority of the board shall not extend to any matter 48120  
relative to the operation of a ski area other than the 48121  
construction, maintenance, mechanical operation, and inspection of 48122  
passenger tramways. 48123

(D) A majority of the board constitutes a quorum and may 48124

perform and exercise all the duties and powers devolving upon the board. 48125  
48126

**Sec. 4169.03.** (A) Before a passenger tramway operator may operate any passenger tramway in the state, the operator shall apply to the ski tramway board, on forms prepared by it, for registration by the board. The application shall contain an inventory of the passenger tramways that the applicant intends to operate and other information as the board may reasonably require and shall be accompanied by the following annual fees: 48127  
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- (1) Each aerial passenger tramway, five hundred dollars; 48134
- (2) Each skimobile, two hundred dollars; 48135
- (3) Each chair lift, two hundred dollars; 48136
- (4) Each J bar, T bar, or platter pull, one hundred dollars; 48137
- (5) Each rope tow, fifty dollars; 48138
- (6) Each wire rope tow, seventy-five dollars; 48139
- (7) Each conveyor, one hundred dollars. 48140

When an operator operates an aerial passenger tramway, a skimobile, or a chair lift during both a winter and summer season, the annual fee shall be one and one-half the above amount for the respective passenger tramway. 48141  
48142  
48143  
48144

(B) Upon payment of the appropriate annual fees in accordance with division (A) of this section, the board shall issue a registration certificate to the operator. Each certificate shall remain in force until the thirtieth day of September next ensuing. The board shall renew an operator's certificate in accordance with the standard renewal procedure in Chapter 4745. of the Revised Code upon payment of the appropriate annual fees. 48145  
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48147  
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48151

(C) Money received from the registration fees and from the fines collected pursuant to section 4169.99 of the Revised Code 48152  
48153

shall be paid into the state treasury to the credit of the ~~labor~~ 48154  
industrial compliance operating fund created in section 121.084 of 48155  
the Revised Code. 48156

(D) No person shall operate a passenger tramway in this state 48157  
unless the person has been registered by the board. 48158

**Sec. 4169.04.** (A) The division of ~~labor~~ industrial compliance 48159  
in the department of commerce shall make such inspection of the 48160  
construction, maintenance, and mechanical operation of passenger 48161  
tramways as the ski tramway board may reasonably require. The 48162  
division may contract with other qualified engineers to make such 48163  
inspection or may accept the inspection report by any qualified 48164  
inspector of an insurance company authorized to insure passenger 48165  
tramways in this state. 48166

(B) If, as the result of an inspection, an employee of the 48167  
division or other agent with whom the division has contracted 48168  
finds that a violation of the board's rules exists or a condition 48169  
in passenger tramway construction, maintenance, or mechanical 48170  
operation exists that endangers public safety, the employee or 48171  
agent shall make an immediate report to the board for appropriate 48172  
investigation and order. 48173

**Sec. 4171.04.** (A) Before a person may operate any roller 48174  
skating rink in the state, the person shall: 48175

(1) Apply to the superintendent of ~~labor~~ industrial 48176  
compliance in the department of commerce on forms designated by 48177  
the superintendent for a certificate of registration; 48178

(2) Provide an inventory of all the roller skating rinks that 48179  
the applicant intends to operate, and any other information the 48180  
superintendent may reasonably require on the application; 48181

(3) Include with the application a registration fee of 48182  
twenty-five dollars for each roller skating rink to be operated by 48183

the applicant. 48184

(B) Upon compliance with division (A) of this section, the 48185  
superintendent shall issue a certificate of registration to the 48186  
operator for each roller skating rink to be operated by the 48187  
applicant. Each certificate shall remain in force as follows: 48188

(1) Until the thirty-first day of December next ensuing; or 48189

(2) For sixty days after the dissolution of a partnership. 48190

(C) In case of the dissolution of a partnership by death, the 48191  
surviving partner or partners may operate a roller skating rink 48192  
pursuant to the certificate of registration obtained by the 48193  
partnership in accordance with this chapter for a period of sixty 48194  
days following dissolution. The heirs or representatives of 48195  
deceased persons and receivers or trustees in bankruptcy appointed 48196  
by any competent authority may operate under the certificate of 48197  
registration of the person succeeded in possession. 48198

(D) The superintendent shall renew an operator's certificate 48199  
of registration in accordance with the standard license renewal 48200  
procedure set forth in Chapter 4745. of the Revised Code upon 48201  
payment of a renewal fee of twenty-five dollars for each roller 48202  
skating rink to be operated by the applicant. 48203

(E) Money received from the registration and renewal fees 48204  
collected pursuant to this chapter shall be paid into the state 48205  
treasury to the credit of the ~~labor~~ industrial compliance 48206  
operating fund created in section 121.084 of the Revised Code. 48207

**Sec. 4301.30.** (A) All fees collected by the division of 48208  
liquor control shall be deposited in the state treasury to the 48209  
credit of the undivided liquor permit fund, which is hereby 48210  
created, at the time prescribed under section 4301.12 of the 48211  
Revised Code. Each payment shall be accompanied by a statement 48212  
showing separately the amount collected for each class of permits 48213

in each municipal corporation and in each township outside the 48214  
limits of any municipal corporation in such township. ~~An~~ 48215

(B)(1) An amount equal to forty-five per cent of the fund 48216  
shall be paid from the fund into the state liquor regulatory fund, 48217  
which is hereby created in the state treasury. The state liquor 48218  
regulatory fund shall be used to pay the operating expenses of the 48219  
division of liquor control in administering and enforcing Title 48220  
XLIII of the Revised Code and the operating expenses of the liquor 48221  
control commission. Investment earnings of the fund shall be 48222  
credited to the fund. 48223

(2) Whenever, in the judgment of the director of budget and 48224  
management, the amount of money that is in the state liquor 48225  
regulatory fund is in excess of the amount that is needed to pay 48226  
the operating expenses of the division in administering and 48227  
enforcing Title XLIII of the Revised Code and the operating 48228  
expenses of the commission, the director shall credit the excess 48229  
amount to the general revenue fund. 48230

(C) Twenty per cent of the undivided liquor permit fund shall 48231  
be paid into the statewide treatment and prevention fund, which is 48232  
hereby created in the state treasury. This amount shall be 48233  
appropriated by the general assembly, together with an amount 48234  
equal to one and one-half per cent of the gross profit of the 48235  
division of liquor control derived under division (B)(4) of 48236  
section 4301.10 of the Revised Code, to the department of alcohol 48237  
and drug addiction services. In planning for the allocation of and 48238  
in allocating these amounts for the purposes of Chapter 3793. of 48239  
the Revised Code, the department of alcohol and drug addiction 48240  
services shall comply with the nondiscrimination provisions of 48241  
Title VI of the Civil Rights Act of 1964, and any rules adopted 48242  
under that act. 48243

(D) Thirty-five per cent of the undivided liquor permit fund 48244  
shall be distributed by the superintendent of liquor control at 48245

quarterly calendar periods as follows: 48246

~~(A)~~(1) To each municipal corporation, the aggregate amount 48247  
shown by the statements to have been collected from permits in the 48248  
municipal corporation, for the use of the general fund of the 48249  
municipal corporation; 48250

~~(B)~~(2) To each township, the aggregate amount shown by the 48251  
statements to have been collected from permits in its territory, 48252  
outside the limits of any municipal corporation located in the 48253  
township, for the use of the general fund of the township, or for 48254  
fire protection purposes, including buildings and equipment in the 48255  
township or in an established fire district within the township, 48256  
to the extent that the funds are derived from liquor permits 48257  
within the territory comprising such fire district. 48258

(E) For the purpose of the distribution required by this 48259  
section, E, H, and D permits covering boats or vessels are deemed 48260  
to have been issued in the municipal corporation or township 48261  
wherein the owner or operator of the vehicle, boat, vessel, or 48262  
dining car equipment to which the permit relates has the owner's 48263  
or operator's principal office or place of business within the 48264  
state. 48265

(F) If the liquor control commission determines that the 48266  
police or other officers of any municipal corporation or township 48267  
entitled to share in ~~such~~ distributions under this section are 48268  
refusing or culpably neglecting to enforce this chapter and 48269  
Chapter 4303. of the Revised Code, or the penal laws of this state 48270  
relating to the manufacture, importation, transportation, 48271  
distribution, and sale of beer and intoxicating liquors, or if the 48272  
prosecuting officer of a municipal corporation or a municipal 48273  
court fails to comply with the request of the commission 48274  
authorized by division (A)(4) of section 4301.10 of the Revised 48275  
Code, the commission, by certified mail, may notify the chief 48276  
executive officer of the municipal corporation or the board of 48277

township trustees of the township of the failure and require the 48278  
immediate cooperation of the responsible officers of the municipal 48279  
corporation or township with the division of liquor control in the 48280  
enforcement of those chapters and penal laws. Within thirty days 48281  
after the notice is served, the commission shall determine whether 48282  
the requirement has been complied with. If the commission 48283  
determines that the requirement has not been complied with, it may 48284  
issue an order to the superintendent to withhold the distributive 48285  
share of the municipal corporation or township until further order 48286  
of the commission. This action of the commission is reviewable 48287  
within thirty days thereafter in the court of common pleas of 48288  
Franklin county. 48289

(G) All fees collected by the division of liquor control from 48290  
the issuance or renewal of B-2a and S permits, and paid by B-2a 48291  
and S permit holders who do not also hold A-2 permits, shall be 48292  
deposited in the state treasury to the credit of the state liquor 48293  
~~control~~ regulatory fund. Once during each fiscal year, an amount 48294  
equal to fifty per cent of the fees collected shall be paid from 48295  
the state liquor control regulatory fund into the general revenue 48296  
fund. 48297

**Sec. 4303.181.** (A) Permit D-5a may be issued either to the 48298  
owner or operator of a hotel or motel that is required to be 48299  
licensed under section 3731.03 of the Revised Code, that contains 48300  
at least fifty rooms for registered transient guests or is owned 48301  
by a state institution of higher education as defined in section 48302  
3345.011 of the Revised Code or a private college or university, 48303  
and that qualifies under the other requirements of this section, 48304  
or to the owner or operator of a restaurant specified under this 48305  
section, to sell beer and any intoxicating liquor at retail, only 48306  
by the individual drink in glass and from the container, for 48307  
consumption on the premises where sold, and to registered guests 48308  
in their rooms, which may be sold by means of a controlled access 48309

alcohol and beverage cabinet in accordance with division (B) of 48310  
section 4301.21 of the Revised Code; and to sell the same products 48311  
in the same manner and amounts not for consumption on the premises 48312  
as may be sold by holders of D-1 and D-2 permits. The premises of 48313  
the hotel or motel shall include a retail food establishment or a 48314  
food service operation licensed pursuant to Chapter 3717. of the 48315  
Revised Code that operates as a restaurant for purposes of this 48316  
chapter and that is affiliated with the hotel or motel and within 48317  
or contiguous to the hotel or motel, and that serves food within 48318  
the hotel or motel, but the principal business of the owner or 48319  
operator of the hotel or motel shall be the accommodation of 48320  
transient guests. In addition to the privileges authorized in this 48321  
division, the holder of a D-5a permit may exercise the same 48322  
privileges as the holder of a D-5 permit. 48323

The owner or operator of a hotel, motel, or restaurant who 48324  
qualified for and held a D-5a permit on August 4, 1976, may, if 48325  
the owner or operator held another permit before holding a D-5a 48326  
permit, either retain a D-5a permit or apply for the permit 48327  
formerly held, and the division of liquor control shall issue the 48328  
permit for which the owner or operator applies and formerly held, 48329  
notwithstanding any quota. 48330

A D-5a permit shall not be transferred to another location. 48331  
No quota restriction shall be placed on the number of D-5a permits 48332  
that may be issued. 48333

The fee for this permit is two thousand three hundred 48334  
forty-four dollars. 48335

(B) Permit D-5b may be issued to the owner, operator, tenant, 48336  
lessee, or occupant of an enclosed shopping center to sell beer 48337  
and intoxicating liquor at retail, only by the individual drink in 48338  
glass and from the container, for consumption on the premises 48339  
where sold; and to sell the same products in the same manner and 48340  
amount not for consumption on the premises as may be sold by 48341



holders of D-1 and D-2 permits. In addition to the privileges 48342  
authorized in this division, the holder of a D-5b permit may 48343  
exercise the same privileges as a holder of a D-5 permit. 48344

A D-5b permit shall not be transferred to another location. 48345

One D-5b permit may be issued at an enclosed shopping center 48346  
containing at least two hundred twenty-five thousand, but less 48347  
than four hundred thousand, square feet of floor area. 48348

Two D-5b permits may be issued at an enclosed shopping center 48349  
containing at least four hundred thousand square feet of floor 48350  
area. No more than one D-5b permit may be issued at an enclosed 48351  
shopping center for each additional two hundred thousand square 48352  
feet of floor area or fraction of that floor area, up to a maximum 48353  
of five D-5b permits for each enclosed shopping center. The number 48354  
of D-5b permits that may be issued at an enclosed shopping center 48355  
shall be determined by subtracting the number of D-3 and D-5 48356  
permits issued in the enclosed shopping center from the number of 48357  
D-5b permits that otherwise may be issued at the enclosed shopping 48358  
center under the formulas provided in this division. Except as 48359  
provided in this section, no quota shall be placed on the number 48360  
of D-5b permits that may be issued. Notwithstanding any quota 48361  
provided in this section, the holder of any D-5b permit first 48362  
issued in accordance with this section is entitled to its renewal 48363  
in accordance with section 4303.271 of the Revised Code. 48364

The holder of a D-5b permit issued before April 4, 1984, 48365  
whose tenancy is terminated for a cause other than nonpayment of 48366  
rent, may return the D-5b permit to the division of liquor 48367  
control, and the division shall cancel that permit. Upon 48368  
cancellation of that permit and upon the permit holder's payment 48369  
of taxes, contributions, premiums, assessments, and other debts 48370  
owing or accrued upon the date of cancellation to this state and 48371  
its political subdivisions and a filing with the division of a 48372  
certification of that payment, the division shall issue to that 48373

person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 48374  
that person requests. The division shall issue the D-5 permit, or 48375  
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 48376  
D-3, or D-5 permits currently issued in the municipal corporation 48377  
or in the unincorporated area of the township where that person's 48378  
proposed premises is located equals or exceeds the maximum number 48379  
of such permits that can be issued in that municipal corporation 48380  
or in the unincorporated area of that township under the 48381  
population quota restrictions contained in section 4303.29 of the 48382  
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 48383  
be transferred to another location. If a D-5b permit is canceled 48384  
under the provisions of this paragraph, the number of D-5b permits 48385  
that may be issued at the enclosed shopping center for which the 48386  
D-5b permit was issued, under the formula provided in this 48387  
division, shall be reduced by one if the enclosed shopping center 48388  
was entitled to more than one D-5b permit under the formula. 48389

The fee for this permit is two thousand three hundred 48390  
forty-four dollars. 48391

(C) Permit D-5c may be issued to the owner or operator of a 48392  
retail food establishment or a food service operation licensed 48393  
pursuant to Chapter 3717. of the Revised Code that operates as a 48394  
restaurant for purposes of this chapter and that qualifies under 48395  
the other requirements of this section to sell beer and any 48396  
intoxicating liquor at retail, only by the individual drink in 48397  
glass and from the container, for consumption on the premises 48398  
where sold, and to sell the same products in the same manner and 48399  
amounts not for consumption on the premises as may be sold by 48400  
holders of D-1 and D-2 permits. In addition to the privileges 48401  
authorized in this division, the holder of a D-5c permit may 48402  
exercise the same privileges as the holder of a D-5 permit. 48403

To qualify for a D-5c permit, the owner or operator of a 48404  
retail food establishment or a food service operation licensed 48405

pursuant to Chapter 3717. of the Revised Code that operates as a 48406  
restaurant for purposes of this chapter, shall have operated the 48407  
restaurant at the proposed premises for not less than twenty-four 48408  
consecutive months immediately preceding the filing of the 48409  
application for the permit, have applied for a D-5 permit no later 48410  
than December 31, 1988, and appear on the division's quota waiting 48411  
list for not less than six months immediately preceding the filing 48412  
of the application for the permit. In addition to these 48413  
requirements, the proposed D-5c permit premises shall be located 48414  
within a municipal corporation and further within an election 48415  
precinct that, at the time of the application, has no more than 48416  
twenty-five per cent of its total land area zoned for residential 48417  
use. 48418

A D-5c permit shall not be transferred to another location. 48419  
No quota restriction shall be placed on the number of such permits 48420  
that may be issued. 48421

Any person who has held a D-5c permit for at least two years 48422  
may apply for a D-5 permit, and the division of liquor control 48423  
shall issue the D-5 permit notwithstanding the quota restrictions 48424  
contained in section 4303.29 of the Revised Code or in any rule of 48425  
the liquor control commission. 48426

The fee for this permit is one thousand five hundred 48427  
sixty-three dollars. 48428

(D) Permit D-5d may be issued to the owner or operator of a 48429  
retail food establishment or a food service operation licensed 48430  
pursuant to Chapter 3717. of the Revised Code that operates as a 48431  
restaurant for purposes of this chapter and that is located at an 48432  
airport operated by a board of county commissioners pursuant to 48433  
section 307.20 of the Revised Code, at an airport operated by a 48434  
port authority pursuant to Chapter 4582. of the Revised Code, or 48435  
at an airport operated by a regional airport authority pursuant to 48436  
Chapter 308. of the Revised Code. The holder of a D-5d permit may 48437

sell beer and any intoxicating liquor at retail, only by the 48438  
individual drink in glass and from the container, for consumption 48439  
on the premises where sold, and may sell the same products in the 48440  
same manner and amounts not for consumption on the premises where 48441  
sold as may be sold by the holders of D-1 and D-2 permits. In 48442  
addition to the privileges authorized in this division, the holder 48443  
of a D-5d permit may exercise the same privileges as the holder of 48444  
a D-5 permit. 48445

A D-5d permit shall not be transferred to another location. 48446  
No quota restrictions shall be placed on the number of such 48447  
permits that may be issued. 48448

The fee for this permit is two thousand three hundred 48449  
forty-four dollars. 48450

(E) Permit D-5e may be issued to any nonprofit organization 48451  
that is exempt from federal income taxation under the "Internal 48452  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 48453  
amended, or that is a charitable organization under any chapter of 48454  
the Revised Code, and that owns or operates a riverboat that meets 48455  
all of the following: 48456

(1) Is permanently docked at one location; 48457

(2) Is designated as an historical riverboat by the Ohio 48458  
historical society; 48459

(3) Contains not less than fifteen hundred square feet of 48460  
floor area; 48461

(4) Has a seating capacity of fifty or more persons. 48462

The holder of a D-5e permit may sell beer and intoxicating 48463  
liquor at retail, only by the individual drink in glass and from 48464  
the container, for consumption on the premises where sold. 48465

A D-5e permit shall not be transferred to another location. 48466  
No quota restriction shall be placed on the number of such permits 48467

that may be issued. The population quota restrictions contained in 48468  
section 4303.29 of the Revised Code or in any rule of the liquor 48469  
control commission shall not apply to this division, and the 48470  
division shall issue a D-5e permit to any applicant who meets the 48471  
requirements of this division. However, the division shall not 48472  
issue a D-5e permit if the permit premises or proposed permit 48473  
premises are located within an area in which the sale of 48474  
spirituous liquor by the glass is prohibited. 48475

The fee for this permit is one thousand two hundred nineteen 48476  
dollars. 48477

(F) Permit D-5f may be issued to the owner or operator of a 48478  
retail food establishment or a food service operation licensed 48479  
under Chapter 3717. of the Revised Code that operates as a 48480  
restaurant for purposes of this chapter and that meets all of the 48481  
following: 48482

(1) It contains not less than twenty-five hundred square feet 48483  
of floor area. 48484

(2) It is located on or in, or immediately adjacent to, the 48485  
shoreline of, a navigable river. 48486

(3) It provides docking space for twenty-five boats. 48487

(4) It provides entertainment and recreation, provided that 48488  
not less than fifty per cent of the business on the permit 48489  
premises shall be preparing and serving meals for a consideration. 48490

In addition, each application for a D-5f permit shall be 48491  
accompanied by a certification from the local legislative 48492  
authority that the issuance of the D-5f permit is not inconsistent 48493  
with that political subdivision's comprehensive development plan 48494  
or other economic development goal as officially established by 48495  
the local legislative authority. 48496

The holder of a D-5f permit may sell beer and intoxicating 48497

liquor at retail, only by the individual drink in glass and from 48498  
the container, for consumption on the premises where sold. 48499

A D-5f permit shall not be transferred to another location. 48500

The division of liquor control shall not issue a D-5f permit 48501  
if the permit premises or proposed permit premises are located 48502  
within an area in which the sale of spirituous liquor by the glass 48503  
is prohibited. 48504

A fee for this permit is two thousand three hundred 48505  
forty-four dollars. 48506

As used in this division, "navigable river" means a river 48507  
that is also a "navigable water" as defined in the "Federal Power 48508  
Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 48509

(G) Permit D-5g may be issued to a nonprofit corporation that 48510  
is either the owner or the operator of a national professional 48511  
sports museum. The holder of a D-5g permit may sell beer and any 48512  
intoxicating liquor at retail, only by the individual drink in 48513  
glass and from the container, for consumption on the premises 48514  
where sold. The holder of a D-5g permit shall sell no beer or 48515  
intoxicating liquor for consumption on the premises where sold 48516  
after ~~one~~ two-thirty a.m. A D-5g permit shall not be transferred 48517  
to another location. No quota restrictions shall be placed on the 48518  
number of D-5g permits that may be issued. The fee for this permit 48519  
is one thousand eight hundred seventy-five dollars. 48520

(H)(1) Permit D-5h may be issued to any nonprofit 48521  
organization that is exempt from federal income taxation under the 48522  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 48523  
501(c)(3), as amended, that owns or operates any of the following: 48524

(a) A fine arts museum, provided that the nonprofit 48525  
organization has no less than one thousand five hundred bona fide 48526  
members possessing full membership privileges; 48527

(b) A community arts center. As used in division (H)(1)(b) of 48528  
this section, "community arts center" means a facility that 48529  
provides arts programming to the community in more than one arts 48530  
discipline, including, but not limited to, exhibits of works of 48531  
art and performances by both professional and amateur artists. 48532

(c) A community theater, provided that the nonprofit 48533  
organization is a member of the Ohio arts council and the American 48534  
community theatre association and has been in existence for not 48535  
less than ten years. As used in division (H)(1)(c) of this 48536  
section, "community theater" means a facility that contains at 48537  
least one hundred fifty seats and has a primary function of 48538  
presenting live theatrical performances and providing recreational 48539  
opportunities to the community. 48540

(2) The holder of a D-5h permit may sell beer and any 48541  
intoxicating liquor at retail, only by the individual drink in 48542  
glass and from the container, for consumption on the premises 48543  
where sold. The holder of a D-5h permit shall sell no beer or 48544  
intoxicating liquor for consumption on the premises where sold 48545  
after one a.m. A D-5h permit shall not be transferred to another 48546  
location. No quota restrictions shall be placed on the number of 48547  
D-5h permits that may be issued. 48548

(3) The fee for a D-5h permit is one thousand eight hundred 48549  
seventy-five dollars. 48550

(I) Permit D-5i may be issued to the owner or operator of a 48551  
retail food establishment or a food service operation licensed 48552  
under Chapter 3717. of the Revised Code that operates as a 48553  
restaurant for purposes of this chapter and that meets all of the 48554  
following requirements: 48555

(1) It is located in a municipal corporation or a township 48556  
with a population of one hundred thousand or less. 48557

(2) It has inside seating capacity for at least one hundred 48558

forty persons. 48559

(3) It has at least four thousand square feet of floor area. 48560

(4) It offers full-course meals, appetizers, and sandwiches. 48561

(5) Its receipts from beer and liquor sales, excluding wine 48562  
sales, do not exceed twenty-five per cent of its total gross 48563  
receipts. 48564

(6) It has at least one of the following characteristics: 48565

(a) The value of its real and personal property exceeds seven 48566  
hundred twenty-five thousand dollars. 48567

(b) It is located on property that is owned or leased by the 48568  
state or a state agency, and its owner or operator has 48569  
authorization from the state or the state agency that owns or 48570  
leases the property to obtain a D-5i permit. 48571

The holder of a D-5i permit may sell beer and any 48572  
intoxicating liquor at retail, only by the individual drink in 48573  
glass and from the container, for consumption on the premises 48574  
where sold, and may sell the same products in the same manner and 48575  
amounts not for consumption on the premises where sold as may be 48576  
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 48577  
permit shall sell no beer or intoxicating liquor for consumption 48578  
on the premises where sold after two-thirty a.m. In addition to 48579  
the privileges authorized in this division, the holder of a D-5i 48580  
permit may exercise the same privileges as the holder of a D-5 48581  
permit. 48582

A D-5i permit shall not be transferred to another location. 48583  
The division of liquor control shall not renew a D-5i permit 48584  
unless the retail food establishment or food service operation for 48585  
which it is issued continues to meet the requirements described in 48586  
divisions (I)(1) to (6) of this section. No quota restrictions 48587  
shall be placed on the number of D-5i permits that may be issued. 48588



The fee for the D-5i permit is two thousand three hundred 48589  
forty-four dollars. 48590

(J) Permit D-5j may be issued to the owner or the operator of 48591  
a retail food establishment or a food service operation licensed 48592  
under Chapter 3717. of the Revised Code to sell beer and 48593  
intoxicating liquor at retail, only by the individual drink in 48594  
glass and from the container, for consumption on the premises 48595  
where sold and to sell beer and intoxicating liquor in the same 48596  
manner and amounts not for consumption on the premises where sold 48597  
as may be sold by the holders of D-1 and D-2 permits. The holder 48598  
of a D-5j permit may exercise the same privileges, and shall 48599  
observe the same hours of operation, as the holder of a D-5 48600  
permit. 48601

The D-5j permit shall be issued only within a community 48602  
entertainment district that is designated under section 4301.80 of 48603  
the Revised Code and that meets one of the following 48604  
qualifications: 48605

(1) It is located in a municipal corporation with a 48606  
population of at least one hundred thousand. 48607

(2) It is located in a municipal corporation with a 48608  
population of at least twenty thousand, and either of the 48609  
following applies: 48610

(a) It contains an amusement park the rides of which have 48611  
been issued a permit by the department of agriculture under 48612  
Chapter 1711. of the Revised Code. 48613

(b) Not less than fifty million dollars will be invested in 48614  
development and construction in the community entertainment 48615  
district's area located in the municipal corporation. 48616

(3) It is located in a township with a population of at least 48617  
forty thousand. 48618

(4) It is located in a township with a population of at least 48619  
twenty thousand, and not less than seventy million dollars will be 48620  
invested in development and construction in the community 48621  
entertainment district's area located in the township. 48622

(5) It is located in a municipal corporation with a 48623  
population between ten thousand and twenty thousand, and both of 48624  
the following apply: 48625

(a) The municipal corporation was incorporated as a village 48626  
prior to calendar year 1840 and currently has a historic downtown 48627  
business district. 48628

(b) The municipal corporation is located in the same county 48629  
as another municipal corporation with at least one community 48630  
entertainment district. 48631

(6) It is located in a municipal corporation with a 48632  
population of at least ten thousand, and not less than seventy 48633  
million dollars will be invested in development and construction 48634  
in the community entertainment district's area located in the 48635  
municipal corporation. 48636

(7) It is located in a municipal corporation with a 48637  
population of at least five thousand, and not less than one 48638  
hundred million dollars will be invested in development and 48639  
construction in the community entertainment district's area 48640  
located in the municipal corporation. 48641

The location of a D-5j permit may be transferred only within 48642  
the geographic boundaries of the community entertainment district 48643  
in which it was issued and shall not be transferred outside the 48644  
geographic boundaries of that district. 48645

Not more than one D-5j permit shall be issued within each 48646  
community entertainment district for each five acres of land 48647  
located within the district. Not more than fifteen D-5j permits 48648  
may be issued within a single community entertainment district. 48649

Except as otherwise provided in division (J)(4) of this section, 48650  
no quota restrictions shall be placed upon the number of D-5j 48651  
permits that may be issued. 48652

The fee for a D-5j permit is two thousand three hundred 48653  
forty-four dollars. 48654

(K)(1) Permit D-5k may be issued to any nonprofit 48655  
organization that is exempt from federal income taxation under the 48656  
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 48657  
501(c)(3), as amended, that is the owner or operator of a 48658  
botanical garden recognized by the American association of 48659  
botanical gardens and arboreta, and that has not less than 48660  
twenty-five hundred bona fide members. 48661

(2) The holder of a D-5k permit may sell beer and any 48662  
intoxicating liquor at retail, only by the individual drink in 48663  
glass and from the container, on the premises where sold. 48664

(3) The holder of a D-5k permit shall sell no beer or 48665  
intoxicating liquor for consumption on the premises where sold 48666  
after one a.m. 48667

(4) A D-5k permit shall not be transferred to another 48668  
location. 48669

(5) No quota restrictions shall be placed on the number of 48670  
D-5k permits that may be issued. 48671

(6) The fee for the D-5k permit is one thousand eight hundred 48672  
seventy-five dollars. 48673

(L)(1) Permit D-5l may be issued to the owner or the operator 48674  
of a ~~business~~ retail food establishment or a food service 48675  
operation licensed under Chapter 3717. of the Revised Code to sell 48676  
beer and intoxicating liquor at retail, only by the individual 48677  
drink in glass and from the container, for consumption on the 48678  
premises where sold and to sell beer and intoxicating liquor in 48679

the same manner and amounts not for consumption on the premises 48680  
where sold as may be sold by the holders of D-1 and D-2 permits. 48681  
The holder of a D-51 permit may exercise the same privileges, and 48682  
shall observe the same hours of operation, as the holder of a D-5 48683  
permit. 48684

(2) The D-51 permit shall be issued only to a premises that 48685  
has gross annual receipts from the sale of food and meals that 48686  
constitute not less than seventy-five per cent of its total gross 48687  
annual receipts, that is located within a revitalization district 48688  
that is designated under section 4301.81 of the Revised Code, that 48689  
is located in a municipal corporation or township in which the 48690  
number of D-5 permits issued equals or exceeds the number of those 48691  
permits that may be issued in that municipal corporation or 48692  
township under section 4303.29 of the Revised Code, and that is 48693  
located in a county with a population of one hundred twenty-five 48694  
thousand or less according to the population estimates certified 48695  
by the department of development for calendar year 2006. 48696

(3) The location of a D-51 permit may be transferred only 48697  
within the geographic boundaries of the revitalization district in 48698  
which it was issued and shall not be transferred outside the 48699  
geographic boundaries of that district. 48700

(4) Not more than one D-51 permit shall be issued within each 48701  
revitalization district for each five acres of land located within 48702  
the district. Not more than fifteen D-51 permits may be issued 48703  
within a single revitalization district. Except as otherwise 48704  
provided in division (L)(4) of this section, no quota restrictions 48705  
shall be placed upon the number of D-51 permits that may be 48706  
issued. 48707

(5) No D-51 permit shall be issued to an adult entertainment 48708  
establishment as defined in section 2907.39 of the Revised Code. 48709

(6) The fee for a D-51 permit is two thousand three hundred 48710

forty-four dollars. 48711

(M) Permit D-5m may be issued to either the owner or the 48712  
operator of a retail food establishment or food service operation 48713  
licensed under Chapter 3717. of the Revised Code that operates as 48714  
a restaurant for purposes of this chapter and that is located in, 48715  
or affiliated with, a center for the preservation of wild animals 48716  
as defined in section 4301.404 of the Revised Code, to sell beer 48717  
and any intoxicating liquor at retail, only by the glass and from 48718  
the container, for consumption on the premises where sold, and to 48719  
sell the same products in the same manner and amounts not for 48720  
consumption on the premises as may be sold by the holders of D-1 48721  
and D-2 permits. In addition to the privileges authorized by this 48722  
division, the holder of a D-5m permit may exercise the same 48723  
privileges as the holder of a D-5 permit. 48724

A D-5m permit shall not be transferred to another location. 48725  
No quota restrictions shall be placed on the number of D-5m 48726  
permits that may be issued. The fee for a permit D-5m is two 48727  
thousand three hundred forty-four dollars. 48728

(N) Permit D-5n shall be issued to either a casino operator 48729  
or a casino management company licensed under Chapter 3772. of the 48730  
Revised Code that operates a casino facility under that chapter, 48731  
to sell beer and any intoxicating liquor at retail, only by the 48732  
individual drink in glass and from the container, for consumption 48733  
on the premises where sold, and to sell the same products in the 48734  
same manner and amounts not for consumption on the premises as may 48735  
be sold by the holders of D-1 and D-2 permits. In addition to the 48736  
privileges authorized by this division, the holder of a D-5n 48737  
permit may exercise the same privileges as the holder of a D-5 48738  
permit. A D-5n permit shall not be transferred to another 48739  
location. Only one D-5n permit may be issued per casino facility 48740  
and not more than four D-5n permits shall be issued in this state. 48741  
The fee for a permit D-5n shall be twenty thousand dollars. The 48742

holder of a D-5n permit may conduct casino gaming on the permit 48743  
premises notwithstanding any provision of the Revised Code or 48744  
Administrative Code. 48745

(O) Permit D-5o may be issued to the owner or operator of a 48746  
retail food establishment or a food service operation licensed 48747  
under Chapter 3717. of the Revised Code that operates as a 48748  
restaurant for purposes of this chapter and that is located within 48749  
a casino facility for which a D-5n permit has been issued. The 48750  
holder of a D-5o permit may sell beer and any intoxicating liquor 48751  
at retail, only by the individual drink in glass and from the 48752  
container, for consumption on the premises where sold, and may 48753  
sell the same products in the same manner and amounts not for 48754  
consumption on the premises where sold as may be sold by the 48755  
holders of D-1 and D-2 permits. In addition to the privileges 48756  
authorized by this division, the holder of a D-5o permit may 48757  
exercise the same privileges as the holder of a D-5 permit. A D-5o 48758  
permit shall not be transferred to another location. No quota 48759  
restrictions shall be placed on the number of such permits that 48760  
may be issued. The fee for this permit is two thousand three 48761  
hundred forty-four dollars. 48762

**Sec. 4303.22.** Permit H may be issued for a fee of three 48763  
hundred dollars to a for-hire motor carrier ~~by motor vehicle~~ who 48764  
~~also~~ holds a license issued by the public utilities commission to 48765  
transport beer, intoxicating liquor, and alcohol, or any of them, 48766  
in this state for delivery or use in this state. This section does 48767  
not prevent the division of liquor control from contracting with 48768  
~~common or contract~~ for-hire motor carriers for the delivery or 48769  
transportation of liquor for the division, and any ~~contract or~~ 48770  
~~common~~ for-hire motor carrier so contracting with the division is 48771  
eligible for an H permit. Manufacturers or wholesale distributors 48772  
of beer or intoxicating liquor other than spirituous liquor who 48773  
transport or deliver their own products to or from their premises 48774

licensed under this chapter and Chapter 4301. of the Revised Code 48775  
by their own trucks as an incident to the purchase or sale of such 48776  
beverages need not obtain an H permit. Carriers by rail shall 48777  
receive an H permit upon application for it. 48778

This section does not prevent the division from issuing, upon 48779  
the payment of the permit fee, an H permit to any person, 48780  
partnership, firm, or corporation licensed by any other state to 48781  
engage in the business of manufacturing and brewing or producing 48782  
beer, wine, and mixed beverages or any person, partnership, firm, 48783  
or corporation licensed by the United States or any other state to 48784  
engage in the business of importing beer, wine, and mixed 48785  
beverages manufactured outside the United States. The 48786  
manufacturer, brewer, or importer of products manufactured outside 48787  
the United States, upon the issuance of an H permit, may 48788  
transport, ship, and deliver only its own products to holders of 48789  
B-1 or B-5 permits in Ohio in motor trucks and equipment owned and 48790  
operated by such class H permit holder. No H permit shall be 48791  
issued by the division to such applicant until the applicant files 48792  
with the division a liability insurance certificate or policy 48793  
satisfactory to the division, in a sum of not less than one 48794  
thousand nor more than five thousand dollars for property damage 48795  
and for not less than five thousand nor more than fifty thousand 48796  
dollars for loss sustained by reason of injury or death and with 48797  
such other terms as the division considers necessary to adequately 48798  
protect the interest of the public, having due regard for the 48799  
number of persons and amount of property affected. The certificate 48800  
or policy shall insure the manufacturer, brewer, or importer of 48801  
products manufactured outside the United States against loss 48802  
sustained by reason of the death of or injury to persons, and for 48803  
loss of or damage to property, from the negligence of such class H 48804  
permit holder in the operation of its motor vehicles or equipment 48805  
in this state. 48806

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 48807  
JobsOhio may accept the transfer of, all or a portion of the 48808  
enterprise acquisition project for a transfer price payable by 48809  
JobsOhio to the state. Any such transfer shall be treated as an 48810  
absolute conveyance and true sale of the interest in the 48811  
enterprise acquisition project purported to be conveyed for all 48812  
purposes, and not as a pledge or other security interest. The 48813  
characterization of any such transfer as a true sale and absolute 48814  
conveyance shall not be negated or adversely affected by the 48815  
acquisition or retention by the state of a residual or 48816  
reversionary interest in the enterprise acquisition project, the 48817  
participation of any state officer or employee as a member or 48818  
officer of, or contracting for staff support to, JobsOhio or any 48819  
subsidiary of JobsOhio, any regulatory responsibility of an 48820  
officer or employee of the state, including the authority to 48821  
collect amounts to be received in connection therewith, the 48822  
retention of the state of any legal title to or interest in any 48823  
portion of the enterprise acquisition project for the purpose of 48824  
regulatory activities, or any characterization of JobsOhio or 48825  
obligations of JobsOhio under accounting, taxation, or securities 48826  
regulations, or any other reason whatsoever. An absolute 48827  
conveyance and true sale or lease shall exist under this section 48828  
regardless of whether JobsOhio has any recourse against the state 48829  
or the treatment or characterization of the transfer as a 48830  
financing for any purpose. Upon and following the transfer, the 48831  
state shall not have any right, title, or interest in the 48832  
enterprise acquisition project so transferred other than any 48833  
residual interest that may be described in the transfer agreement 48834  
pursuant to the following paragraph and division (D) of this 48835  
section. Any determination of the fair market value of the 48836  
enterprise acquisition project reflected in the transfer agreement 48837  
shall be conclusive and binding on the state and JobsOhio. 48838



Any transfer of the enterprise acquisition project that is a 48839  
lease or grant of a franchise shall be for a term not to exceed 48840  
twenty-five years. Any transfer of the enterprise acquisition 48841  
project that is an assignment and sale, conveyance, or other 48842  
transfer shall contain a provision that the state shall have the 48843  
option to have conveyed or transferred back to it, at no cost, the 48844  
enterprise acquisition project, as it then exists, no later than 48845  
twenty-five years after the original transfer authorized in the 48846  
transfer agreement on such other terms as shall be provided in the 48847  
transfer agreement. 48848

The exercise of the powers granted by this section will be 48849  
for the benefit of the people of the state. All or any portion of 48850  
the enterprise acquisition project transferred pursuant to the 48851  
transfer agreement that would be exempt from real property taxes 48852  
or assessments or real property taxes or assessments in the 48853  
absence of such transfer shall, as it may from time to time exist 48854  
thereafter, remain exempt from real property taxes or assessments 48855  
levied by the state and its subdivisions to the same extent as if 48856  
not transferred. The gross receipts and income of JobsOhio derived 48857  
from the enterprise acquisition project shall be exempt from 48858  
taxation levied by the state and its subdivisions, including, but 48859  
not limited to, the taxes levied pursuant to Chapters 718., 5739., 48860  
5741., 5747., and 5751. of the Revised Code. Any transfer from the 48861  
state to JobsOhio of the enterprise acquisition project, or item 48862  
included or to be included in the project, shall be exempt from 48863  
the taxes levied pursuant to Chapters 5739. and 5741. of the 48864  
Revised Code. 48865

(B) The proceeds of any transfer under division (A) of this 48866  
section may be expended as provided in the transfer agreement for 48867  
any one or more of the following purposes: 48868

(1) Funding, payment, or defeasance of outstanding bonds 48869  
issued pursuant to Chapters 151. and 166. of the Revised Code and 48870

secured by pledged liquor profits as defined in section 151.40 of the Revised Code; 48871  
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(2) Deposit into the general revenue fund; 48873

(3) Deposit into the clean Ohio revitalization fund created pursuant to section 122.658 of the Revised Code, the innovation Ohio loan fund created pursuant to section 166.16 of the Revised Code, the research and development loan fund created pursuant to section 166.20 of the Revised Code, the logistics and distribution infrastructure fund created pursuant to section 166.26 of the Revised Code, the advanced energy research and development fund created pursuant to section 3706.27 of the Revised Code, and the advanced energy research and development taxable fund created pursuant to section 3706.27 of the Revised Code; 48874  
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(4) Conveyance to JobsOhio for the purposes for which it was created. 48884  
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(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project. 48886  
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(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director of budget and management and the director of commerce shall 48896  
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execute the transfer agreement on behalf of the state. The 48902  
director of budget and management may also, without need for any 48903  
other approval, retain or contract for the services of commercial 48904  
appraisers, underwriters, investment bankers, and financial 48905  
advisers, as are necessary in the judgment of the director of 48906  
budget and management to effect the transfer agreement. Any 48907  
transfer agreement may contain terms and conditions established by 48908  
the state to carry out and effectuate the purposes of this 48909  
section, including, without limitation, covenants binding the 48910  
state in favor of JobsOhio. Any such transfer agreement shall be 48911  
sufficient to effectuate the transfer without regard to any other 48912  
laws governing other property sales or financial transactions by 48913  
the state. The director of budget and management may create any 48914  
funds or accounts, within or without the state treasury, as are 48915  
needed for the transactions and activities authorized by this 48916  
section. 48917

(3) The transfer agreement may authorize JobsOhio, in the 48918  
ordinary course of doing business, to convey, lease, release, or 48919  
otherwise dispose of any regular inventory or tangible personal 48920  
property. Ownership of the interest in the enterprise acquisition 48921  
project that is transferred to JobsOhio under this section and the 48922  
transfer agreement shall be maintained in JobsOhio or a nonprofit 48923  
entity the sole member of which is JobsOhio until the enterprise 48924  
acquisition project is transferred back to the state pursuant to 48925  
the second paragraph of division (A) and division (D) of this 48926  
section. 48927

(D) The transfer agreement may authorize JobsOhio to fix, 48928  
alter, and collect rentals and other charges for the use and 48929  
occupancy of all or any portion of the enterprise acquisition 48930  
project and to lease any portion of the enterprise acquisition 48931  
project to the state, and shall include a contract with, or the 48932  
granting of an option to, the state to have the enterprise 48933

acquisition project, as it then exists, transferred back to it 48934  
without charge in accordance with the terms of the transfer 48935  
agreement after retirement or redemption, or provision therefor, 48936  
of all obligations supported by a pledge of spirituous liquor 48937  
profits. 48938

(E) JobsOhio, the director of budget and management, and the 48939  
director of commerce shall, subject to approval by the controlling 48940  
board, enter into a contract, which may be part of the transfer 48941  
agreement, for the continuing operation by the division of liquor 48942  
control of spirituous liquor distribution and merchandising 48943  
subject to standards for performance provided in that contract 48944  
that may relate to or support division (C)(1) of this section. The 48945  
contract shall establish other terms and conditions for the 48946  
assignment of duties to, and the provision of advice, services, 48947  
and other assistance by, the division of liquor control, including 48948  
providing for the necessary staffing and payment by JobsOhio of 48949  
appropriate compensation to the division for the performance of 48950  
such duties and the provision of such advice, services, and other 48951  
assistance. The division of liquor control shall manage and 48952  
actively supervise the activities required or authorized under 48953  
sections 4301.10 and 4301.17 of the Revised Code as those sections 48954  
exist on ~~the effective date of this section~~ September 29, 2011, 48955  
including, but not limited to, controlling the traffic in 48956  
intoxicating liquor in this state and fixing the wholesale and 48957  
retail prices at which the various classes, varieties, and brands 48958  
of spirituous liquor are sold. 48959

(F) The transfer agreement shall require JobsOhio to pay for 48960  
the operations of the division of liquor control with regard to 48961  
the spirituous liquor merchandising operations of the division. 48962  
The payments from JobsOhio shall be deposited into the state 48963  
treasury to the credit of the liquor ~~control~~ operating services 48964  
fund ~~created in section 4301.12 of the Revised Code, which is~~ 48965

hereby created in the state treasury. The fund shall be used to 48966  
pay for the operations of the division specified in this division. 48967

(G) The transaction and transfer provided for under this 48968  
section shall comply with all applicable provisions of the Ohio 48969  
Constitution. 48970

**Sec. 4501.01.** As used in this chapter and Chapters 4503., 48971  
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 48972  
Revised Code, and in the penal laws, except as otherwise provided: 48973

(A) "Vehicles" means everything on wheels or runners, 48974  
including motorized bicycles, but does not mean electric personal 48975  
assistive mobility devices, vehicles that are operated exclusively 48976  
on rails or tracks or from overhead electric trolley wires, and 48977  
vehicles that belong to any police department, municipal fire 48978  
department, or volunteer fire department, or that are used by such 48979  
a department in the discharge of its functions. 48980

(B) "Motor vehicle" means any vehicle, including mobile homes 48981  
and recreational vehicles, that is propelled or drawn by power 48982  
other than muscular power or power collected from overhead 48983  
electric trolley wires. "Motor vehicle" does not include utility 48984  
vehicles as defined in division (VV) of this section, motorized 48985  
bicycles, road rollers, traction engines, power shovels, power 48986  
cranes, and other equipment used in construction work and not 48987  
designed for or employed in general highway transportation, 48988  
well-drilling machinery, ditch-digging machinery, farm machinery, 48989  
and trailers that are designed and used exclusively to transport a 48990  
boat between a place of storage and a marina, or in and around a 48991  
marina, when drawn or towed on a public road or highway for a 48992  
distance of no more than ten miles and at a speed of twenty-five 48993  
miles per hour or less. 48994

(C) "Agricultural tractor" and "traction engine" mean any 48995  
self-propelling vehicle that is designed or used for drawing other 48996

vehicles or wheeled machinery, but has no provisions for carrying 48997  
loads independently of such other vehicles, and that is used 48998  
principally for agricultural purposes. 48999

(D) "Commercial tractor," except as defined in division (C) 49000  
of this section, means any motor vehicle that has motive power and 49001  
either is designed or used for drawing other motor vehicles, or is 49002  
designed or used for drawing another motor vehicle while carrying 49003  
a portion of the other motor vehicle or its load, or both. 49004

(E) "Passenger car" means any motor vehicle that is designed 49005  
and used for carrying not more than nine persons and includes any 49006  
motor vehicle that is designed and used for carrying not more than 49007  
fifteen persons in a ridesharing arrangement. 49008

(F) "Collector's vehicle" means any motor vehicle or 49009  
agricultural tractor or traction engine that is of special 49010  
interest, that has a fair market value of one hundred dollars or 49011  
more, whether operable or not, and that is owned, operated, 49012  
collected, preserved, restored, maintained, or used essentially as 49013  
a collector's item, leisure pursuit, or investment, but not as the 49014  
owner's principal means of transportation. "Licensed collector's 49015  
vehicle" means a collector's vehicle, other than an agricultural 49016  
tractor or traction engine, that displays current, valid license 49017  
tags issued under section 4503.45 of the Revised Code, or a 49018  
similar type of motor vehicle that displays current, valid license 49019  
tags issued under substantially equivalent provisions in the laws 49020  
of other states. 49021

(G) "Historical motor vehicle" means any motor vehicle that 49022  
is over twenty-five years old and is owned solely as a collector's 49023  
item and for participation in club activities, exhibitions, tours, 49024  
parades, and similar uses, but that in no event is used for 49025  
general transportation. 49026

(H) "Noncommercial motor vehicle" means any motor vehicle, 49027

including a farm truck as defined in section 4503.04 of the Revised Code, that is designed by the manufacturer to carry a load of no more than one ton and is used exclusively for purposes other than engaging in business for profit.

(I) "Bus" means any motor vehicle that has motor power and is designed and used for carrying more than nine passengers, except any motor vehicle that is designed and used for carrying not more than fifteen passengers in a ridesharing arrangement.

(J) "Commercial car" or "truck" means any motor vehicle that has motor power and is designed and used for carrying merchandise or freight, or that is used as a commercial tractor.

(K) "Bicycle" means every device, other than a tricycle that is designed solely for use as a play vehicle by a child, that is propelled solely by human power upon which any person may ride, and that has two tandem wheels, or one wheel in front and two wheels in the rear, or two wheels in the front and one wheel in the rear, any of which is more than fourteen inches in diameter.

(L) "Motorized bicycle" means any vehicle that either has two tandem wheels or one wheel in the front and two wheels in the rear, that is capable of being pedaled, and that is equipped with a helper motor of not more than fifty cubic centimeters piston displacement that produces no more than one brake horsepower and is capable of propelling the vehicle at a speed of no greater than twenty miles per hour on a level surface.

(M) "Trailer" means any vehicle without motive power that is designed or used for carrying property or persons wholly on its own structure and for being drawn by a motor vehicle, and includes any such vehicle that is formed by or operated as a combination of a semitrailer and a vehicle of the dolly type such as that commonly known as a trailer dolly, a vehicle used to transport agricultural produce or agricultural production materials between

a local place of storage or supply and the farm when drawn or 49059  
towed on a public road or highway at a speed greater than 49060  
twenty-five miles per hour, and a vehicle that is designed and 49061  
used exclusively to transport a boat between a place of storage 49062  
and a marina, or in and around a marina, when drawn or towed on a 49063  
public road or highway for a distance of more than ten miles or at 49064  
a speed of more than twenty-five miles per hour. "Trailer" does 49065  
not include a manufactured home or travel trailer. 49066

(N) "Noncommercial trailer" means any trailer, except a 49067  
travel trailer or trailer that is used to transport a boat as 49068  
described in division (B) of this section, but, where applicable, 49069  
includes a vehicle that is used to transport a boat as described 49070  
in division (M) of this section, that has a gross weight of no 49071  
more than ten thousand pounds, and that is used exclusively for 49072  
purposes other than engaging in business for a profit, such as the 49073  
transportation of personal items for personal or recreational 49074  
purposes. 49075

(O) "Mobile home" means a building unit or assembly of closed 49076  
construction that is fabricated in an off-site facility, is more 49077  
than thirty-five body feet in length or, when erected on site, is 49078  
three hundred twenty or more square feet, is built on a permanent 49079  
chassis, is transportable in one or more sections, and does not 49080  
qualify as a manufactured home as defined in division (C)(4) of 49081  
section 3781.06 of the Revised Code or as an industrialized unit 49082  
as defined in division (C)(3) of section 3781.06 of the Revised 49083  
Code. 49084

(P) "Semitrailer" means any vehicle of the trailer type that 49085  
does not have motive power and is so designed or used with another 49086  
and separate motor vehicle that in operation a part of its own 49087  
weight or that of its load, or both, rests upon and is carried by 49088  
the other vehicle furnishing the motive power for propelling 49089  
itself and the vehicle referred to in this division, and includes, 49090



for the purpose only of registration and taxation under those 49091  
chapters, any vehicle of the dolly type, such as a trailer dolly, 49092  
that is designed or used for the conversion of a semitrailer into 49093  
a trailer. 49094

(Q) "Recreational vehicle" means a vehicular portable 49095  
structure that meets all of the following conditions: 49096

(1) It is designed for the sole purpose of recreational 49097  
travel. 49098

(2) It is not used for the purpose of engaging in business 49099  
for profit. 49100

(3) It is not used for the purpose of engaging in intrastate 49101  
commerce. 49102

(4) It is not used for the purpose of commerce as defined in 49103  
49 C.F.R. 383.5, as amended. 49104

(5) It is not regulated by the public utilities commission 49105  
pursuant to Chapter ~~4919~~ 4905., 4921., or 4923. of the Revised 49106  
Code. 49107

(6) It is classed as one of the following: 49108

(a) "Travel trailer" means a nonself-propelled recreational 49109  
vehicle that does not exceed an overall length of thirty-five 49110  
feet, exclusive of bumper and tongue or coupling, and contains 49111  
less than three hundred twenty square feet of space when erected 49112  
on site. "Travel trailer" includes a tent-type fold-out camping 49113  
trailer as defined in section 4517.01 of the Revised Code. 49114

(b) "Motor home" means a self-propelled recreational vehicle 49115  
that has no fifth wheel and is constructed with permanently 49116  
installed facilities for cold storage, cooking and consuming of 49117  
food, and for sleeping. 49118

(c) "Truck camper" means a nonself-propelled recreational 49119  
vehicle that does not have wheels for road use and is designed to 49120

be placed upon and attached to a motor vehicle. "Truck camper" 49121  
does not include truck covers that consist of walls and a roof, 49122  
but do not have floors and facilities enabling them to be used as 49123  
a dwelling. 49124

(d) "Fifth wheel trailer" means a vehicle that is of such 49125  
size and weight as to be movable without a special highway permit, 49126  
that has a gross trailer area of four hundred square feet or less, 49127  
that is constructed with a raised forward section that allows a 49128  
bi-level floor plan, and that is designed to be towed by a vehicle 49129  
equipped with a fifth-wheel hitch ordinarily installed in the bed 49130  
of a truck. 49131

(e) "Park trailer" means a vehicle that is commonly known as 49132  
a park model recreational vehicle, meets the American national 49133  
standard institute standard A119.5 (1988) for park trailers, is 49134  
built on a single chassis, has a gross trailer area of four 49135  
hundred square feet or less when set up, is designed for seasonal 49136  
or temporary living quarters, and may be connected to utilities 49137  
necessary for the operation of installed features and appliances. 49138

(R) "Pneumatic tires" means tires of rubber and fabric or 49139  
tires of similar material, that are inflated with air. 49140

(S) "Solid tires" means tires of rubber or similar elastic 49141  
material that are not dependent upon confined air for support of 49142  
the load. 49143

(T) "Solid tire vehicle" means any vehicle that is equipped 49144  
with two or more solid tires. 49145

(U) "Farm machinery" means all machines and tools that are 49146  
used in the production, harvesting, and care of farm products, and 49147  
includes trailers that are used to transport agricultural produce 49148  
or agricultural production materials between a local place of 49149  
storage or supply and the farm, agricultural tractors, threshing 49150  
machinery, hay-baling machinery, corn shellers, hammermills, and 49151

machinery used in the production of horticultural, agricultural, 49152  
and vegetable products. 49153

(V) "Owner" includes any person or firm, other than a 49154  
manufacturer or dealer, that has title to a motor vehicle, except 49155  
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 49156  
includes in addition manufacturers and dealers. 49157

(W) "Manufacturer" and "dealer" include all persons and firms 49158  
that are regularly engaged in the business of manufacturing, 49159  
selling, displaying, offering for sale, or dealing in motor 49160  
vehicles, at an established place of business that is used 49161  
exclusively for the purpose of manufacturing, selling, displaying, 49162  
offering for sale, or dealing in motor vehicles. A place of 49163  
business that is used for manufacturing, selling, displaying, 49164  
offering for sale, or dealing in motor vehicles shall be deemed to 49165  
be used exclusively for those purposes even though snowmobiles or 49166  
all-purpose vehicles are sold or displayed for sale thereat, even 49167  
though farm machinery is sold or displayed for sale thereat, or 49168  
even though repair, accessory, gasoline and oil, storage, parts, 49169  
service, or paint departments are maintained thereat, or, in any 49170  
county having a population of less than seventy-five thousand at 49171  
the last federal census, even though a department in a place of 49172  
business is used to dismantle, salvage, or rebuild motor vehicles 49173  
by means of used parts, if such departments are operated for the 49174  
purpose of furthering and assisting in the business of 49175  
manufacturing, selling, displaying, offering for sale, or dealing 49176  
in motor vehicles. Places of business or departments in a place of 49177  
business used to dismantle, salvage, or rebuild motor vehicles by 49178  
means of using used parts are not considered as being maintained 49179  
for the purpose of assisting or furthering the manufacturing, 49180  
selling, displaying, and offering for sale or dealing in motor 49181  
vehicles. 49182

(X) "Operator" includes any person who drives or operates a 49183

motor vehicle upon the public highways. 49184

(Y) "Chauffeur" means any operator who operates a motor 49185  
vehicle, other than a taxicab, as an employee for hire; or any 49186  
operator whether or not the owner of a motor vehicle, other than a 49187  
taxicab, who operates such vehicle for transporting, for gain, 49188  
compensation, or profit, either persons or property owned by 49189  
another. Any operator of a motor vehicle who is voluntarily 49190  
involved in a ridesharing arrangement is not considered an 49191  
employee for hire or operating such vehicle for gain, 49192  
compensation, or profit. 49193

(Z) "State" includes the territories and federal districts of 49194  
the United States, and the provinces of Canada. 49195

(AA) "Public roads and highways" for vehicles includes all 49196  
public thoroughfares, bridges, and culverts. 49197

(BB) "Manufacturer's number" means the manufacturer's 49198  
original serial number that is affixed to or imprinted upon the 49199  
chassis or other part of the motor vehicle. 49200

(CC) "Motor number" means the manufacturer's original number 49201  
that is affixed to or imprinted upon the engine or motor of the 49202  
vehicle. 49203

(DD) "Distributor" means any person who is authorized by a 49204  
motor vehicle manufacturer to distribute new motor vehicles to 49205  
licensed motor vehicle dealers at an established place of business 49206  
that is used exclusively for the purpose of distributing new motor 49207  
vehicles to licensed motor vehicle dealers, except when the 49208  
distributor also is a new motor vehicle dealer, in which case the 49209  
distributor may distribute at the location of the distributor's 49210  
licensed dealership. 49211

(EE) "Ridesharing arrangement" means the transportation of 49212  
persons in a motor vehicle where the transportation is incidental 49213  
to another purpose of a volunteer driver and includes ridesharing 49214

arrangements known as carpools, vanpools, and buspools. 49215

(FF) "Apportionable vehicle" means any vehicle that is used 49216  
or intended for use in two or more international registration plan 49217  
member jurisdictions that allocate or proportionally register 49218  
vehicles, that is used for the transportation of persons for hire 49219  
or designed, used, or maintained primarily for the transportation 49220  
of property, and that meets any of the following qualifications: 49221

(1) Is a power unit having a gross vehicle weight in excess 49222  
of twenty-six thousand pounds; 49223

(2) Is a power unit having three or more axles, regardless of 49224  
the gross vehicle weight; 49225

(3) Is a combination vehicle with a gross vehicle weight in 49226  
excess of twenty-six thousand pounds. 49227

"Apportionable vehicle" does not include recreational 49228  
vehicles, vehicles displaying restricted plates, city pick-up and 49229  
delivery vehicles, buses used for the transportation of chartered 49230  
parties, or vehicles owned and operated by the United States, this 49231  
state, or any political subdivisions thereof. 49232

(GG) "Chartered party" means a group of persons who contract 49233  
as a group to acquire the exclusive use of a passenger-carrying 49234  
motor vehicle at a fixed charge for the vehicle in accordance with 49235  
the carrier's tariff, lawfully on file with the United States 49236  
department of transportation, for the purpose of group travel to a 49237  
specified destination or for a particular itinerary, either agreed 49238  
upon in advance or modified by the chartered group after having 49239  
left the place of origin. 49240

(HH) "International registration plan" means a reciprocal 49241  
agreement of member jurisdictions that is endorsed by the American 49242  
association of motor vehicle administrators, and that promotes and 49243  
encourages the fullest possible use of the highway system by 49244  
authorizing apportioned registration of fleets of vehicles and 49245

recognizing registration of vehicles apportioned in member 49246  
jurisdictions. 49247

(II) "Restricted plate" means a license plate that has a 49248  
restriction of time, geographic area, mileage, or commodity, and 49249  
includes license plates issued to farm trucks under division (J) 49250  
of section 4503.04 of the Revised Code. 49251

(JJ) "Gross vehicle weight," with regard to any commercial 49252  
car, trailer, semitrailer, or bus that is taxed at the rates 49253  
established under section 4503.042 or 4503.65 of the Revised Code, 49254  
means the unladen weight of the vehicle fully equipped plus the 49255  
maximum weight of the load to be carried on the vehicle. 49256

(KK) "Combined gross vehicle weight" with regard to any 49257  
combination of a commercial car, trailer, and semitrailer, that is 49258  
taxed at the rates established under section 4503.042 or 4503.65 49259  
of the Revised Code, means the total unladen weight of the 49260  
combination of vehicles fully equipped plus the maximum weight of 49261  
the load to be carried on that combination of vehicles. 49262

(LL) "Chauffeured limousine" means a motor vehicle that is 49263  
designed to carry nine or fewer passengers and is operated for 49264  
hire on an hourly basis pursuant to a prearranged contract for the 49265  
transportation of passengers on public roads and highways along a 49266  
route under the control of the person hiring the vehicle and not 49267  
over a defined and regular route. "Prearranged contract" means an 49268  
agreement, made in advance of boarding, to provide transportation 49269  
from a specific location in a chauffeured limousine at a fixed 49270  
rate per hour or trip. "Chauffeured limousine" does not include 49271  
any vehicle that is used exclusively in the business of funeral 49272  
directing. 49273

(MM) "Manufactured home" has the same meaning as in division 49274  
(C)(4) of section 3781.06 of the Revised Code. 49275

(NN) "Acquired situs," with respect to a manufactured home or 49276

a mobile home, means to become located in this state by the 49277  
placement of the home on real property, but does not include the 49278  
placement of a manufactured home or a mobile home in the inventory 49279  
of a new motor vehicle dealer or the inventory of a manufacturer, 49280  
remanufacturer, or distributor of manufactured or mobile homes. 49281

(OO) "Electronic" includes electrical, digital, magnetic, 49282  
optical, electromagnetic, or any other form of technology that 49283  
entails capabilities similar to these technologies. 49284

(PP) "Electronic record" means a record generated, 49285  
communicated, received, or stored by electronic means for use in 49286  
an information system or for transmission from one information 49287  
system to another. 49288

(QQ) "Electronic signature" means a signature in electronic 49289  
form attached to or logically associated with an electronic 49290  
record. 49291

(RR) "Financial transaction device" has the same meaning as 49292  
in division (A) of section 113.40 of the Revised Code. 49293

(SS) "Electronic motor vehicle dealer" means a motor vehicle 49294  
dealer licensed under Chapter 4517. of the Revised Code whom the 49295  
registrar of motor vehicles determines meets the criteria 49296  
designated in section 4503.035 of the Revised Code for electronic 49297  
motor vehicle dealers and designates as an electronic motor 49298  
vehicle dealer under that section. 49299

(TT) "Electric personal assistive mobility device" means a 49300  
self-balancing two non-tandem wheeled device that is designed to 49301  
transport only one person, has an electric propulsion system of an 49302  
average of seven hundred fifty watts, and when ridden on a paved 49303  
level surface by an operator who weighs one hundred seventy pounds 49304  
has a maximum speed of less than twenty miles per hour. 49305

(UU) "Limited driving privileges" means the privilege to 49306  
operate a motor vehicle that a court grants under section 4510.021 49307

of the Revised Code to a person whose driver's or commercial 49308  
driver's license or permit or nonresident operating privilege has 49309  
been suspended. 49310

(VV) "Utility vehicle" means a self-propelled vehicle 49311  
designed with a bed, principally for the purpose of transporting 49312  
material or cargo in connection with construction, agricultural, 49313  
forestry, grounds maintenance, lawn and garden, materials 49314  
handling, or similar activities. "Utility vehicle" includes a 49315  
vehicle with a maximum attainable speed of twenty miles per hour 49316  
or less that is used exclusively within the boundaries of state 49317  
parks by state park employees or volunteers for the operation or 49318  
maintenance of state park facilities. 49319

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or 49320  
referred to in division (O) of section 4503.04, division (E) of 49321  
section 4503.042, division (B) of section 4503.07, division (C)(1) 49322  
of section 4503.10, division (D) of section 4503.182, division (A) 49323  
of section 4503.19, division (D)(2) of section 4507.24, division 49324  
(A) of section 4508.06, and sections 4503.40, 4503.42, 4505.11, 49325  
4505.111, 4506.08, 4506.09, 4507.23, 4508.05, ~~4923.12~~, and 5502.12 49326  
of the Revised Code, and the taxes charged in section 4503.65 that 49327  
are distributed in accordance with division (A)(2) of section 49328  
4501.044 of the Revised Code unless otherwise designated by law, 49329  
shall be deposited in the state treasury to the credit of the 49330  
state highway safety fund, which is hereby created, and shall, 49331  
after receipt of certifications from the commissioners of the 49332  
sinking fund certifying that there are sufficient moneys to the 49333  
credit of the highway obligations bond retirement fund created by 49334  
section 5528.32 of the Revised Code to meet in full all payments 49335  
of interest, principal, and charges for the retirement of highway 49336  
obligations issued pursuant to Section 2i of Article VIII, Ohio 49337  
Constitution, and sections 5528.30 and 5528.31 of the Revised Code 49338  
due and payable during the current calendar year, be used for the 49339



purpose of enforcing and paying the expenses of administering the 49340  
law relative to the registration and operation of motor vehicles 49341  
on the public roads or highways. Amounts credited to the fund may 49342  
also be used to pay the expenses of administering and enforcing 49343  
the laws under which such fees were collected. All investment 49344  
earnings of the state highway safety fund shall be credited to the 49345  
fund. 49346

**Sec. 4501.271.** (A)(1) A peace officer, correctional employee, 49347  
or youth services employee may file a written request with the 49348  
bureau of motor vehicles to do either or both of the following: 49349  
49350

(a) Prohibit disclosure of the officer's or employee's 49351  
residence address as contained in motor vehicle records of the 49352  
bureau; 49353

(b) Provide a business address to be displayed on the 49354  
officer's or employee's driver's license or certificate of 49355  
registration, or both. 49356

(2) The officer or employee shall file the request described 49357  
in division (A)(1) of this section on a form provided by the 49358  
registrar of motor vehicles and shall provide any documentary 49359  
evidence verifying the person's status as a peace officer, 49360  
correctional employee, or youth services employee and the 49361  
officer's or employee's business address that the registrar 49362  
requires pursuant to division (G) of this section. 49363

(B)(1) Except as provided in division (C) of this section, if 49364  
a peace officer, correctional employee, or youth services employee 49365  
has filed a request under division (A) of this section, neither 49366  
the registrar nor an employee or contractor of the bureau of motor 49367  
vehicles shall knowingly disclose the residence address of the 49368  
officer or employee that the bureau obtained in connection with a 49369  
motor vehicle record. 49370

(2) In accordance with section 149.43 of the Revised Code, 49371  
the registrar or an employee or contractor of the bureau shall 49372  
make available for inspection or copying a motor vehicle record of 49373  
a peace officer, correctional employee, or youth services employee 49374  
who has filed a request under division (A) of this section if the 49375  
record is a public record under that section, but shall obliterate 49376  
the residence address of the officer or employee from the record 49377  
before making the record available for inspection or copying. The 49378  
business address of the officer or employee may be made available 49379  
in response to a valid request under section 149.43 of the Revised 49380  
Code. 49381

(C) Notwithstanding division (B)(2) of section 4501.27 of the 49382  
Revised Code, the registrar or an employee or contractor of the 49383  
bureau may disclose the residence address of a peace officer, 49384  
correctional employee, or youth services employee who files a 49385  
request under division (A) of this section only in accordance with 49386  
division (B)(1) of section 4501.27 of the Revised Code or pursuant 49387  
to a court order. 49388

(D) If a peace officer, correctional employee, or youth 49389  
services employee files a request under division (A)(1)(b) of this 49390  
section, the officer shall still provide a residence address in 49391  
any application for a driver's license or license renewal and in 49392  
any application for a motor vehicle registration or registration 49393  
renewal. In accordance with sections 4503.101 and 4507.09 of the 49394  
Revised Code, an officer or employee shall notify the registrar of 49395  
any change in the officer's or employee's residence within ten 49396  
days after the change occurs. 49397

(E) A certificate of registration issued to a peace officer, 49398  
correctional employee, or youth services employee who files a 49399  
request under division (A)(1)(b) of this section shall display the 49400  
business address of the officer. Notwithstanding section 4507.13 49401  
of the Revised Code, a driver's license issued to an officer or 49402

employee who files a request under division (A)(1)(b) of this 49403  
section shall display the business address of the officer or 49404  
employee. 49405

(F) The registrar may utilize the residence address of a 49406  
peace officer, correctional employee, or youth services employee 49407  
who files a request under division (A)(1)(b) of this section in 49408  
carrying out the functions of the bureau of motor vehicles, 49409  
including determining the district of registration for any 49410  
applicable motor vehicle tax levied under Chapter 4504. of the 49411  
Revised Code, determining whether tailpipe emissions inspections 49412  
are required, and financial responsibility verification. 49413

(G) The registrar shall adopt rules governing a request for 49414  
confidentiality of a peace officer's, correctional employee's, or 49415  
youth services employee's residence address or use of a business 49416  
address, including the documentary evidence required to verify the 49417  
person's status as a peace officer, correctional employee, or 49418  
youth services employee, the length of time that the request will 49419  
be valid, procedures for ensuring that the bureau of motor 49420  
vehicles receives notice of any change in a person's status as a 49421  
peace officer, correctional employee, or youth services employee, 49422  
and any other procedures the registrar considers necessary. The 49423  
rules of the registrar may require an officer or employee to 49424  
surrender any certificate of registration and any driver's license 49425  
bearing the business address of the officer or employee and, upon 49426  
payment of any applicable fees, to receive a certificate of 49427  
registration and license bearing the officer's or employee's 49428  
residence address, whenever the officer or employee no longer is 49429  
associated with that business address. 49430

(H) As used in this section: 49431

(1) "Motor vehicle record" has the same meaning as in section 49432  
4501.27 of the Revised Code. 49433

(2) "Peace officer" means those persons described in division 49434  
(A)(1), (2), (4), (5), (6), (9), (10), (12), (13), or (15) of 49435  
section 109.71 of the Revised Code, an officer, agent, or employee 49436  
of the state or any of its agencies, instrumentalities, or 49437  
political subdivisions, upon whom, by statute, a duty to conserve 49438  
the peace or to enforce all or certain laws is imposed and the 49439  
authority to arrest violators is conferred, within the limits of 49440  
that statutory duty and authority, an investigator of the bureau 49441  
of criminal identification and investigation as defined in section 49442  
2903.11 of the Revised Code, the house sergeant at arms appointed 49443  
under division (B)(1) of section 101.311 of the Revised Code, ~~and~~ 49444  
any assistant sergeant at arms appointed under division (C)(1) of 49445  
section 101.311 of the Revised Code, the senate sergeant at arms, 49446  
and an assistant senate sergeant at arms. "Peace officer" includes 49447  
state highway patrol troopers but does not include the sheriff of 49448  
a county or a supervisory employee who, in the absence of the 49449  
sheriff, is authorized to stand in for, exercise the authority of, 49450  
and perform the duties of the sheriff. 49451

(3) "Correctional employee" and "youth services employee" 49452  
have the same meanings as in section 149.43 of the Revised Code. 49453

**Sec. 4503.031.** (A)(1) If the registrar of motor vehicles 49454  
determines that space is available at a deputy registrar's office, 49455  
the clerk of the court of common pleas in the county where the 49456  
deputy is located shall be given the opportunity to use the space 49457  
for the purpose of carrying out the clerk's duties related to the 49458  
titling of motor vehicles. Each clerk of the court of common pleas 49459  
using space in a deputy registrar's office shall remit to the 49460  
deputy a rental fee equal to the percentage of space occupied by 49461  
the clerk in the deputy's office multiplied by the rental fee or 49462  
mortgage cost paid for the entire deputy registrar's office plus a 49463  
pro rata share of all utility costs. 49464

(2) If the clerk of the court of common pleas determines that space is available at any location at which the clerk has an office, the clerk shall inform the registrar of that fact and shall provide the registrar with all pertinent information about the available space. After giving due consideration to the locations of deputy registrar offices existing in the county in which the clerk of the court of common pleas is located, the registrar shall inform the appropriate deputy registrars, if any, of the available space of the clerk of the court of common pleas. Each such deputy registrar shall be given the opportunity to use the space for the purpose of carrying out the deputy registrar's duties. Each deputy registrar using space in the office of the clerk of a court of common pleas shall remit to the clerk a rental fee equal to the percentage of space occupied by the deputy registrar in the clerk's office multiplied by the rental fee or mortgage cost, if any, paid for the entire clerk's office plus a pro rata share of all utility costs.

If no current deputy registrar elects to utilize the available space of the clerk of the court of common pleas, the registrar shall inform all persons who express an interest to the registrar in becoming a deputy registrar in that county of the available space of the clerk if the space in fact continues to be available.

(3) A clerk of the court of common pleas and a deputy registrar may elect to occupy a location at which neither the clerk nor the deputy currently is an occupant. Any such arrangement is subject to the approval of the registrar, who shall give due consideration to all issues and aspects of the proposed arrangement, including security at the location and service to the public.

(B) The When possible, as determined by the director of public safety and the registrar ~~and the superintendent of the~~

~~state highway patrol shall cooperate to the fullest extent possible in locating,~~ a driver's license examination station shall be located at or near a deputy registrar's office. For each driver's license examination station located at a deputy registrar's office, the ~~superintendent of the state highway patrol director~~ shall remit to the deputy a rental fee equal to the percentage of space occupied for the driver's license examination station multiplied by the rental fee or mortgage cost paid for the entire deputy registrar's office plus a pro rata share of all utility costs.

(C) During the regular business hours of deputy registrars, the registrar shall keep the central office open and sufficiently staffed to be able to respond to the technical needs of the deputies.

(D) The registrar shall adopt rules to promote public information regarding motor vehicle registration. The rules shall include:

(1) The operation by the registrar, during the regular business hours of deputy registrars, of a toll-free telephone number to give information and receive complaints;

(2) The listing by the registrar, of each deputy registrar, together with the toll-free telephone number required under division (D)(1) of this section, in the local business and advertising telephone directory for the area served by the deputy, under the heading of the bureau of motor vehicles.

**Sec. 4503.061.** (A) All manufactured and mobile homes shall be listed on either the real property tax list or the manufactured home tax list of the county in which the home has situs. Each owner shall follow the procedures in this section to identify the home to the county auditor of the county containing the taxing district in which the home has situs so that the auditor may place

the home on the appropriate tax list. 49528

(B) When a manufactured or mobile home first acquires situs 49529  
in this state and is subject to real property taxation pursuant to 49530  
division (B)(1) or (2) of section 4503.06 of the Revised Code, the 49531  
owner shall present to the auditor of the county containing the 49532  
taxing district in which the home has its situs the certificate of 49533  
title for the home, together with proof that all taxes due have 49534  
been paid and proof that a relocation notice was obtained for the 49535  
home if required under this section. Upon receiving the 49536  
certificate of title and the required proofs, the auditor shall 49537  
place the home on the real property tax list and proceed to treat 49538  
the home as other properties on that list. After the auditor has 49539  
placed the home on the tax list of real and public utility 49540  
property, the auditor shall deliver the certificate of title to 49541  
the clerk of the court of common pleas that issued it pursuant to 49542  
section 4505.11 of the Revised Code, and the clerk shall 49543  
inactivate the certificate of title. 49544

(C)(1) When a manufactured or mobile home subject to a 49545  
manufactured home tax is relocated to or first acquires situs in 49546  
any county that has adopted a permanent manufactured home 49547  
registration system, as provided in division (F) of this section, 49548  
the owner, within thirty days after the home is relocated or first 49549  
acquires situs under section 4503.06 of the Revised Code, shall 49550  
register the home with the county auditor of the county containing 49551  
the taxing district in which the home has its situs. For the first 49552  
registration in each county of situs, the owner or vendee in 49553  
possession shall present to the county auditor an Ohio certificate 49554  
of title, certified copy of the certificate of title, or 49555  
memorandum certificate of title as such are required by law, and 49556  
proof, as required by the county auditor, that the home, if it has 49557  
previously been occupied and is being relocated, has been 49558  
previously registered, that all taxes due and required to be paid 49559

under division (H)(1) of this section before a relocation notice 49560  
may be issued have been paid, and that a relocation notice was 49561  
obtained for the home if required by division (H) of this section. 49562  
If the owner or vendee does not possess the Ohio certificate of 49563  
title, certified copy of the certificate of title, or memorandum 49564  
certificate of title at the time the owner or vendee first 49565  
registers the home in a county, the county auditor shall register 49566  
the home without presentation of the document, but the owner or 49567  
vendee shall present the certificate of title, certified copy of 49568  
the certificate of title, or memorandum certificate of title to 49569  
the county auditor within fourteen days after the owner or vendee 49570  
obtains possession of the document. 49571

(2) When a manufactured or mobile home is registered for the 49572  
first time in a county and when the total tax due has been paid as 49573  
required by division (F) of section 4503.06 of the Revised Code or 49574  
divisions (E) and (H) of this section, the county treasurer shall 49575  
note by writing or by a stamp on the certificate of title, 49576  
certified copy of certificate of title, or memorandum certificate 49577  
of title that the home has been registered and that the taxes due, 49578  
if any, have been paid for the preceding five years and for the 49579  
current year. The treasurer shall then issue a certificate 49580  
evidencing registration and a decal to be displayed on the street 49581  
side of the home. The certificate is valid in any county in this 49582  
state during the year for which it is issued. 49583

(3) For each year thereafter, the county treasurer shall 49584  
issue a tax bill stating the amount of tax due under section 49585  
4503.06 of the Revised Code, as provided in division (D)(6) of 49586  
that section. When the total tax due has been paid as required by 49587  
division (F) of that section, the county treasurer shall issue a 49588  
certificate evidencing registration that shall be valid in any 49589  
county in this state during the year for which the certificate is 49590  
issued. 49591



(4) The permanent decal issued under this division is valid 49592  
during the period of ownership, except that when a manufactured 49593  
home is relocated in another county the owner shall apply for a 49594  
new registration as required by this section and section 4503.06 49595  
of the Revised Code. 49596

(D)(1) All owners of manufactured or mobile homes subject to 49597  
the manufactured home tax being relocated to or having situs in a 49598  
county that has not adopted a permanent registration system, as 49599  
provided in division (F) of this section, shall register the home 49600  
within thirty days after the home is relocated or first acquires 49601  
situs under section 4503.06 of the Revised Code and thereafter 49602  
shall annually register the home with the county auditor of the 49603  
county containing the taxing district in which the home has its 49604  
situs. 49605

(2) Upon the annual registration, the county treasurer shall 49606  
issue a tax bill stating the amount of annual manufactured home 49607  
tax due under section 4503.06 of the Revised Code, as provided in 49608  
division (D)(6) of that section. When a manufactured or mobile 49609  
home is registered and when the tax for the current one-half year 49610  
has been paid as required by division (F) of that section, the 49611  
county treasurer shall issue a certificate evidencing registration 49612  
and a decal. The certificate and decal are valid in any county in 49613  
this state during the year for which they are issued. The decal 49614  
shall be displayed on the street side of the home. 49615

(3) For the first annual registration in each county of 49616  
situs, the county auditor shall require the owner or vendee to 49617  
present an Ohio certificate of title, certified copy of the 49618  
certificate of title, or memorandum certificate of title as such 49619  
are required by law, and proof, as required by the county auditor, 49620  
that the manufactured or mobile home has been previously 49621  
registered, if such registration was required, that all taxes due 49622  
and required to be paid under division (H)(1) of this section 49623

before a relocation notice may be issued have been paid, and that 49624  
a relocation notice was obtained for the home if required by 49625  
division (H) of this section. If the owner or vendee does not 49626  
possess the Ohio certificate of title, certified copy of the 49627  
certificate of title, or memorandum certificate of title at the 49628  
time the owner or vendee first registers the home in a county, the 49629  
county auditor shall register the home without presentation of the 49630  
document, but the owner or vendee shall present the certificate of 49631  
title, certified copy of the certificate of title, or memorandum 49632  
certificate of title to the county auditor within fourteen days 49633  
after the owner or vendee obtains possession of the document. When 49634  
the county treasurer receives the tax payment, the county 49635  
treasurer shall note by writing or by a stamp on the certificate 49636  
of title, certified copy of the certificate of title, or 49637  
memorandum certificate of title that the home has been registered 49638  
for the current year and that the manufactured home taxes due, if 49639  
any, have been paid for the preceding five years and for the 49640  
current year. 49641

(4) For subsequent annual registrations, the auditor may 49642  
require the owner or vendee in possession to present an Ohio 49643  
certificate of title, certified copy of the certificate of title, 49644  
or memorandum certificate of title to the county treasurer upon 49645  
payment of the manufactured home tax that is due. 49646

(E)(1) Upon the application to transfer ownership of a 49647  
manufactured or mobile home for which manufactured home taxes are 49648  
paid pursuant to division (C) of section 4503.06 of the Revised 49649  
Code the clerk of the court of common pleas shall not issue any 49650  
certificate of title that does not contain or have attached both 49651  
of the following: 49652

(a) An endorsement of the county treasurer stating that the 49653  
home has been registered for each year of ownership and that all 49654  
manufactured home taxes imposed pursuant to section 4503.06 of the 49655

Revised Code have been paid or that no tax is due; 49656

(b) An endorsement of the county auditor that the 49657  
manufactured home transfer tax imposed pursuant to section 322.06 49658  
of the Revised Code and any fees imposed under division (G) of 49659  
section 319.54 of the Revised Code have been paid. 49660

(2) If all the taxes have not been paid, the clerk shall 49661  
notify the vendee to contact the county treasurer of the county 49662  
containing the taxing district in which the home has its situs at 49663  
the time of the proposed transfer. The county treasurer shall then 49664  
collect all the taxes that are due for the year of the transfer 49665  
and all previous years not exceeding a total of five years. The 49666  
county treasurer shall distribute that part of the collection owed 49667  
to the county treasurer of other counties if the home had its 49668  
situs in another county during a particular year when the unpaid 49669  
tax became due and payable. The burden to prove the situs of the 49670  
home in the years that the taxes were not paid is on the 49671  
transferor of the home. Upon payment of the taxes, the county 49672  
auditor shall remove all remaining taxes from the manufactured 49673  
home tax list and the delinquent manufactured home tax list, and 49674  
the county treasurer shall release all liens for such taxes. The 49675  
clerk of courts shall issue a certificate of title, free and clear 49676  
of all liens for manufactured home taxes, to the transferee of the 49677  
home. 49678

(3) Once the transfer is complete and the certificate of 49679  
title has been issued, the transferee shall register the 49680  
manufactured or mobile home pursuant to division (C) or (D) of 49681  
this section with the county auditor of the county containing the 49682  
taxing district in which the home remains after the transfer or, 49683  
if the home is relocated to another county, with the county 49684  
auditor of the county to which the home is relocated. The 49685  
transferee need not pay the annual tax for the year of acquisition 49686  
if the original owner has already paid the annual tax for that 49687

year. 49688

(F) The county auditor may adopt a permanent registration 49689  
system and issue a permanent decal with the first registration as 49690  
prescribed by the tax commissioner. 49691

(G) When any manufactured or mobile home required to be 49692  
registered by this section is not registered, the county auditor 49693  
shall impose a penalty of one hundred dollars upon the owner and 49694  
deposit the amount to the credit of the county real estate 49695  
assessment fund to be used to pay the costs of administering this 49696  
section and section 4503.06 of the Revised Code. If unpaid, the 49697  
penalty shall constitute a lien on the home and shall be added by 49698  
the county auditor to the manufactured home tax list for 49699  
collection. 49700

(H)(1) Except as otherwise provided in this division, before 49701  
moving a manufactured or mobile home on public roads from one 49702  
address within this state to another address within or outside 49703  
this state, the owner of the home shall obtain a relocation 49704  
notice, as provided by this section, from the auditor of the 49705  
county in which the home is located if the home is currently 49706  
subject to taxation pursuant to section 4503.06 of the Revised 49707  
Code. The auditor shall charge five dollars for the notice, and 49708  
deposit the amount to the credit of the county real estate 49709  
assessment fund to be used to pay the costs of administering this 49710  
section and section 4503.06 of the Revised Code. The auditor shall 49711  
not issue a relocation notice unless all taxes owed on the home 49712  
under section 4503.06 of the Revised Code that were first charged 49713  
to the home during the period of ownership of the owner seeking 49714  
the relocation notice have been paid. If the home is being moved 49715  
by a new owner of the home or by a party taking repossession of 49716  
the home, the auditor shall not issue a relocation notice unless 49717  
all of the taxes due for the preceding five years and for the 49718  
current year have been paid. A relocation notice issued by a 49719

county auditor is valid until the last day of December of the year 49720  
in which it was issued. 49721

If the home is being moved by a sheriff, police officer, 49722  
constable, bailiff, or manufactured home park operator, as defined 49723  
in section ~~3733.01~~ 4781.01 of the Revised Code, or any agent of 49724  
any of these persons, for purposes of removal from a manufactured 49725  
home park and storage, sale, or destruction under section 1923.14 49726  
of the Revised Code, the auditor shall issue a relocation notice 49727  
without requiring payment of any taxes owed on the home under 49728  
section 4503.06 of the Revised Code. 49729

(2) If a manufactured or mobile home is not yet subject to 49730  
taxation under section 4503.06 of the Revised Code, the owner of 49731  
the home shall obtain a relocation notice from the dealer of the 49732  
home. Within thirty days after the manufactured or mobile home is 49733  
purchased, the dealer of the home shall provide the auditor of the 49734  
county in which the home is to be located written notice of the 49735  
name of the purchaser of the home, the registration number or 49736  
vehicle identification number of the home, and the address or 49737  
location to which the home is to be moved. The county auditor 49738  
shall provide to each manufactured and mobile home dealer, without 49739  
charge, a supply of relocation notices to be distributed to 49740  
purchasers pursuant to this section. 49741

(3) The notice shall be in the form of a one-foot square 49742  
yellow sign with the words "manufactured home relocation notice" 49743  
printed prominently on it. The name of the owner of the home, the 49744  
home's registration number or vehicle identification number, the 49745  
county and the address or location to which the home is being 49746  
moved, and the county in which the notice is issued shall also be 49747  
entered on the notice. 49748

(4) The relocation notice must be attached to the rear of the 49749  
home when the home is being moved on a public road. Except as 49750  
provided in divisions (H)(1) and (5) of this section, no person 49751

shall drive a motor vehicle moving a manufactured or mobile home 49752  
on a public road from one address to another address within this 49753  
state unless a relocation notice is attached to the rear of the 49754  
home. 49755

(5) If the county auditor determines that a manufactured or 49756  
mobile home has been moved without a relocation notice as required 49757  
under this division, the auditor shall impose a penalty of one 49758  
hundred dollars upon the owner of the home and upon the person who 49759  
moved the home and deposit the amount to the credit of the county 49760  
real estate assessment fund to pay the costs of administering this 49761  
section and section 4503.06 of the Revised Code. If the home was 49762  
relocated from one county in this state to another county in this 49763  
state and the county auditor of the county to which the home was 49764  
relocated imposes the penalty, that county auditor, upon 49765  
collection of the penalty, shall cause an amount equal to the 49766  
penalty to be transmitted from the county real estate assessment 49767  
fund to the county auditor of the county from which the home was 49768  
relocated, who shall deposit the amount to the credit of the 49769  
county real estate assessment fund. If the penalty on the owner is 49770  
unpaid, the penalty shall constitute a lien on the home and the 49771  
auditor shall add the penalty to the manufactured home tax list 49772  
for collection. If the county auditor determines that a dealer 49773  
that has sold a manufactured or mobile home has failed to timely 49774  
provide the information required under this division, the auditor 49775  
shall impose a penalty upon the dealer in the amount of one 49776  
hundred dollars. The penalty shall be credited to the county real 49777  
estate assessment fund and used to pay the costs of administering 49778  
this section and section 4503.06 of the Revised Code. 49779

(I) Whoever violates division (H)(4) of this section is 49780  
guilty of a minor misdemeanor. 49781

**Sec. 4503.062.** (A) Every operator of a manufactured home 49782

court, or manufactured home park, as defined in section ~~3733.01~~ 49783  
~~4781.01~~ of the Revised Code, or when there is no operator, every 49784  
owner of property used for such purposes on which three or more 49785  
manufactured or mobile homes are located, shall keep a register of 49786  
all manufactured and mobile homes that make use of the court, 49787  
park, or property. The register shall contain all of the 49788  
following: 49789

(1) The name of the owner and all inhabitants of each home; 49790

(2) The ages of all inhabitants of each home; 49791

(3) The permanent and temporary post office addresses of all 49792  
inhabitants of each home; 49793

(4) The license number of each home; 49794

(5) The state issuing each such license; 49795

(6) The date of arrival and of departure of each home; 49796

(7) The make and model of each home, if known and if either 49797  
of the following applies: 49798

(a) The home enters the court, park, or property on or after 49799  
January 1, 2003. 49800

(b) Ownership of the home in the court or park, or on the 49801  
property, is transferred on or after January 1, 2003. 49802

(B) The register shall be open to inspection by the county 49803  
auditor, the county treasurer, agents of the auditor or treasurer, 49804  
and all law enforcement agencies at all times. 49805

(C) Any person who fails to comply with this section shall be 49806  
fined not less than twenty-five nor more than one hundred dollars. 49807

**Sec. 4503.49.** (A) As used in this section, "ambulance," 49808  
"ambulette," "emergency medical service organization," 49809  
"nonemergency medical service organization," and "nontransport 49810  
vehicle" have the same meanings as in section 4766.01 of the 49811

Revised Code. 49812

(B) Each private emergency medical service organization and 49813  
each private nonemergency medical service organization shall apply 49814  
to the registrar of motor vehicles for the registration of any 49815  
ambulance, ambulette, or nontransport vehicle it owns or leases. 49816  
The application shall be accompanied by a copy of the certificate 49817  
of licensure issued to the organization by the ~~Ohio~~ state board of 49818  
emergency medical, fire, and transportation board services and the 49819  
following fees: 49820

(1) The regular license tax as prescribed under section 49821  
4503.04 of the Revised Code; 49822

(2) Any local license tax levied under Chapter 4504. of the 49823  
Revised Code; 49824

(3) An additional fee of seven dollars and fifty cents. The 49825  
additional fee shall be for the purpose of compensating the bureau 49826  
of motor vehicles for additional services required to be performed 49827  
under this section and shall be transmitted by the registrar to 49828  
the treasurer of state for deposit in the state bureau of motor 49829  
vehicles fund created by section 4501.25 of the Revised Code. 49830

(C) On receipt of a complete application, the registrar shall 49831  
issue to the applicant the appropriate certificate of registration 49832  
for the vehicle and do one of the following: 49833

(1) Issue a set of license plates with a validation sticker 49834  
and a set of stickers to be attached to the plates as an 49835  
identification of the vehicle's classification as an ambulance, 49836  
ambulette, or nontransport vehicle; 49837

(2) Issue a validation sticker alone when so required by 49838  
section 4503.191 of the Revised Code. 49839

**Sec. 4503.81.** As used in the bus taxation proration and 49840



reciprocity agreement authorized by section 4503.80 of the Revised Code, with reference to Ohio, "administrator" means the registrar of motor vehicles.

The registrar may make such exemptions from the coverage of the agreement as may be appropriate and may make such changes in methods for the reporting of any information required to be furnished to this state pursuant to the agreement as, in ~~his~~ the registrar's judgment, are suitable; provided that any such exemptions or changes shall not be contrary to the purposes set forth in article I of the agreement and shall be made in order to permit the continuance of uniformity of practice among the contracting states with respect to buses. Any such exemption or change shall be made by rule adopted under Chapter 119. of the Revised Code. Unless otherwise provided in any statute withdrawing this state from participation in the agreement, the governor shall be the officer to give notice of withdrawal therefrom.

The fees referred to in article IV (a) of the agreement shall include the fees provided in section 4503.04 of the Revised Code and the annual tax provided in section ~~4921.18~~ 4921.19 of the Revised Code. As to the state of Ohio, article V (d) shall mean that all fleets not subject to this compact shall continue to enjoy that reciprocity and those privileges extended by virtue of other provisions of the Revised Code.

Nothing contained herein shall be construed so as to permit a fleet which is prorating under the laws of another state to avoid proration under this compact.

The registrar of motor vehicles shall collect a fee of two dollars per bus for every bus registered under the provisions of article IV (a) for administration of the agreement, in addition to the fees provided in article IV (a).

The registrar of motor vehicles shall assess the operator of

buses registered under the provisions of article IV (a) the actual 49872  
cost of ~~his~~ the registrar's auditing the accuracy of the fees paid 49873  
by the operator in accordance with article IV (a). 49874

The registrar of motor vehicles may renounce the 49875  
participation of this state in the bus taxation proration and 49876  
reciprocity agreement under article VI of section 4503.80 of the 49877  
Revised Code, ~~if he finds~~ after finding that further participation 49878  
in the compact is not in the best interests of the state. The 49879  
registrar shall set forth ~~his~~ the registrar's reasons in writing 49880  
and serve notice of intention to renounce the compact upon the 49881  
owner of each registered fleet. ~~He~~ The registrar shall then 49882  
certify the renunciation to the governor. 49883

**Sec. 4506.01.** As used in this chapter: 49884

(A) "Alcohol concentration" means the concentration of 49885  
alcohol in a person's blood, breath, or urine. When expressed as a 49886  
percentage, it means grams of alcohol per the following: 49887

(1) One hundred milliliters of whole blood, blood serum, or 49888  
blood plasma; 49889

(2) Two hundred ten liters of breath; 49890

(3) One hundred milliliters of urine. 49891

(B) "Commercial driver's license" means a license issued in 49892  
accordance with this chapter that authorizes an individual to 49893  
drive a commercial motor vehicle. 49894

(C) "Commercial driver's license information system" means 49895  
the information system established pursuant to the requirements of 49896  
the "Commercial Motor Vehicle Safety Act of 1986," 100 Stat. 49897  
3207-171, 49 U.S.C.A. App. 2701. 49898

(D) Except when used in section 4506.25 of the Revised Code, 49899  
"commercial motor vehicle" means any motor vehicle designed or 49900  
used to transport persons or property that meets any of the 49901

- following qualifications: 49902
- (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; 49903  
49904  
49905  
49906
- (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; 49907  
49908  
49909  
49910
- (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; 49911  
49912  
49913
- (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; 49914  
49915  
49916
- (5) Is transporting hazardous materials for which placarding is required under subpart F of 49 C.F.R. part 172, as amended; 49917  
49918
- (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. 49919  
49920  
49921  
49922  
49923  
49924
- (E) "Controlled substance" means all of the following: 49925
- (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; 49926  
49927  
49928
- (2) Any substance included in schedules I through V of 21 C.F.R. part 1308, as amended; 49929  
49930
- (3) Any drug of abuse. 49931

(F) "Conviction" means an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal, an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court cost, or violation of a condition of release without bail, regardless of whether or not the penalty is rebated, suspended, or probated.

(G) "Disqualification" means any of the following:

(1) The suspension, revocation, or cancellation of a person's privileges to operate a commercial motor vehicle;

(2) Any withdrawal of a person's privileges to operate a commercial motor vehicle as the result of a violation of state or local law relating to motor vehicle traffic control other than parking, vehicle weight, or vehicle defect violations;

(3) A determination by the federal motor carrier safety administration that a person is not qualified to operate a commercial motor vehicle under 49 C.F.R. 391.

(H) "Downgrade" means any of the following, as applicable:

(1) A change in the commercial driver's license holder's self-certified status as described in division (A)(2) of section 4506.10 of the Revised Code;

(2) A change to a lesser class of vehicle;

(3) Removal of commercial driver's license privileges from the individual's driver's license.

(I) "Drive" means to drive, operate, or be in physical control of a motor vehicle.

(J) "Driver" means any person who drives, operates, or is in physical control of a commercial motor vehicle or is required to

have a commercial driver's license. 49962

(K) "Driver's license" means a license issued by the bureau 49963  
of motor vehicles that authorizes an individual to drive. 49964

(L) "Drug of abuse" means any controlled substance, dangerous 49965  
drug as defined in section 4729.01 of the Revised Code, or 49966  
over-the-counter medication that, when taken in quantities 49967  
exceeding the recommended dosage, can result in impairment of 49968  
judgment or reflexes. 49969

(M) "Electronic device" includes a cellular telephone, a 49970  
personal digital assistant, a pager, a computer, and any other 49971  
device used to input, write, send, receive, or read text. 49972

(N) "Eligible unit of local government" means a village, 49973  
township, or county that has a population of not more than three 49974  
thousand persons according to the most recent federal census. 49975

(O) "Employer" means any person, including the federal 49976  
government, any state, and a political subdivision of any state, 49977  
that owns or leases a commercial motor vehicle or assigns a person 49978  
to drive such a motor vehicle. 49979

(P) "Endorsement" means an authorization on a person's 49980  
commercial driver's license that is required to permit the person 49981  
to operate a specified type of commercial motor vehicle. 49982

(Q) "Farm truck" means a truck controlled and operated by a 49983  
farmer for use in the transportation to or from a farm, for a 49984  
distance of not more than one hundred fifty miles, of products of 49985  
the farm, including livestock and its products, poultry and its 49986  
products, floricultural and horticultural products, and in the 49987  
transportation to the farm, from a distance of not more than one 49988  
hundred fifty miles, of supplies for the farm, including tile, 49989  
fence, and every other thing or commodity used in agricultural, 49990  
floricultural, horticultural, livestock, and poultry production, 49991  
and livestock, poultry, and other animals and things used for 49992

breeding, feeding, or other purposes connected with the operation 49993  
of the farm, when the truck is operated in accordance with this 49994  
division and is not used in the operations of a ~~motor~~ 49995  
~~transportation company or private~~ motor carrier, as defined in 49996  
section 4923.01 of the Revised Code. 49997

(R) "Fatality" means the death of a person as the result of a 49998  
motor vehicle accident occurring not more than three hundred 49999  
sixty-five days prior to the date of death. 50000

(S) "Felony" means any offense under federal or state law 50001  
that is punishable by death or specifically classified as a felony 50002  
under the law of this state, regardless of the penalty that may be 50003  
imposed. 50004

(T) "Foreign jurisdiction" means any jurisdiction other than 50005  
a state. 50006

(U) "Gross vehicle weight rating" means the value specified 50007  
by the manufacturer as the maximum loaded weight of a single or a 50008  
combination vehicle. The gross vehicle weight rating of a 50009  
combination vehicle is the gross vehicle weight rating of the 50010  
power unit plus the gross vehicle weight rating of each towed 50011  
unit. 50012

(V) "Hazardous materials" means any material that has been 50013  
designated as hazardous under 49 U.S.C. 5103 and is required to be 50014  
placarded under subpart F of 49 C.F.R. part 172 or any quantity of 50015  
a material listed as a select agent or toxin in 42 C.F.R. part 73, 50016  
as amended. 50017

(W) "Imminent hazard" means the existence of a condition that 50018  
presents a substantial likelihood that death, serious illness, 50019  
severe personal injury, or a substantial endangerment to health, 50020  
property, or the environment may occur before the reasonably 50021  
foreseeable completion date of a formal proceeding begun to lessen 50022  
the risk of that death, illness, injury, or endangerment. 50023

(X) "Medical variance" means one of the following received by a driver from the federal motor carrier safety administration that allows the driver to be issued a medical certificate:

(1) An exemption letter permitting operation of a commercial motor vehicle under 49 C.F.R. 381, subpart C or 49 C.F.R. 391.64;

(2) A skill performance evaluation certificate permitting operation of a commercial motor vehicle pursuant to 49 C.F.R. 391.49.

(Y) "Motor vehicle" means a vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power used on highways, except that such term does not include a vehicle, machine, tractor, trailer, or semitrailer operated exclusively on a rail.

(Z) "Out-of-service order" means a declaration by an authorized enforcement officer of a federal, state, local, Canadian, or Mexican jurisdiction declaring that a driver, commercial motor vehicle, or commercial motor carrier operation is out of service as defined in 49 C.F.R. 390.5.

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

(BB) "Portable tank" means a liquid or gaseous packaging designed primarily to be loaded onto or temporarily attached to a vehicle and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means.

(CC) "Public safety vehicle" has the same meaning as in divisions (E)(1) and (3) of section 4511.01 of the Revised Code.

(DD) "Recreational vehicle" includes every vehicle that is defined as a recreational vehicle in section 4501.01 of the Revised Code and is used exclusively for purposes other than engaging in business for profit.

(EE) "Residence" means any person's residence determined in accordance with standards prescribed in rules adopted by the registrar. 50054  
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(FF) "School bus" has the same meaning as in section 4511.01 of the Revised Code. 50057  
50058

(GG) "Serious traffic violation" means any of the following: 50059

(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; 50060  
50061  
50062

(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; 50063  
50064  
50065  
50066  
50067

(3) A conviction arising from the operation of any motor vehicle that involves any of the following: 50068  
50069

(a) A single charge of any speed in excess of the posted speed limit by fifteen miles per hour or more; 50070  
50071

(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; 50072  
50073  
50074

(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; 50075  
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50078

(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 50079  
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license with the proper class or endorsement for the specific 50084  
vehicle group being operated or for the passengers or type of 50085  
cargo being transported; 50086

(e) Violation of section 4506.03 of the Revised Code or a 50087  
substantially similar municipal ordinance or county or township 50088  
resolution, or of any similar law of another state or political 50089  
subdivision of another state, that involves the operation of a 50090  
commercial motor vehicle without a valid commercial driver's 50091  
license being in the person's possession; 50092

(f) Violation of section 4511.33 or 4511.34 of the Revised 50093  
Code, or any municipal ordinance or county or township resolution 50094  
substantially similar to either of those sections, or any 50095  
substantially similar law of another state or political 50096  
subdivision of another state; 50097

(g) Violation of any other law of this state or an ordinance 50098  
or resolution relating to traffic control, other than a parking 50099  
violation, that is determined to be a serious traffic violation by 50100  
the United States secretary of transportation and the director 50101  
designates as such by rule. 50102

(HH) "State" means a state of the United States and includes 50103  
the District of Columbia. 50104

(II) "Tank vehicle" means any commercial motor vehicle that 50105  
is designed to transport any liquid and has a maximum capacity 50106  
greater than one hundred nineteen gallons or is designed to 50107  
transport gaseous materials and has a water capacity greater than 50108  
one thousand pounds within a tank that is either permanently or 50109  
temporarily attached to the vehicle or its chassis. "Tank vehicle" 50110  
does not include any of the following: 50111

(1) Any portable tank having a rated capacity of less than 50112  
one thousand gallons; 50113

(2) Tanks used exclusively as a fuel tank for the motor 50114

vehicle to which it is attached;	50115
(3) An empty storage container tank that is not designed for transportation and that is readily distinguishable from a transportation tank;	50116 50117 50118
(4) Ready-mix concrete mixers.	50119
(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.	50120 50121 50122
(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:	50123 50124 50125 50126 50127 50128
(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;	50129 50130 50131 50132 50133
(2) Inputting, selecting, or reading information on a global positioning system or navigation system.	50134 50135
(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.	50136 50137 50138 50139 50140 50141 50142 50143
(MM) "United States" means the fifty states and the District	50144

of Columbia. 50145

(NN) "Upgrade" means a change in the class of vehicles, 50146  
endorsements, or self-certified status as described in division 50147  
(A)(2) of section 4506.10 of the Revised Code, that expands the 50148  
ability of a current commercial driver's license holder to operate 50149  
commercial motor vehicles under this chapter; 50150

(OO) "Vehicle" has the same meaning as in section 4511.01 of 50151  
the Revised Code. 50152

**Sec. 4506.03.** (A) Except as provided in divisions (B) and (C) 50153  
of this section, the following shall apply: 50154

(1) No person shall drive a commercial motor vehicle on a 50155  
highway in this state unless the person holds, and has in the 50156  
person's possession, a valid commercial driver's license with 50157  
proper endorsements for the motor vehicle being driven, issued by 50158  
the registrar of motor vehicles, a valid examiner's commercial 50159  
driving permit issued under section 4506.13 of the Revised Code, a 50160  
valid restricted commercial driver's license and waiver for 50161  
farm-related service industries issued under section 4506.24 of 50162  
the Revised Code, or a valid commercial driver's license temporary 50163  
instruction permit issued by the registrar and is accompanied by 50164  
an authorized state driver's license examiner or tester or a 50165  
person who has been issued and has in the person's immediate 50166  
possession a current, valid commercial driver's license with 50167  
proper endorsements for the motor vehicle being driven. 50168

(2) No person shall be issued a commercial driver's license 50169  
until the person surrenders to the registrar of motor vehicles all 50170  
valid licenses issued to the person by another jurisdiction 50171  
recognized by this state. The registrar shall report the surrender 50172  
of a license to the issuing authority, together with information 50173  
that a license is now issued in this state. The registrar shall 50174  
destroy any such license that is not returned to the issuing 50175

authority. 50176

(3) No person who has been a resident of this state for 50177  
thirty days or longer shall drive a commercial motor vehicle under 50178  
the authority of a commercial driver's license issued by another 50179  
jurisdiction. 50180

(B) Nothing in division (A) of this section applies to any 50181  
qualified person when engaged in the operation of any of the 50182  
following: 50183

(1) A farm truck; 50184

(2) Fire equipment for a fire department, volunteer or 50185  
nonvolunteer fire company, fire district, or joint fire district; 50186

(3) A public safety vehicle used to provide transportation or 50187  
emergency medical service for ill or injured persons; 50188

(4) A recreational vehicle; 50189

(5) A commercial motor vehicle within the boundaries of an 50190  
eligible unit of local government, if the person is employed by 50191  
the eligible unit of local government and is operating the 50192  
commercial motor vehicle for the purpose of removing snow or ice 50193  
from a roadway by plowing, sanding, or salting, but only if either 50194  
the employee who holds a commercial driver's license issued under 50195  
this chapter and ordinarily operates a commercial motor vehicle 50196  
for these purposes is unable to operate the vehicle, or the 50197  
employing eligible unit of local government determines that a snow 50198  
or ice emergency exists that requires additional assistance; 50199

(6) A vehicle operated for military purposes by any member or 50200  
uniformed employee of the armed forces of the United States or 50201  
their reserve components, including the Ohio national guard. This 50202  
exception does not apply to United States reserve technicians. 50203

(7) A commercial motor vehicle that is operated for 50204  
nonbusiness purposes. "Operated for nonbusiness purposes" means 50205

that the commercial motor vehicle is not used in commerce as 50206  
"commerce" is defined in 49 C.F.R. 383.5, as amended, and is not 50207  
regulated by the public utilities commission pursuant to Chapter 50208  
~~4919~~ 4905., 4921., or 4923. of the Revised Code. 50209

(8) A motor vehicle that is designed primarily for the 50210  
transportation of goods and not persons, while that motor vehicle 50211  
is being used for the occasional transportation of personal 50212  
property by individuals not for compensation and not in the 50213  
furtherance of a commercial enterprise; 50214

(9) A police SWAT team vehicle; 50215

(10) A police vehicle used to transport prisoners. 50216

(C) Nothing contained in division (B)(5) of this section 50217  
shall be construed as preempting or superseding any law, rule, or 50218  
regulation of this state concerning the safe operation of 50219  
commercial motor vehicles. 50220

(D) Whoever violates this section is guilty of a misdemeanor 50221  
of the first degree. 50222

**Sec. 4506.22.** (A) The director of public safety and the 50223  
registrar of motor vehicles, subject to approval by the director, 50224  
may, in accordance with Chapter 119. of the Revised Code, adopt 50225  
any rules necessary to carry out this chapter. 50226

(B) The department of public safety may do all of the 50227  
following: 50228

(1) Enter into or make any agreements, arrangements, or 50229  
declarations necessary to carry out this chapter; 50230

(2) Charge a fee for all publications that is equal to the 50231  
cost of printing the publications. 50232

(C) Nothing in this chapter shall be construed to restrict 50233  
the authority of the public utilities commission specified in 50234

Chapters 4905., 4921., and 4923. of the Revised Code regarding 50235  
safety rules applicable to motor carriers. 50236

**Sec. 4506.25.** (A) As used in this section, "commercial motor 50237  
vehicle" means any self-propelled or towed vehicle used on public 50238  
highways in intrastate or interstate commerce to transport 50239  
passengers or property that meets any of the following 50240  
specifications: 50241

(1) The vehicle has a gross vehicle weight rating or gross 50242  
combination weight rating of ten thousand one pounds or more. 50243

(2) The vehicle is designed to transport sixteen or more 50244  
passengers, including the driver. 50245

(3) The vehicle is used in the transportation of hazardous 50246  
materials in a quantity requiring placarding under the regulations 50247  
issued by the United States secretary of transportation under the 50248  
"Hazardous Materials Transportation Act," 88 Stat. 2156 (1975), 49 50249  
U.S.C.A. 1801, as amended. 50250

(B) The registrar of motor vehicles shall disqualify any 50251  
person from operating a commercial motor vehicle who receives a 50252  
notice of a conviction for violation of an out-of-service order 50253  
issued under rules of the public utilities commission adopted 50254  
pursuant to ~~section 4919.79, 4921.04~~ Chapter 4905., 4921., or 50255  
~~4923.20~~ 4923. of the Revised Code, or a conviction for a violation 50256  
of the same or similar laws of another state or jurisdiction 50257  
applicable to vehicles in regulated commerce. 50258

**Sec. 4507.01.** (A) As used in this chapter, "motor vehicle," 50259  
"motorized bicycle," "state," "owner," "operator," "chauffeur," 50260  
and "highways" have the same meanings as in section 4501.01 of the 50261  
Revised Code. 50262

"Driver's license" means a class D license issued to any 50263  
person to operate a motor vehicle or motor-driven cycle, other 50264

than a commercial motor vehicle, and includes "probationary license," "restricted license," and any operator's or chauffeur's license issued before January 1, 1990.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

"Probationary motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person between fourteen and sixteen years of age to operate a motorized bicycle.

"Identification card" means a card issued under sections 4507.50 and 4507.51 of the Revised Code.

"Resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a permanent basis.

"Temporary resident" means a person who, in accordance with standards prescribed in rules adopted by the registrar, resides in this state on a temporary basis.

(B) In the administration of this chapter and Chapter 4506. 50295  
of the Revised Code, the registrar has the same authority as is 50296  
conferred on the registrar by section 4501.02 of the Revised Code. 50297  
Any act of an authorized deputy registrar of motor vehicles under 50298  
direction of the registrar is deemed the act of the registrar. 50299

To carry out this chapter, the registrar shall appoint such 50300  
deputy registrars in each county as are necessary. 50301

The registrar also shall provide at each place where an 50302  
application for a driver's or commercial driver's license or 50303  
identification card may be made the necessary equipment to take a 50304  
color photograph of the applicant for such license or card as 50305  
required under section 4506.11 or 4507.06 of the Revised Code, and 50306  
to conduct the vision screenings required by section 4507.12 of 50307  
the Revised Code, and equipment to laminate licenses, motorized 50308  
bicycle licenses, and identification cards as required by sections 50309  
4507.13, 4507.52, and 4511.521 of the Revised Code. 50310

The registrar shall assign one or more deputy registrars to 50311  
any driver's license examining station operated under the 50312  
supervision of the ~~state highway patrol~~ director of public safety, 50313  
whenever the registrar considers such assignment possible. Space 50314  
shall be provided in the driver's license examining station for 50315  
any such deputy registrar so assigned. The deputy registrars shall 50316  
not exercise the powers conferred by such sections upon the 50317  
registrar, unless they are specifically authorized to exercise 50318  
such powers by such sections. 50319

(C) No agent for any insurance company, writing automobile 50320  
insurance, shall be appointed deputy registrar, and any such 50321  
appointment is void. No deputy registrar shall in any manner 50322  
solicit any form of automobile insurance, nor in any manner 50323  
advise, suggest, or influence any licensee or applicant for 50324  
license for or against any kind or type of automobile insurance, 50325  
insurance company, or agent, nor have the deputy registrar's 50326



office directly connected with the office of any automobile 50327  
insurance agent, nor impart any information furnished by any 50328  
applicant for a license or identification card to any person, 50329  
except the registrar. This division shall not apply to any 50330  
nonprofit corporation appointed deputy registrar. 50331

(D) The registrar shall immediately remove a deputy registrar 50332  
who violates the requirements of this chapter. 50333

(E) The registrar shall periodically solicit bids and enter 50334  
into a contract for the provision of laminating equipment and 50335  
laminating materials to the registrar and all deputy registrars. 50336  
The registrar shall not consider any bid that does not provide for 50337  
the supplying of both laminating equipment and laminating 50338  
materials. The laminating materials selected shall contain a 50339  
security feature so that any tampering with the laminating 50340  
material covering a license or identification card is readily 50341  
apparent. In soliciting bids and entering into a contract for the 50342  
provision of laminating equipment and laminating materials, the 50343  
registrar shall observe all procedures required by law. 50344

**Sec. 4507.011.** (A) Each deputy registrar assigned to a 50345  
driver's license examining station by the registrar of motor 50346  
vehicles as provided in section 4507.01 of the Revised Code shall 50347  
remit to the ~~superintendent director~~ of the ~~state highway patrol~~ 50348  
public safety a rental fee equal to the percentage of space 50349  
occupied by the deputy registrar in the driver's license examining 50350  
station multiplied by the rental fee paid for the entire driver's 50351  
license examining station plus a pro rata share of all utility 50352  
costs. All such moneys received by the ~~superintendent director~~ 50353  
shall be deposited in the state treasury to the credit of the 50354  
registrar rental fund, which is hereby created. The moneys in the 50355  
fund shall be used by the ~~state highway patrol~~ department of 50356  
public safety only to pay the rent and expenses of the driver's 50357

license examining stations. All investment earnings of the fund 50358  
shall be credited to the fund. 50359

(B) Each deputy registrar assigned to a bureau of motor 50360  
vehicles' location shall reimburse the registrar a monthly 50361  
building rental fee, including applicable utility charges. All 50362  
such moneys received by the registrar shall be deposited into the 50363  
state bureau of motor vehicles fund created in section 4501.25 of 50364  
the Revised Code. 50365

**Sec. 4507.12.** (A) Except as provided in division (C) of 50366  
section 4507.10 of the Revised Code, each person applying for the 50367  
renewal of a driver's license shall submit to a screening of the 50368  
person's vision before the license may be renewed. The vision 50369  
screening shall be conducted at the office of the deputy registrar 50370  
receiving the application for license renewal. 50371

(B) When the results of a vision screening given under 50372  
division (A) of this section indicate that the vision of the 50373  
person examined meets the standards required for licensing, the 50374  
deputy registrar may renew the person's driver's license at that 50375  
time. 50376

(C) When the results of a vision screening given under 50377  
division (A) of this section indicate that the vision of the 50378  
person screened may not meet the standards required for licensing, 50379  
the deputy registrar shall not renew the person's driver's license 50380  
at that time but shall refer the person to a driver's license 50381  
examiner appointed by the ~~superintendent~~ director of ~~the state~~ 50382  
~~highway patrol~~ public safety under section ~~5503.21~~ 5502.05 of the 50383  
Revised Code for a further examination of the person's vision. 50384  
When a person referred to a driver's license examiner by a deputy 50385  
registrar does not meet the vision standards required for 50386  
licensing, the driver's license examiner shall retain the person's 50387  
operator's or chauffeur's license and shall immediately notify the 50388

registrar of motor vehicles of that fact. No driver's license 50389  
shall be issued to any such person, until the person's vision is 50390  
corrected to meet the standards required for licensing and the 50391  
person passes the vision screening required by this section. Any 50392  
person who operates a motor vehicle on a highway, or on any public 50393  
or private property used by the public for purposes of vehicular 50394  
travel or parking, during the time the person's driver's license 50395  
is held by a driver's license examiner under this division, shall 50396  
be deemed to be operating a motor vehicle in violation of division 50397  
(A) of section 4510.12 of the Revised Code. 50398

(D) The registrar shall adopt rules and shall provide any 50399  
forms necessary to properly conduct vision screenings at the 50400  
office of a deputy registrar. 50401

(E) No person conducting vision screenings under this section 50402  
shall be personally liable for damages for injury or loss to 50403  
persons or property and for death caused by the operation of a 50404  
motor vehicle by any person whose driver's license was renewed by 50405  
the deputy registrar under division (B) of this section. 50406

**Sec. 4507.51.** (A)(1) Every application for an identification 50407  
card or duplicate shall be made on a form furnished by the 50408  
registrar of motor vehicles, shall be signed by the applicant, and 50409  
by the applicant's parent or guardian if the applicant is under 50410  
eighteen years of age, and shall contain the following information 50411  
pertaining to the applicant: name, date of birth, sex, general 50412  
description including the applicant's height, weight, hair color, 50413  
and eye color, address, and social security number. The 50414  
application also shall state whether an applicant wishes to 50415  
certify willingness to make an anatomical gift under section 50416  
2108.05 of the Revised Code and shall include information about 50417  
the requirements of sections 2108.01 to 2108.29 of the Revised 50418  
Code that apply to persons who are less than eighteen years of 50419

age. The statement regarding willingness to make such a donation 50420  
shall be given no consideration in the decision of whether to 50421  
issue an identification card. Each applicant shall be photographed 50422  
in color at the time of making application. 50423

(2)(a) The application also shall state whether the applicant 50424  
has executed a valid durable power of attorney for health care 50425  
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 50426  
executed a declaration governing the use or continuation, or the 50427  
withholding or withdrawal, of life-sustaining treatment pursuant 50428  
to sections 2133.01 to 2133.15 of the Revised Code and, if the 50429  
applicant has executed either type of instrument, whether the 50430  
applicant wishes the identification card issued to indicate that 50431  
the applicant has executed the instrument. 50432

(b) On and after October 7, 2009, the application also shall 50433  
state whether the applicant is a veteran, active duty, or 50434  
reservist of the armed forces of the United States and, if the 50435  
applicant is such, whether the applicant wishes the identification 50436  
card issued to indicate that the applicant is a veteran, active 50437  
duty, or reservist of the armed forces of the United States by a 50438  
military designation on the identification card. 50439

(3) The registrar or deputy registrar, in accordance with 50440  
section 3503.11 of the Revised Code, shall register as an elector 50441  
any person who applies for an identification card or duplicate if 50442  
the applicant is eligible and wishes to be registered as an 50443  
elector. The decision of an applicant whether to register as an 50444  
elector shall be given no consideration in the decision of whether 50445  
to issue the applicant an identification card or duplicate. 50446

(B) The application for an identification card or duplicate 50447  
shall be filed in the office of the registrar or deputy registrar. 50448  
Each applicant shall present documentary evidence as required by 50449  
the registrar of the applicant's age and identity, and the 50450  
applicant shall swear that all information given is true. An 50451

identification card issued by the department of rehabilitation and 50452  
correction under section 5120.59 of the Revised Code or an 50453  
identification card issued by the department of youth services 50454  
under section 5139.511 of the Revised Code shall be sufficient 50455  
documentary evidence under this division upon verification of the 50456  
applicant's social security number by the registrar or a deputy 50457  
registrar. Upon issuing an identification card under this section 50458  
for a person who has been issued an identification card under 50459  
section 5120.59 or section 5139.511 of the Revised Code, the 50460  
registrar or deputy registrar shall destroy the identification 50461  
card issued under section 5120.59 or section 5139.511 of the 50462  
Revised Code. 50463

All applications for an identification card or duplicate 50464  
shall be filed in duplicate, and if submitted to a deputy 50465  
registrar, a copy shall be forwarded to the registrar. The 50466  
registrar shall prescribe rules for the manner in which a deputy 50467  
registrar is to file and maintain applications and other records. 50468  
The registrar shall maintain a suitable, indexed record of all 50469  
applications denied and cards issued or canceled. 50470

(C) In addition to any other information it contains, on and 50471  
after the date that is fifteen months after ~~the effective date of~~ 50472  
~~this amendment~~ April 7, 2009, the form furnished by the registrar 50473  
of motor vehicles for an application for an identification card or 50474  
duplicate shall inform applicants that the applicant must present 50475  
a copy of the applicant's DD-214 or an equivalent document in 50476  
order to qualify to have the card or duplicate indicate that the 50477  
applicant is an honorably discharged veteran of the armed forces 50478  
of the United States based on a request made pursuant to division 50479  
(A)(2)(b) of this section. 50480

**Sec. 4508.02.** (A)(1) The director of public safety, subject 50481  
to Chapter 119. of the Revised Code, shall adopt and prescribe 50482

such rules concerning the administration and enforcement of this 50483  
chapter as are necessary to protect the public. The director shall 50484  
inspect the school facilities and equipment of applicants and 50485  
licensees and examine applicants for instructor's licenses. 50486

(2) The director shall adopt rules governing online driver 50487  
education courses that may be completed via the internet to 50488  
satisfy the classroom instruction under division (C) of this 50489  
section. The rules shall do all of the following: 50490

(a) Establish standards that an online driver training 50491  
enterprise must satisfy to be licensed to offer an online driver 50492  
education course via the internet, including, at a minimum, proven 50493  
expertise in providing driver education and an acceptable 50494  
infrastructure capable of providing secure online driver education 50495  
in accord with advances in internet technology. The rules shall 50496  
allow an online driver training enterprise to be affiliated with a 50497  
licensed driver training school offering in-person classroom 50498  
instruction, but shall not require such an affiliation. 50499

(b) Establish content requirements that an online driver 50500  
education course must satisfy to be approved as equivalent to 50501  
twenty-four hours of in-person classroom instruction; 50502

(c) Establish attendance standards, including a maximum 50503  
number of course hours that may be completed in a twenty-four-hour 50504  
period; 50505

(d) Allow an enrolled applicant to begin the required eight 50506  
hours of actual behind-the-wheel instruction upon completing at 50507  
least two hours of course instruction and being issued a 50508  
certificate of enrollment by a licensed online driver training 50509  
enterprise; 50510

(e) Establish any other requirements necessary to regulate 50511  
online driver education. 50512

(B) The director shall administer and enforce this chapter. 50513

(C) The rules shall require twenty-four hours of in-person 50514  
classroom instruction or completion of an approved, equivalent 50515  
online driver education course offered via the internet by a 50516  
licensed online driver training enterprise, and eight hours of 50517  
actual behind-the-wheel instruction conducted on public streets 50518  
and highways of this state for all beginning drivers of 50519  
noncommercial motor vehicles who are under age eighteen. 50520

(D) The rules shall state the minimum hours for classroom and 50521  
behind-the-wheel instruction required for beginning drivers of 50522  
commercial trucks, commercial cars, buses, and commercial 50523  
tractors, trailers, and ~~semi-trailers~~ semitrailers. 50524

(E)(1) The department of public safety may charge a fee to 50525  
each online driver training enterprise in an amount sufficient to 50526  
pay the actual expenses the department incurs in the regulation of 50527  
online driver education courses. 50528

(2) The department shall supply to each licensed online 50529  
driver training enterprise certificates to be used for certifying 50530  
an applicant's enrollment in an approved online driver education 50531  
course and a separate certificate to be issued upon successful 50532  
completion of an approved online driver education course. The 50533  
certificates shall be numbered serially. The department may charge 50534  
a fee to each online driver training enterprise per certificate 50535  
supplied to pay the actual expenses the department incurs in 50536  
supplying the certificates. 50537

**Sec. 4510.037.** (A) When the registrar of motor vehicles 50538  
determines that the total points charged against any person under 50539  
section 4510.036 of the Revised Code exceed five, the registrar 50540  
shall send a warning letter to the person at the person's last 50541  
known address by regular mail. The warning letter shall list the 50542  
reported violations that are the basis of the points charged, list 50543  
the number of points charged for each violation, and outline the 50544

suspension provisions of this section. 50545

(B) When the registrar determines that the total points 50546  
charged against any person under section 4510.036 of the Revised 50547  
Code within any two-year period beginning on the date of the first 50548  
conviction within the two-year period is equal to twelve or more, 50549  
the registrar shall send a written notice to the person at the 50550  
person's last known address by regular mail. The notice shall list 50551  
the reported violations that are the basis of the points charged, 50552  
list the number of points charged for each violation, and state 50553  
that, because the total number of points charged against the 50554  
person within the applicable two-year period is equal to twelve or 50555  
more, the registrar is imposing a class D suspension of the 50556  
person's driver's or commercial driver's license or permit or 50557  
nonresident operating privileges for the period of time specified 50558  
in division (B)(4) of section 4510.02 of the Revised Code. The 50559  
notice also shall state that the suspension is effective on the 50560  
twentieth day after the mailing of the notice, unless the person 50561  
files a petition appealing the determination and suspension in the 50562  
municipal court, county court, or, if the person is under the age 50563  
of eighteen, the juvenile division of the court of common pleas in 50564  
whose jurisdiction the person resides or, if the person is not a 50565  
resident of this state, in the Franklin county municipal court or 50566  
juvenile division of the Franklin county court of common pleas. By 50567  
filing the appeal of the determination and suspension, the person 50568  
agrees to pay the cost of the proceedings in the appeal of the 50569  
determination and suspension and alleges that the person can show 50570  
cause why the person's driver's or commercial driver's license or 50571  
permit or nonresident operating privileges should not be 50572  
suspended. 50573

(C)(1) Any person against whom at least two but less than 50574  
twelve points have been charged under section 4510.036 of the 50575  
Revised Code may enroll in a course of remedial driving 50576



instruction that is approved by the director of public safety. 50577  
Upon the person's completion of an approved course of remedial 50578  
driving instruction, the person may apply to the registrar on a 50579  
form prescribed by the registrar for a credit of two points on the 50580  
person's driving record. Upon receipt of the application and proof 50581  
of completion of the approved remedial driving course, the 50582  
registrar shall approve the two-point credit. The registrar shall 50583  
not approve any credits for a person who completes an approved 50584  
course of remedial driving instruction pursuant to a judge's order 50585  
under section 4510.02 of the Revised Code. 50586

(2) In any three-year period, the registrar shall approve 50587  
only one two-point credit on a person's driving record under 50588  
division (C)(1) of this section. The registrar shall approve not 50589  
more than five two-point credits on a person's driving record 50590  
under division (C)(1) of this section during that person's 50591  
lifetime. 50592

(D) When a judge of a court of record suspends a person's 50593  
driver's or commercial driver's license or permit or nonresident 50594  
operating privilege and charges points against the person under 50595  
section 4510.036 of the Revised Code for the offense that resulted 50596  
in the suspension, the registrar shall credit that period of 50597  
suspension against the time of any subsequent suspension imposed 50598  
under this section for which those points were used to impose the 50599  
subsequent suspension. When a United States district court that 50600  
has jurisdiction within this state suspends a person's driver's or 50601  
commercial driver's license or permit or nonresident operating 50602  
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 50603  
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 50604  
prepares an abstract pursuant to section 4510.031 of the Revised 50605  
Code, and the district court charges points against the person 50606  
under section 4510.036 of the Revised Code for the offense that 50607  
resulted in the suspension, the registrar shall credit the period 50608

of suspension imposed by the district court against the time of 50609  
any subsequent suspension imposed under this section for which the 50610  
points were used to impose the subsequent suspension. 50611

(E) The registrar, upon the written request of a licensee who 50612  
files a petition under division (B) of this section, shall furnish 50613  
the licensee a certified copy of the registrar's record of the 50614  
convictions and bond forfeitures of the person. This record shall 50615  
include the name, address, and date of birth of the licensee; the 50616  
name of the court in which each conviction or bail forfeiture took 50617  
place; the nature of the offense that was the basis of the 50618  
conviction or bond forfeiture; and any other information that the 50619  
registrar considers necessary. If the record indicates that twelve 50620  
points or more have been charged against the person within a 50621  
two-year period, it is prima-facie evidence that the person is a 50622  
repeat traffic offender, and the registrar shall suspend the 50623  
person's driver's or commercial driver's license or permit or 50624  
nonresident operating privilege pursuant to division (B) of this 50625  
section. 50626

In hearing the petition and determining whether the person 50627  
filing the petition has shown cause why the person's driver's or 50628  
commercial driver's license or permit or nonresident operating 50629  
privilege should not be suspended, the court shall decide the 50630  
issue on the record certified by the registrar and any additional 50631  
relevant, competent, and material evidence that either the 50632  
registrar or the person whose license is sought to be suspended 50633  
submits. 50634

(F) If a petition is filed under division (B) of this section 50635  
in a county court, the prosecuting attorney of the county in which 50636  
the case is pending shall represent the registrar in the 50637  
proceedings, except that, if the petitioner resides in a municipal 50638  
corporation within the jurisdiction of the county court, the city 50639  
director of law, village solicitor, or other chief legal officer 50640

of the municipal corporation shall represent the registrar in the 50641  
proceedings. If a petition is filed under division (B) of this 50642  
section in a municipal court, the registrar shall be represented 50643  
in the resulting proceedings as provided in section 1901.34 of the 50644  
Revised Code. 50645

(G) If the court determines from the evidence submitted that 50646  
a person who filed a petition under division (B) of this section 50647  
has failed to show cause why the person's driver's or commercial 50648  
driver's license or permit or nonresident operating privileges 50649  
should not be suspended, the court shall assess against the person 50650  
the cost of the proceedings in the appeal of the determination and 50651  
suspension and shall impose the applicable suspension under this 50652  
section or suspend all or a portion of the suspension and impose 50653  
any conditions upon the person that the court considers proper or 50654  
impose upon the person a community control sanction pursuant to 50655  
section 2929.15 or 2929.25 of the Revised Code. If the court 50656  
determines from the evidence submitted that a person who filed a 50657  
petition under division (B) of this section has shown cause why 50658  
the person's driver's or commercial driver's license or permit or 50659  
nonresident operating privileges should not be suspended, the 50660  
costs of the appeal proceeding shall be paid out of the county 50661  
treasury of the county in which the proceedings were held. 50662

(H) Any person whose driver's or commercial driver's license 50663  
or permit or nonresident operating privileges are suspended under 50664  
this section is not entitled to apply for or receive a new 50665  
driver's or commercial driver's license or permit or to request or 50666  
be granted nonresident operating privileges during the effective 50667  
period of the suspension. 50668

(I) Upon the termination of any suspension or other penalty 50669  
imposed under this section involving the surrender of license or 50670  
permit and upon the request of the person whose license or permit 50671  
was suspended or surrendered, the registrar shall return the 50672

license or permit to the person upon determining that the person 50673  
has complied with all provisions of section 4510.038 of the 50674  
Revised Code or, if the registrar destroyed the license or permit 50675  
pursuant to section 4510.52 of the Revised Code, shall reissue the 50676  
person's license or permit. 50677

(J) Any person whose driver's or commercial driver's license 50678  
or permit or nonresident operating privileges are suspended as a 50679  
repeat traffic offender under this section and who, during the 50680  
suspension, operates any motor vehicle upon any public roads and 50681  
highways is guilty of driving under a twelve-point suspension, a 50682  
misdemeanor of the first degree. The court shall sentence the 50683  
offender to a minimum term of three days in jail. No court shall 50684  
suspend the first three days of jail time imposed pursuant to this 50685  
division. 50686

(K) The registrar, in accordance with specific statutory 50687  
authority, may suspend the privilege of driving a motor vehicle on 50688  
the public roads and highways of this state that is granted to 50689  
nonresidents by section 4507.04 of the Revised Code. 50690

(L) ~~Any~~ (1) Except as provided in division (L)(2) of this 50691  
section, any course of remedial driving instruction the director 50692  
of public safety approves under this section shall require its 50693  
students to attend at least fifty per cent of the course in 50694  
person. ~~The~~ and the director shall not approve any course of 50695  
remedial driving instruction that permits its students to take 50696  
more than fifty per cent of the course in any other manner, 50697  
including via video teleconferencing or the internet. 50698

(2) The director may approve a course of remedial instruction 50699  
that permits students to take the entire course via video 50700  
teleconferencing or the internet. In accordance with division (C) 50701  
of this section, upon receiving an application with a certificate 50702  
or other proof of completion of a course approved under this 50703  
division, the registrar shall approve the two-point reduction. 50704

**Sec. 4510.038.** (A) Any person whose driver's or commercial driver's license or permit is suspended or who is granted limited driving privileges under section 4510.037, under division (H) of section 4511.19, or under section 4510.07 of the Revised Code for a violation of a municipal ordinance that is substantially equivalent to division (B) of section 4511.19 of the Revised Code is not eligible to retain the license, or to have the driving privileges reinstated, until each of the following has occurred:

(1) The person successfully completes a course of remedial driving instruction approved by the director of public safety. A minimum of twenty-five per cent of the number of hours of instruction included in the course shall be devoted to instruction on driver attitude.

The course also shall devote a number of hours to instruction in the area of alcohol and drugs and the operation of vehicles. The instruction shall include, but not be limited to, a review of the laws governing the operation of a vehicle while under the influence of alcohol, drugs, or a combination of them, the dangers of operating a vehicle while under the influence of alcohol, drugs, or a combination of them, and other information relating to the operation of vehicles and the consumption of alcoholic beverages and use of drugs. The director, in consultation with the director of alcohol and drug addiction services, shall prescribe the content of the instruction. The number of hours devoted to the area of alcohol and drugs and the operation of vehicles shall comprise a minimum of twenty-five per cent of the number of hours of instruction included in the course.

(2) The person is examined in the manner provided for in section 4507.20 of the Revised Code, and found by the registrar of motor vehicles to be qualified to operate a motor vehicle;

(3) The person gives and maintains proof of financial

responsibility, in accordance with section 4509.45 of the Revised Code. 50736  
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(B) ~~Any~~ (1) Except as provided in division (B)(2) of this section, any course of remedial driving instruction the director of public safety approves under this section shall require its students to attend at least fifty per cent of the course in person. ~~The~~ and the director shall not approve any course of remedial driving instruction that permits its students to take more than fifty per cent of the course in any other manner, including via video teleconferencing or the internet. 50738  
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(2) The director may approve a course of remedial instruction that permits students to take the entire course via video teleconferencing or the internet. 50746  
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**Sec. 4511.191.** (A)(1) As used in this section: 50749

(a) "Physical control" has the same meaning as in section 4511.194 of the Revised Code. 50750  
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(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense. 50752  
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(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private property used by the public for vehicular travel or parking within this state or who is in physical control of a vehicle, streetcar, or trackless trolley shall be deemed to have given consent to a 50761  
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chemical test or tests of the person's whole blood, blood serum or 50766  
plasma, breath, or urine to determine the alcohol, drug of abuse, 50767  
controlled substance, metabolite of a controlled substance, or 50768  
combination content of the person's whole blood, blood serum or 50769  
plasma, breath, or urine if arrested for a violation of division 50770  
(A) or (B) of section 4511.19 of the Revised Code, section 50771  
4511.194 of the Revised Code or a substantially equivalent 50772  
municipal ordinance, or a municipal OVI ordinance. 50773

(3) The chemical test or tests under division (A)(2) of this 50774  
section shall be administered at the request of a law enforcement 50775  
officer having reasonable grounds to believe the person was 50776  
operating or in physical control of a vehicle, streetcar, or 50777  
trackless trolley in violation of a division, section, or 50778  
ordinance identified in division (A)(2) of this section. The law 50779  
enforcement agency by which the officer is employed shall 50780  
designate which of the tests shall be administered. 50781

(4) Any person who is dead or unconscious, or who otherwise 50782  
is in a condition rendering the person incapable of refusal, shall 50783  
be deemed to have consented as provided in division (A)(2) of this 50784  
section, and the test or tests may be administered, subject to 50785  
sections 313.12 to 313.16 of the Revised Code. 50786

(5)(a) If a law enforcement officer arrests a person for a 50787  
violation of division (A) or (B) of section 4511.19 of the Revised 50788  
Code, section 4511.194 of the Revised Code or a substantially 50789  
equivalent municipal ordinance, or a municipal OVI ordinance and 50790  
if the person if convicted would be required to be sentenced under 50791  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 50792  
Code, the law enforcement officer shall request the person to 50793  
submit, and the person shall submit, to a chemical test or tests 50794  
of the person's whole blood, blood serum or plasma, breath, or 50795  
urine for the purpose of determining the alcohol, drug of abuse, 50796  
controlled substance, metabolite of a controlled substance, or 50797

combination content of the person's whole blood, blood serum or 50798  
plasma, breath, or urine. A law enforcement officer who makes a 50799  
request pursuant to this division that a person submit to a 50800  
chemical test or tests is not required to advise the person of the 50801  
consequences of submitting to, or refusing to submit to, the test 50802  
or tests and is not required to give the person the form described 50803  
in division (B) of section 4511.192 of the Revised Code, but the 50804  
officer shall advise the person at the time of the arrest that if 50805  
the person refuses to take a chemical test the officer may employ 50806  
whatever reasonable means are necessary to ensure that the person 50807  
submits to a chemical test of the person's whole blood or blood 50808  
serum or plasma. The officer shall also advise the person at the 50809  
time of the arrest that the person may have an independent 50810  
chemical test taken at the person's own expense. Divisions (A)(3) 50811  
and (4) of this section apply to the administration of a chemical 50812  
test or tests pursuant to this division. 50813

(b) If a person refuses to submit to a chemical test upon a 50814  
request made pursuant to division (A)(5)(a) of this section, the 50815  
law enforcement officer who made the request may employ whatever 50816  
reasonable means are necessary to ensure that the person submits 50817  
to a chemical test of the person's whole blood or blood serum or 50818  
plasma. A law enforcement officer who acts pursuant to this 50819  
division to ensure that a person submits to a chemical test of the 50820  
person's whole blood or blood serum or plasma is immune from 50821  
criminal and civil liability based upon a claim for assault and 50822  
battery or any other claim for the acts, unless the officer so 50823  
acted with malicious purpose, in bad faith, or in a wanton or 50824  
reckless manner. 50825

(B)(1) Upon receipt of the sworn report of a law enforcement 50826  
officer who arrested a person for a violation of division (A) or 50827  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 50828  
the Revised Code or a substantially equivalent municipal 50829



ordinance, or a municipal OVI ordinance that was completed and 50830  
sent to the registrar of motor vehicles and a court pursuant to 50831  
section 4511.192 of the Revised Code in regard to a person who 50832  
refused to take the designated chemical test, the registrar shall 50833  
enter into the registrar's records the fact that the person's 50834  
driver's or commercial driver's license or permit or nonresident 50835  
operating privilege was suspended by the arresting officer under 50836  
this division and that section and the period of the suspension, 50837  
as determined under this section. The suspension shall be subject 50838  
to appeal as provided in section 4511.197 of the Revised Code. The 50839  
suspension shall be for whichever of the following periods 50840  
applies: 50841

(a) Except when division (B)(1)(b), (c), or (d) of this 50842  
section applies and specifies a different class or length of 50843  
suspension, the suspension shall be a class C suspension for the 50844  
period of time specified in division (B)(3) of section 4510.02 of 50845  
the Revised Code. 50846

(b) If the arrested person, within six years of the date on 50847  
which the person refused the request to consent to the chemical 50848  
test, had refused one previous request to consent to a chemical 50849  
test or had been convicted of or pleaded guilty to one violation 50850  
of division (A) or (B) of section 4511.19 of the Revised Code or 50851  
one other equivalent offense, the suspension shall be a class B 50852  
suspension imposed for the period of time specified in division 50853  
(B)(2) of section 4510.02 of the Revised Code. 50854

(c) If the arrested person, within six years of the date on 50855  
which the person refused the request to consent to the chemical 50856  
test, had refused two previous requests to consent to a chemical 50857  
test, had been convicted of or pleaded guilty to two violations of 50858  
division (A) or (B) of section 4511.19 of the Revised Code or 50859  
other equivalent offenses, or had refused one previous request to 50860  
consent to a chemical test and also had been convicted of or 50861

pleaded guilty to one violation of division (A) or (B) of section 50862  
4511.19 of the Revised Code or other equivalent offenses, which 50863  
violation or offense arose from an incident other than the 50864  
incident that led to the refusal, the suspension shall be a class 50865  
A suspension imposed for the period of time specified in division 50866  
(B)(1) of section 4510.02 of the Revised Code. 50867

(d) If the arrested person, within six years of the date on 50868  
which the person refused the request to consent to the chemical 50869  
test, had refused three or more previous requests to consent to a 50870  
chemical test, had been convicted of or pleaded guilty to three or 50871  
more violations of division (A) or (B) of section 4511.19 of the 50872  
Revised Code or other equivalent offenses, or had refused a number 50873  
of previous requests to consent to a chemical test and also had 50874  
been convicted of or pleaded guilty to a number of violations of 50875  
division (A) or (B) of section 4511.19 of the Revised Code or 50876  
other equivalent offenses that cumulatively total three or more 50877  
such refusals, convictions, and guilty pleas, the suspension shall 50878  
be for five years. 50879

(2) The registrar shall terminate a suspension of the 50880  
driver's or commercial driver's license or permit of a resident or 50881  
of the operating privilege of a nonresident, or a denial of a 50882  
driver's or commercial driver's license or permit, imposed 50883  
pursuant to division (B)(1) of this section upon receipt of notice 50884  
that the person has entered a plea of guilty to, or that the 50885  
person has been convicted after entering a plea of no contest to, 50886  
operating a vehicle in violation of section 4511.19 of the Revised 50887  
Code or in violation of a municipal OVI ordinance, if the offense 50888  
for which the conviction is had or the plea is entered arose from 50889  
the same incident that led to the suspension or denial. 50890

The registrar shall credit against any judicial suspension of 50891  
a person's driver's or commercial driver's license or permit or 50892  
nonresident operating privilege imposed pursuant to section 50893

4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(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. 50926  
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(b) The suspension shall be a class C suspension for the 50928  
period of time specified in division (B)(3) of section 4510.02 of 50929  
the Revised Code if the person has been convicted of or pleaded 50930  
guilty to, within six years of the date the test was conducted, 50931  
one violation of division (A) or (B) of section 4511.19 of the 50932  
Revised Code or one other equivalent offense. 50933

(c) If, within six years of the date the test was conducted, 50934  
the person has been convicted of or pleaded guilty to two 50935  
violations of a statute or ordinance described in division 50936  
(C)(1)(b) of this section, the suspension shall be a class B 50937  
suspension imposed for the period of time specified in division 50938  
(B)(2) of section 4510.02 of the Revised Code. 50939

(d) If, within six years of the date the test was conducted, 50940  
the person has been convicted of or pleaded guilty to more than 50941  
two violations of a statute or ordinance described in division 50942  
(C)(1)(b) of this section, the suspension shall be a class A 50943  
suspension imposed for the period of time specified in division 50944  
(B)(1) of section 4510.02 of the Revised Code. 50945

(2) The registrar shall terminate a suspension of the 50946  
driver's or commercial driver's license or permit of a resident or 50947  
of the operating privilege of a nonresident, or a denial of a 50948  
driver's or commercial driver's license or permit, imposed 50949  
pursuant to division (C)(1) of this section upon receipt of notice 50950  
that the person has entered a plea of guilty to, or that the 50951  
person has been convicted after entering a plea of no contest to, 50952  
operating a vehicle in violation of section 4511.19 of the Revised 50953  
Code or in violation of a municipal OVI ordinance, if the offense 50954  
for which the conviction is had or the plea is entered arose from 50955  
the same incident that led to the suspension or denial. 50956

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (C)(1) of this section.

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures

of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section, under section 4511.194, section 4511.196, or division (G) of section 4511.19 of the Revised Code, or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance and upon the request of the person whose driver's or commercial driver's license or permit was suspended and who is not otherwise subject to suspension, cancellation, or disqualification, the registrar shall return the driver's or commercial driver's license or permit to the person upon the occurrence of all of the conditions specified in divisions (F)(1) and (2) of this section:

(1) A showing that the person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standards set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in section 4509.51 of the Revised Code.

(2) Subject to the limitation contained in division (F)(3) of this section, payment by the person to the registrar or an eligible deputy registrar of a license reinstatement fee of four hundred seventy-five dollars, which fee shall be deposited in the state treasury and credited as follows:

(a) One hundred twelve dollars and fifty cents shall be credited to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code. Money credited to the fund under this section shall be used for purposes identified in the

comprehensive statewide alcohol and drug addiction services plan 51021  
developed under section 3793.04 of the Revised Code. 51022

(b) Seventy-five dollars shall be credited to the reparations 51023  
fund created by section 2743.191 of the Revised Code. 51024

(c) Thirty-seven dollars and fifty cents shall be credited to 51025  
the indigent drivers alcohol treatment fund, which is hereby 51026  
established in the state treasury. Except as otherwise provided in 51027  
division (F)(2)(c) of this section, moneys in the fund shall be 51028  
distributed by the department of alcohol and drug addiction 51029  
services to the county indigent drivers alcohol treatment funds, 51030  
the county juvenile indigent drivers alcohol treatment funds, and 51031  
the municipal indigent drivers alcohol treatment funds that are 51032  
required to be established by counties and municipal corporations 51033  
pursuant to division (H) of this section, and shall be used only 51034  
to pay the cost of an alcohol and drug addiction treatment program 51035  
attended by an offender or juvenile traffic offender who is 51036  
ordered to attend an alcohol and drug addiction treatment program 51037  
by a county, juvenile, or municipal court judge and who is 51038  
determined by the county, juvenile, or municipal court judge not 51039  
to have the means to pay for the person's attendance at the 51040  
program or to pay the costs specified in division (H)(4) of this 51041  
section in accordance with that division. In addition, a county, 51042  
juvenile, or municipal court judge may use moneys in the county 51043  
indigent drivers alcohol treatment fund, county juvenile indigent 51044  
drivers alcohol treatment fund, or municipal indigent drivers 51045  
alcohol treatment fund to pay for the cost of the continued use of 51046  
an alcohol monitoring device as described in divisions (H)(3) and 51047  
(4) of this section. Moneys in the fund that are not distributed 51048  
to a county indigent drivers alcohol treatment fund, a county 51049  
juvenile indigent drivers alcohol treatment fund, or a municipal 51050  
indigent drivers alcohol treatment fund under division (H) of this 51051  
section because the director of alcohol and drug addiction 51052

services does not have the information necessary to identify the 51053  
county or municipal corporation where the offender or juvenile 51054  
offender was arrested may be transferred by the director of budget 51055  
and management to the statewide treatment and prevention fund 51056  
created by section 4301.30 of the Revised Code, upon certification 51057  
of the amount by the director of alcohol and drug addiction 51058  
services. 51059

(d) Seventy-five dollars shall be credited to the Ohio 51060  
rehabilitation services commission established by section 3304.12 51061  
of the Revised Code, to the services for rehabilitation fund, 51062  
which is hereby established. The fund shall be used to match 51063  
available federal matching funds where appropriate, and for any 51064  
other purpose or program of the commission to rehabilitate people 51065  
with disabilities to help them become employed and independent. 51066

(e) Seventy-five dollars shall be deposited into the state 51067  
treasury and credited to the drug abuse resistance education 51068  
programs fund, which is hereby established, to be used by the 51069  
attorney general for the purposes specified in division (F)(4) of 51070  
this section. 51071

(f) Thirty dollars shall be credited to the state bureau of 51072  
motor vehicles fund created by section 4501.25 of the Revised 51073  
Code. 51074

(g) Twenty dollars shall be credited to the trauma and 51075  
emergency medical services ~~grants~~ fund created by section 4513.263 51076  
of the Revised Code. 51077

(h) Fifty dollars shall be credited to the indigent drivers 51078  
interlock and alcohol monitoring fund, which is hereby established 51079  
in the state treasury. Moneys in the fund shall be distributed by 51080  
the department of public safety to the county indigent drivers 51081  
interlock and alcohol monitoring funds, the county juvenile 51082  
indigent drivers interlock and alcohol monitoring funds, and the 51083



municipal indigent drivers interlock and alcohol monitoring funds 51084  
that are required to be established by counties and municipal 51085  
corporations pursuant to this section, and shall be used only to 51086  
pay the cost of an immobilizing or disabling device, including a 51087  
certified ignition interlock device, or an alcohol monitoring 51088  
device used by an offender or juvenile offender who is ordered to 51089  
use the device by a county, juvenile, or municipal court judge and 51090  
who is determined by the county, juvenile, or municipal court 51091  
judge not to have the means to pay for the person's use of the 51092  
device. 51093

(3) If a person's driver's or commercial driver's license or 51094  
permit is suspended under this section, under section 4511.196 or 51095  
division (G) of section 4511.19 of the Revised Code, under section 51096  
4510.07 of the Revised Code for a violation of a municipal OVI 51097  
ordinance or under any combination of the suspensions described in 51098  
division (F)(3) of this section, and if the suspensions arise from 51099  
a single incident or a single set of facts and circumstances, the 51100  
person is liable for payment of, and shall be required to pay to 51101  
the registrar or an eligible deputy registrar, only one 51102  
reinstatement fee of four hundred seventy-five dollars. The 51103  
reinstatement fee shall be distributed by the bureau in accordance 51104  
with division (F)(2) of this section. 51105

(4) The attorney general shall use amounts in the drug abuse 51106  
resistance education programs fund to award grants to law 51107  
enforcement agencies to establish and implement drug abuse 51108  
resistance education programs in public schools. Grants awarded to 51109  
a law enforcement agency under this section shall be used by the 51110  
agency to pay for not more than fifty per cent of the amount of 51111  
the salaries of law enforcement officers who conduct drug abuse 51112  
resistance education programs in public schools. The attorney 51113  
general shall not use more than six per cent of the amounts the 51114  
attorney general's office receives under division (F)(2)(e) of 51115

this section to pay the costs it incurs in administering the grant 51116  
program established by division (F)(2)(e) of this section and in 51117  
providing training and materials relating to drug abuse resistance 51118  
education programs. 51119

The attorney general shall report to the governor and the 51120  
general assembly each fiscal year on the progress made in 51121  
establishing and implementing drug abuse resistance education 51122  
programs. These reports shall include an evaluation of the 51123  
effectiveness of these programs. 51124

(5) In addition to the reinstatement fee under this section, 51125  
if the person pays the reinstatement fee to a deputy registrar, 51126  
the deputy registrar shall collect a service fee of ten dollars to 51127  
compensate the deputy registrar for services performed under this 51128  
section. The deputy registrar shall retain eight dollars of the 51129  
service fee and shall transmit the reinstatement fee, plus two 51130  
dollars of the service fee, to the registrar in the manner the 51131  
registrar shall determine. 51132

(G) Suspension of a commercial driver's license under 51133  
division (B) or (C) of this section shall be concurrent with any 51134  
period of disqualification under section 3123.611 or 4506.16 of 51135  
the Revised Code or any period of suspension under section 3123.58 51136  
of the Revised Code. No person who is disqualified for life from 51137  
holding a commercial driver's license under section 4506.16 of the 51138  
Revised Code shall be issued a driver's license under Chapter 51139  
4507. of the Revised Code during the period for which the 51140  
commercial driver's license was suspended under division (B) or 51141  
(C) of this section. No person whose commercial driver's license 51142  
is suspended under division (B) or (C) of this section shall be 51143  
issued a driver's license under Chapter 4507. of the Revised Code 51144  
during the period of the suspension. 51145

(H)(1) Each county shall establish an indigent drivers 51146  
alcohol treatment fund, each county shall establish a juvenile 51147

indigent drivers alcohol treatment fund, and each municipal 51148  
corporation in which there is a municipal court shall establish an 51149  
indigent drivers alcohol treatment fund. All revenue that the 51150  
general assembly appropriates to the indigent drivers alcohol 51151  
treatment fund for transfer to a county indigent drivers alcohol 51152  
treatment fund, a county juvenile indigent drivers alcohol 51153  
treatment fund, or a municipal indigent drivers alcohol treatment 51154  
fund, all portions of fees that are paid under division (F) of 51155  
this section and that are credited under that division to the 51156  
indigent drivers alcohol treatment fund in the state treasury for 51157  
a county indigent drivers alcohol treatment fund, a county 51158  
juvenile indigent drivers alcohol treatment fund, or a municipal 51159  
indigent drivers alcohol treatment fund, all portions of 51160  
additional costs imposed under section 2949.094 of the Revised 51161  
Code that are specified for deposit into a county, county 51162  
juvenile, or municipal indigent drivers alcohol treatment fund by 51163  
that section, and all portions of fines that are specified for 51164  
deposit into a county or municipal indigent drivers alcohol 51165  
treatment fund by section 4511.193 of the Revised Code shall be 51166  
deposited into that county indigent drivers alcohol treatment 51167  
fund, county juvenile indigent drivers alcohol treatment fund, or 51168  
municipal indigent drivers alcohol treatment fund. The portions of 51169  
the fees paid under division (F) of this section that are to be so 51170  
deposited shall be determined in accordance with division (H)(2) 51171  
of this section. Additionally, all portions of fines that are paid 51172  
for a violation of section 4511.19 of the Revised Code or of any 51173  
prohibition contained in Chapter 4510. of the Revised Code, and 51174  
that are required under section 4511.19 or any provision of 51175  
Chapter 4510. of the Revised Code to be deposited into a county 51176  
indigent drivers alcohol treatment fund or municipal indigent 51177  
drivers alcohol treatment fund shall be deposited into the 51178  
appropriate fund in accordance with the applicable division of the 51179  
section or provision. 51180

(2) That portion of the license reinstatement fee that is 51181  
paid under division (F) of this section and that is credited under 51182  
that division to the indigent drivers alcohol treatment fund shall 51183  
be deposited into a county indigent drivers alcohol treatment 51184  
fund, a county juvenile indigent drivers alcohol treatment fund, 51185  
or a municipal indigent drivers alcohol treatment fund as follows: 51186

(a) Regarding a suspension imposed under this section, that 51187  
portion of the fee shall be deposited as follows: 51188

(i) If the fee is paid by a person who was charged in a 51189  
county court with the violation that resulted in the suspension or 51190  
in the imposition of the court costs, the portion shall be 51191  
deposited into the county indigent drivers alcohol treatment fund 51192  
under the control of that court; 51193

(ii) If the fee is paid by a person who was charged in a 51194  
juvenile court with the violation that resulted in the suspension 51195  
or in the imposition of the court costs, the portion shall be 51196  
deposited into the county juvenile indigent drivers alcohol 51197  
treatment fund established in the county served by the court; 51198

(iii) If the fee is paid by a person who was charged in a 51199  
municipal court with the violation that resulted in the suspension 51200  
or in the imposition of the court costs, the portion shall be 51201  
deposited into the municipal indigent drivers alcohol treatment 51202  
fund under the control of that court. 51203

(b) Regarding a suspension imposed under section 4511.19 of 51204  
the Revised Code or under section 4510.07 of the Revised Code for 51205  
a violation of a municipal OVI ordinance, that portion of the fee 51206  
shall be deposited as follows: 51207

(i) If the fee is paid by a person whose license or permit 51208  
was suspended by a county court, the portion shall be deposited 51209  
into the county indigent drivers alcohol treatment fund under the 51210  
control of that court; 51211

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of an assessment or the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. 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 service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol

treatment fund, the county juvenile indigent drivers alcohol 51245  
treatment fund, or the municipal indigent drivers alcohol 51246  
treatment fund serving every court whose program is administered 51247  
by that board shall be paid to the board to cover the costs it 51248  
incurs in administering those indigent drivers alcohol treatment 51249  
programs. 51250

In addition, upon exhaustion of moneys in the indigent 51251  
drivers interlock and alcohol monitoring fund for the use of an 51252  
alcohol monitoring device, a county, juvenile, or municipal court 51253  
judge may use moneys in the county indigent drivers alcohol 51254  
treatment fund, county juvenile indigent drivers alcohol treatment 51255  
fund, or municipal indigent drivers alcohol treatment fund in the 51256  
following manners: 51257

(a) If the source of the moneys was an appropriation of the 51258  
general assembly, a portion of a fee that was paid under division 51259  
(F) of this section, a portion of a fine that was specified for 51260  
deposit into the fund by section 4511.193 of the Revised Code, or 51261  
a portion of a fine that was paid for a violation of section 51262  
4511.19 of the Revised Code or of a provision contained in Chapter 51263  
4510. of the Revised Code that was required to be deposited into 51264  
the fund, to pay for the continued use of an alcohol monitoring 51265  
device by an offender or juvenile traffic offender, in conjunction 51266  
with a treatment program approved by the department of alcohol and 51267  
drug addiction services, when such use is determined clinically 51268  
necessary by the treatment program and when the court determines 51269  
that the offender or juvenile traffic offender is unable to pay 51270  
all or part of the daily monitoring or cost of the device; 51271

(b) If the source of the moneys was a portion of an 51272  
additional court cost imposed under section 2949.094 of the 51273  
Revised Code, to pay for the continued use of an alcohol 51274  
monitoring device by an offender or juvenile traffic offender when 51275  
the court determines that the offender or juvenile traffic 51276

offender is unable to pay all or part of the daily monitoring or 51277  
cost of the device. The moneys may be used for a device as 51278  
described in this division if the use of the device is in 51279  
conjunction with a treatment program approved by the department of 51280  
alcohol and drug addiction services, when the use of the device is 51281  
determined clinically necessary by the treatment program, but the 51282  
use of a device is not required to be in conjunction with a 51283  
treatment program approved by the department in order for the 51284  
moneys to be used for the device as described in this division. 51285

(4) If a county, juvenile, or municipal court determines, in 51286  
consultation with the alcohol and drug addiction services board or 51287  
the board of alcohol, drug addiction, and mental health services 51288  
established pursuant to section 340.02 or 340.021 of the Revised 51289  
Code and serving the alcohol, drug addiction, and mental health 51290  
district in which the court is located, that the funds in the 51291  
county indigent drivers alcohol treatment fund, the county 51292  
juvenile indigent drivers alcohol treatment fund, or the municipal 51293  
indigent drivers alcohol treatment fund under the control of the 51294  
court are more than sufficient to satisfy the purpose for which 51295  
the fund was established, as specified in divisions (H)(1) to (3) 51296  
of this section, the court may declare a surplus in the fund. If 51297  
the court declares a surplus in the fund, the court may expend the 51298  
amount of the surplus in the fund for: 51299

(a) Alcohol and drug abuse assessment and treatment of 51300  
persons who are charged in the court with committing a criminal 51301  
offense or with being a delinquent child or juvenile traffic 51302  
offender and in relation to whom both of the following apply: 51303

(i) The court determines that substance abuse was a 51304  
contributing factor leading to the criminal or delinquent activity 51305  
or the juvenile traffic offense with which the person is charged. 51306

(ii) The court determines that the person is unable to pay 51307  
the cost of the alcohol and drug abuse assessment and treatment 51308

for which the surplus money will be used. 51309

(b) All or part of the cost of purchasing alcohol monitoring 51310  
devices to be used in conjunction with division (H)(3) of this 51311  
section, upon exhaustion of moneys in the indigent drivers 51312  
interlock and alcohol monitoring fund for the use of an alcohol 51313  
monitoring device. 51314

(5) For the purpose of determining as described in division 51315  
(F)(2)(c) of this section whether an offender does not have the 51316  
means to pay for the offender's attendance at an alcohol and drug 51317  
addiction treatment program or whether an alleged offender or 51318  
delinquent child is unable to pay the costs specified in division 51319  
(H)(4) of this section, the court shall use the indigent client 51320  
eligibility guidelines and the standards of indigency established 51321  
by the state public defender to make the determination. 51322

(6) The court shall identify and refer any alcohol and drug 51323  
addiction program that is not certified under section 3793.06 of 51324  
the Revised Code and that is interested in receiving amounts from 51325  
the surplus in the fund declared under division (H)(4) of this 51326  
section to the department of alcohol and drug addiction services 51327  
in order for the program to become a certified alcohol and drug 51328  
addiction program. The department shall keep a record of applicant 51329  
referrals received pursuant to this division and shall submit a 51330  
report on the referrals each year to the general assembly. If a 51331  
program interested in becoming certified makes an application to 51332  
become certified pursuant to section 3793.06 of the Revised Code, 51333  
the program is eligible to receive surplus funds as long as the 51334  
application is pending with the department. The department of 51335  
alcohol and drug addiction services must offer technical 51336  
assistance to the applicant. If the interested program withdraws 51337  
the certification application, the department must notify the 51338  
court, and the court shall not provide the interested program with 51339  
any further surplus funds. 51340



(7)(a) Each alcohol and drug addiction services board and 51341  
board of alcohol, drug addiction, and mental health services 51342  
established pursuant to section 340.02 or 340.021 of the Revised 51343  
Code shall submit to the department of alcohol and drug addiction 51344  
services an annual report for each indigent drivers alcohol 51345  
treatment fund in that board's area. 51346

(b) The report, which shall be submitted not later than sixty 51347  
days after the end of the state fiscal year, shall provide the 51348  
total payment that was made from the fund, including the number of 51349  
indigent consumers that received treatment services and the number 51350  
of indigent consumers that received an alcohol monitoring device. 51351  
The report shall identify the treatment program and expenditure 51352  
for an alcohol monitoring device for which that payment was made. 51353  
The report shall include the fiscal year balance of each indigent 51354  
drivers alcohol treatment fund located in that board's area. In 51355  
the event that a surplus is declared in the fund pursuant to 51356  
division (H)(4) of this section, the report also shall provide the 51357  
total payment that was made from the surplus moneys and identify 51358  
the treatment program and expenditure for an alcohol monitoring 51359  
device for which that payment was made. The department may require 51360  
additional information necessary to complete the comprehensive 51361  
statewide alcohol and drug addiction services plan as required by 51362  
section 3793.04 of the Revised Code. 51363

(c) If a board is unable to obtain adequate information to 51364  
develop the report to submit to the department for a particular 51365  
indigent drivers alcohol treatment fund, the board shall submit a 51366  
report detailing the effort made in obtaining the information. 51367

(I)(1) Each county shall establish an indigent drivers 51368  
interlock and alcohol monitoring fund and a juvenile indigent 51369  
drivers interlock and alcohol treatment fund, and each municipal 51370  
corporation in which there is a municipal court shall establish an 51371  
indigent drivers interlock and alcohol monitoring fund. All 51372

revenue that the general assembly appropriates to the indigent 51373  
drivers interlock and alcohol monitoring fund for transfer to a 51374  
county indigent drivers interlock and alcohol monitoring fund, a 51375  
county juvenile indigent drivers interlock and alcohol monitoring 51376  
fund, or a municipal indigent drivers interlock and alcohol 51377  
monitoring fund, all portions of license reinstatement fees that 51378  
are paid under division (F)(2) of this section and that are 51379  
credited under that division to the indigent drivers interlock and 51380  
alcohol monitoring fund in the state treasury, and all portions of 51381  
fines that are paid under division (G) of section 4511.19 of the 51382  
Revised Code and that are credited by division (G)(5)(e) of that 51383  
section to the indigent drivers interlock and alcohol monitoring 51384  
fund in the state treasury shall be deposited in the appropriate 51385  
fund in accordance with division (I)(2) of this section. 51386

(2) That portion of the license reinstatement fee that is 51387  
paid under division (F) of this section and that portion of the 51388  
fine paid under division (G) of section 4511.19 of the Revised 51389  
Code and that is credited under either division to the indigent 51390  
drivers interlock and alcohol monitoring fund shall be deposited 51391  
into a county indigent drivers interlock and alcohol monitoring 51392  
fund, a county juvenile indigent drivers interlock and alcohol 51393  
monitoring fund, or a municipal indigent drivers interlock and 51394  
alcohol monitoring fund as follows: 51395

(a) If the fee or fine is paid by a person who was charged in 51396  
a county court with the violation that resulted in the suspension 51397  
or fine, the portion shall be deposited into the county indigent 51398  
drivers interlock and alcohol monitoring fund under the control of 51399  
that court. 51400

(b) If the fee or fine is paid by a person who was charged in 51401  
a juvenile court with the violation that resulted in the 51402  
suspension or fine, the portion shall be deposited into the county 51403  
juvenile indigent drivers interlock and alcohol monitoring fund 51404

established in the county served by the court. 51405

(c) If the fee or fine is paid by a person who was charged in 51406  
a municipal court with the violation that resulted in the 51407  
suspension, the portion shall be deposited into the municipal 51408  
indigent drivers interlock and alcohol monitoring fund under the 51409  
control of that court. 51410

**Sec. 4511.78.** (A) As used in this section: 51411

(1) "Mass transit system" means any county transit system, 51412  
regional transit authority, regional transit commission, 51413  
municipally owned transportation system, mass transit company 51414  
operating exclusively within the territorial limits of a municipal 51415  
corporation, or within such limits and the territorial limits of 51416  
municipal corporations immediately contiguous to such municipal 51417  
corporation, and any common passenger carrier ~~certified by the~~ 51418  
~~public utilities commission~~, that provides transportation for 51419  
children to or from a school session or a school function. 51420

(2) "Bus" means every motor vehicle designed for carrying 51421  
more than nine passengers and used for the transportation of 51422  
persons, but does not mean any school bus as defined in section 51423  
4511.01 of the Revised Code. 51424

(B) Whenever a mass transit system transports children to or 51425  
from a school session or school function, the mass transit system 51426  
shall provide for: 51427

(1) Periodic safety inspections of all buses used to provide 51428  
transportation service. The inspections shall be based on rules 51429  
adopted by the public utilities commission under Chapters 4921. 51430  
and 4923. of the Revised Code to ensure the safety of operation of 51431  
~~motor transportation companies and private~~ motor carriers. 51432

(2) The safety training of all drivers operating buses used 51433  
to provide transportation service; 51434

(3) The equipping of every bus with outside rear-view mirrors 51435  
meeting the motor carrier regulations for bus equipment adopted by 51436  
the federal highway administration. No exclusions from this 51437  
requirement granted under the federal regulations shall be 51438  
considered exclusions for the purposes of this division. 51439

(C) Except as otherwise provided in this division, whoever 51440  
violates this section is guilty of a minor misdemeanor. If, within 51441  
one year of the offense, the offender previously has been 51442  
convicted of or pleaded guilty to one predicate motor vehicle or 51443  
traffic offense, whoever violates this section is guilty of a 51444  
misdemeanor of the fourth degree. If, within one year of the 51445  
offense, the offender previously has been convicted of two or more 51446  
predicate motor vehicle or traffic offenses, whoever violates this 51447  
section is guilty of a misdemeanor of the third degree. 51448

**Sec. 4511.98.** The director of transportation may establish 51449  
speed limits within construction zones that vary based on the type 51450  
of work being conducted, the time of day, or any other criteria 51451  
the director may consider appropriate. The director, board of 51452  
county commissioners, or board of township trustees shall cause 51453  
signs to be erected advising motorists that increased penalties 51454  
apply for certain traffic violations occurring on streets or 51455  
highways in a construction zone. The increased penalties shall be 51456  
effective only when signs are erected in accordance with the 51457  
guidelines and design specifications established by the director 51458  
under section 5501.27 of the Revised Code, and when a violation 51459  
occurs during hours of actual work within the construction zone. 51460

**Sec. 4513.18.** (A) The director of transportation shall adopt 51461  
standards and specifications applicable to headlights, clearance 51462  
lights, identification, and other lights, on snow removal 51463  
equipment when operated on the highways, and on vehicles operating 51464  
under special permits pursuant to section 4513.34 of the Revised 51465

Code, in lieu of the lights otherwise required on motor vehicles. 51466  
Such standards and specifications may permit the use of flashing 51467  
colored lights, other than blue or red in color, for purposes of 51468  
identification on snow removal equipment, and oversize vehicles 51469  
when in service upon the highways. The standards and 51470  
specifications for lights referred to in this section shall 51471  
correlate with and, so far as possible, conform with those 51472  
approved by the American association of state highway officials. 51473

It is unlawful to operate snow removal equipment on a highway 51474  
unless the lights thereon comply with and are lighted when and as 51475  
required by the standards and specifications adopted as provided 51476  
in this section. 51477

(B) Whoever violates this section is guilty of a minor 51478  
misdemeanor. 51479

**Sec. 4513.263.** (A) As used in this section and in section 51480  
4513.99 of the Revised Code: 51481

(1) "Automobile" means any commercial tractor, passenger car, 51482  
commercial car, or truck that is required to be factory-equipped 51483  
with an occupant restraining device for the operator or any 51484  
passenger by regulations adopted by the United States secretary of 51485  
transportation pursuant to the "National Traffic and Motor Vehicle 51486  
Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A. 1392. 51487

(2) "Occupant restraining device" means a seat safety belt, 51488  
shoulder belt, harness, or other safety device for restraining a 51489  
person who is an operator of or passenger in an automobile and 51490  
that satisfies the minimum federal vehicle safety standards 51491  
established by the United States department of transportation. 51492

(3) "Passenger" means any person in an automobile, other than 51493  
its operator, who is occupying a seating position for which an 51494  
occupant restraining device is provided. 51495

(4) "Commercial tractor," "passenger car," and "commercial car" have the same meanings as in section 4501.01 of the Revised Code. 51496  
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51498

(5) "Vehicle" and "motor vehicle," as used in the definitions of the terms set forth in division (A)(4) of this section, have the same meanings as in section 4511.01 of the Revised Code. 51499  
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51501

(6) "Tort action" means a civil action for damages for injury, death, or loss to person or property. "Tort action" includes a product liability claim, as defined in section 2307.71 of the Revised Code, and an asbestos claim, as defined in section 2307.91 of the Revised Code, but does not include a civil action for damages for breach of contract or another agreement between persons. 51502  
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(B) No person shall do any of the following: 51509

(1) Operate an automobile on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device, or operate a school bus that has an occupant restraining device installed for use in its operator's seat unless that person is wearing all of the available elements of the device, as properly adjusted; 51510  
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(2) Operate an automobile on any street or highway unless each passenger in the automobile who is subject to the requirement set forth in division (B)(3) of this section is wearing all of the available elements of a properly adjusted occupant restraining device; 51516  
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(3) Occupy, as a passenger, a seating position on the front seat of an automobile being operated on any street or highway unless that person is wearing all of the available elements of a properly adjusted occupant restraining device; 51521  
51522  
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(4) Operate a taxicab on any street or highway unless all factory-equipped occupant restraining devices in the taxicab are 51525  
51526

maintained in usable form. 51527

(C) Division (B)(3) of this section does not apply to a 51528  
person who is required by section 4511.81 of the Revised Code to 51529  
be secured in a child restraint device or booster seat. Division 51530  
(B)(1) of this section does not apply to a person who is an 51531  
employee of the United States postal service or of a newspaper 51532  
home delivery service, during any period in which the person is 51533  
engaged in the operation of an automobile to deliver mail or 51534  
newspapers to addressees. Divisions (B)(1) and (3) of this section 51535  
do not apply to a person who has an affidavit signed by a 51536  
physician licensed to practice in this state under Chapter 4731. 51537  
of the Revised Code or a chiropractor licensed to practice in this 51538  
state under Chapter 4734. of the Revised Code that states that the 51539  
person has a physical impairment that makes use of an occupant 51540  
restraining device impossible or impractical. 51541

(D) Notwithstanding any provision of law to the contrary, no 51542  
law enforcement officer shall cause an operator of an automobile 51543  
being operated on any street or highway to stop the automobile for 51544  
the sole purpose of determining whether a violation of division 51545  
(B) of this section has been or is being committed or for the sole 51546  
purpose of issuing a ticket, citation, or summons for a violation 51547  
of that nature or causing the arrest of or commencing a 51548  
prosecution of a person for a violation of that nature, and no law 51549  
enforcement officer shall view the interior or visually inspect 51550  
any automobile being operated on any street or highway for the 51551  
sole purpose of determining whether a violation of that nature has 51552  
been or is being committed. 51553

(E) All fines collected for violations of division (B) of 51554  
this section, or for violations of any ordinance or resolution of 51555  
a political subdivision that is substantively comparable to that 51556  
division, shall be forwarded to the treasurer of state for deposit 51557  
~~as follows:~~ 51558

~~(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, plus the fees and other moneys specified in section 4766.05 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 transportation services to make grants, in accordance with section 4765.07 of the Revised Code and rules the board adopts under section 4765.11 of the Revised Code.~~



The director of budget and management may transfer excess money 51591  
from the trauma and emergency medical services fund to the state 51592  
highway safety fund if the director of public safety determines 51593  
that the amount of money in the trauma and emergency medical 51594  
services fund exceeds the amount required to cover such costs 51595  
incurred by the emergency medical services agency and the grants 51596  
made by the state board of emergency medical, fire, and 51597  
transportation services and requests the director of budget and 51598  
management to make the transfer. 51599

~~(4) Fifty four per cent shall be deposited into the trauma 51600  
and emergency medical services grants fund, which is hereby 51601  
created in the state treasury, and shall be used by the state 51602  
board of emergency medical services to make grants, in accordance 51603  
with section 4765.07 of the Revised Code and rules the board 51604  
adopts under section 4765.11 of the Revised Code. 51605~~

(F)(1) Subject to division (F)(2) of this section, the 51606  
failure of a person to wear all of the available elements of a 51607  
properly adjusted occupant restraining device in violation of 51608  
division (B)(1) or (3) of this section or the failure of a person 51609  
to ensure that each minor who is a passenger of an automobile 51610  
being operated by that person is wearing all of the available 51611  
elements of a properly adjusted occupant restraining device in 51612  
violation of division (B)(2) of this section shall not be 51613  
considered or used by the trier of fact in a tort action as 51614  
evidence of negligence or contributory negligence. But, the trier 51615  
of fact may determine based on evidence admitted consistent with 51616  
the Ohio Rules of Evidence that the failure contributed to the 51617  
harm alleged in the tort action and may diminish a recovery of 51618  
compensatory damages that represents noneconomic loss, as defined 51619  
in section 2307.011 of the Revised Code, in a tort action that 51620  
could have been recovered but for the plaintiff's failure to wear 51621  
all of the available elements of a properly adjusted occupant 51622

restraining device. Evidence of that failure shall not be used as 51623  
a basis for a criminal prosecution of the person other than a 51624  
prosecution for a violation of this section; and shall not be 51625  
admissible as evidence in a criminal action involving the person 51626  
other than a prosecution for a violation of this section. 51627

(2) If, at the time of an accident involving a passenger car 51628  
equipped with occupant restraining devices, any occupant of the 51629  
passenger car who sustained injury or death was not wearing an 51630  
available occupant restraining device, was not wearing all of the 51631  
available elements of such a device, or was not wearing such a 51632  
device as properly adjusted, then, consistent with the Rules of 51633  
Evidence, the fact that the occupant was not wearing the available 51634  
occupant restraining device, was not wearing all of the available 51635  
elements of such a device, or was not wearing such a device as 51636  
properly adjusted is admissible in evidence in relation to any 51637  
claim for relief in a tort action to the extent that the claim for 51638  
relief satisfies all of the following: 51639

(a) It seeks to recover damages for injury or death to the 51640  
occupant. 51641

(b) The defendant in question is the manufacturer, designer, 51642  
distributor, or seller of the passenger car. 51643

(c) The claim for relief against the defendant in question is 51644  
that the injury or death sustained by the occupant was enhanced or 51645  
aggravated by some design defect in the passenger car or that the 51646  
passenger car was not crashworthy. 51647

(G)(1) Whoever violates division (B)(1) of this section shall 51648  
be fined thirty dollars. 51649

(2) Whoever violates division (B)(3) of this section shall be 51650  
fined twenty dollars. 51651

(3) Except as otherwise provided in this division, whoever 51652  
violates division (B)(4) of this section is guilty of a minor 51653

misdemeanor. If the offender previously has been convicted of or 51654  
pleaded guilty to a violation of division (B)(4) of this section, 51655  
whoever violates division (B)(4) of this section is guilty of a 51656  
misdemeanor of the third degree. 51657

**Sec. 4513.50.** As used in sections 4513.50 to 4513.53 of the 51658  
Revised Code: 51659

(A)(1) "Bus" means any vehicle used for the transportation of 51660  
passengers that meets at least one of the following: 51661

(a) Was originally designed by the manufacturer to transport 51662  
more than fifteen passengers, including the driver; 51663

(b) Either the gross vehicle weight rating or the gross 51664  
vehicle weight exceeds ten thousand pounds. 51665

(2) "Bus" does not include a church bus as defined in section 51666  
4503.07 of the Revised Code or a school bus unless the church bus 51667  
or school bus is used in the transportation of passengers ~~for hire~~ 51668  
by a motor ~~transportation company or a common~~ carrier by motor 51669  
~~vehicle or by a private motor carrier or contract carrier by motor~~ 51670  
~~vehicle.~~ 51671

(3) "Bus" also does not include any of the following: 51672

(a) Any vehicle operated exclusively on a rail or rails; 51673

(b) A trolley bus operated by electric power derived from a 51674  
fixed overhead wire furnishing local passenger transportation 51675  
similar to street-railway service; 51676

(c) Vehicles owned or leased by government agencies or 51677  
political subdivisions. 51678

(B)(1) ~~"Motor transportation company" and "common carrier by~~ 51679  
~~motor vehicle" have has the same meanings meaning as in section~~ 51680  
~~4921.02~~ 4923.01 of the Revised Code. 51681

~~(2) "Private motor carrier" and "contract carrier by motor~~ 51682

~~vehicle" have the same meanings as in section 4923.02 of the~~ 51683  
~~Revised Code.~~ 51684

**Sec. 4582.12.** (A)(1) Except as otherwise provided in division 51685  
(E) of section 307.671 of the Revised Code, division (A) of this 51686  
section does not apply to a port authority educational and 51687  
cultural facility acquired, constructed, and equipped pursuant to 51688  
a cooperative agreement entered into under section 307.671 of the 51689  
Revised Code. 51690

(2)(a) Except as provided in division (C) of this section or 51691  
except when the port authority elects to construct a building, 51692  
structure, or other improvement pursuant to a contract made with a 51693  
construction manager at risk under sections 9.33 to 9.335 of the 51694  
Revised Code or with a design-build firm under sections 153.65 to 51695  
153.73 of the Revised Code, when the cost of a contract for the 51696  
construction of any building, structure, or other improvement 51697  
undertaken by a port authority involves an expenditure exceeding 51698  
the higher of ~~one~~ two hundred thousand dollars or the amount as 51699  
adjusted under division (A)(2)(b) of this section and the port 51700  
authority is the contracting entity, the port authority shall make 51701  
a written contract after notice calling for bids for the award of 51702  
the contract has been given by publication twice, with at least 51703  
seven days between publications, in a newspaper of general 51704  
circulation in the area of the jurisdiction of the port authority. 51705  
Each such contract shall be let to the lowest responsive and 51706  
responsible bidder in accordance with section 9.312 of the Revised 51707  
Code. Every contract let shall be in writing and if the contract 51708  
involves work or construction, it shall be accompanied by or shall 51709  
refer to plans and specifications for the work to be done, 51710  
prepared for and approved by the port authority, signed by an 51711  
authorized officer of the port authority and by the contractor, 51712  
and shall be executed in triplicate. 51713

Each bid shall be awarded in accordance with sections 153.54, 51714  
153.57, and 153.571 of the Revised Code. 51715

The port authority may reject any and all bids. 51716

(b) On January 1, 2012, and the first day of January of every 51717  
even-numbered year thereafter, the director of commerce shall 51718  
adjust the threshold level for contracts subject to the bidding 51719  
requirements contained in division (A)(2)(a) of this section. The 51720  
director shall adjust this amount according to the average 51721  
increase for each of the two years immediately preceding the 51722  
adjustment as set forth in the producer price index for material 51723  
and supply inputs for new nonresidential construction as 51724  
determined by the bureau of labor statistics of the United States 51725  
department of labor or, if that index no longer is published, a 51726  
generally available comparable index. If there is no resulting 51727  
increase, the threshold shall remain the same until the next 51728  
scheduled adjustment on the first day of January of the next 51729  
even-numbered year. 51730

(B) The board of directors of a port authority by rule may 51731  
provide criteria for the negotiation and award without competitive 51732  
bidding of any contract as to which the port authority is the 51733  
contracting entity for the construction of any building, 51734  
structure, or other improvement under any of the following 51735  
circumstances: 51736

(1) There exists a real and present emergency that threatens 51737  
damage or injury to persons or property of the port authority or 51738  
other persons, provided that a statement specifying the nature of 51739  
the emergency that is the basis for the negotiation and award of a 51740  
contract without competitive bidding shall be signed by the 51741  
officer of the port authority that executes that contract at the 51742  
time of the contract's execution and shall be attached to the 51743  
contract. 51744

(2) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement. 51745  
51746  
51747

(3) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 51748  
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(4) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 51750  
51751  
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(5) A single bid is received by the port authority after complying with the provisions of division (A) of this section. 51753  
51754

(C)(1) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(2) of this section, the port authority shall publish a notice calling for technical proposals at least twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 51755  
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(2) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (B)(4) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 51764  
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**Sec. 4582.31.** (A) A port authority created in accordance with section 4582.22 of the Revised Code may: 51770  
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(1) Adopt bylaws for the regulation of its affairs and the conduct of its business; 51772  
51773

(2) Adopt an official seal; 51774

- (3) Maintain a principal office within its jurisdiction, and 51775  
maintain such branch offices as it may require; 51776
- (4) Acquire, construct, furnish, equip, maintain, repair, 51777  
sell, exchange, lease to or from, or lease with an option to 51778  
purchase, convey other interests in real or personal property, or 51779  
any combination thereof, related to, useful for, or in furtherance 51780  
of any authorized purpose and operate any property in connection 51781  
with transportation, recreational, governmental operations, or 51782  
cultural activities; 51783
- (5) Straighten, deepen, and improve any channel, river, 51784  
stream, or other water course or way which may be necessary or 51785  
proper in the development of the facilities of a port authority; 51786
- (6) Make available the use or services of any port authority 51787  
facility to one or more persons, one or more governmental 51788  
agencies, or any combination thereof; 51789
- (7) Issue bonds or notes for the acquisition, construction, 51790  
furnishing, or equipping of any port authority facility or other 51791  
permanent improvement that a port authority is authorized to 51792  
acquire, construct, furnish, or equip, in compliance with Chapter 51793  
133. of the Revised Code, except that such bonds or notes may only 51794  
be issued pursuant to a vote of the electors residing within the 51795  
area of jurisdiction of the port authority. The net indebtedness 51796  
incurred by a port authority shall never exceed two per cent of 51797  
the total value of all property within the territory comprising 51798  
the port authority as listed and assessed for taxation. 51799
- (8) Issue port authority revenue bonds beyond the limit of 51800  
bonded indebtedness provided by law, payable solely from revenues 51801  
as provided in section 4582.48 of the Revised Code, for the 51802  
purpose of providing funds to pay the costs of any port authority 51803  
facility or facilities or parts thereof; 51804
- (9) Apply to the proper authorities of the United States 51805

pursuant to appropriate law for the right to establish, operate, 51806  
and maintain foreign trade zones and establish, operate, and 51807  
maintain foreign trade zones and to acquire, exchange, sell, lease 51808  
to or from, lease with an option to purchase, or operate 51809  
facilities, land, or property therefor in accordance with the 51810  
"Foreign Trade Zones Act," 48 Stat. 998 (1934), 19 U.S.C. 81a to 51811  
81u; 51812

(10) Enjoy and possess the same rights, privileges, and 51813  
powers granted municipal corporations under sections 721.04 to 51814  
721.11 of the Revised Code; 51815

(11) Maintain such funds as it considers necessary; 51816

(12) Direct its agents or employees, when properly identified 51817  
in writing, and after at least five days' written notice, to enter 51818  
upon lands within the confines of its jurisdiction in order to 51819  
make surveys and examinations preliminary to location and 51820  
construction of works for the purposes of the port authority, 51821  
without liability of the port authority or its agents or employees 51822  
except for actual damage done; 51823

(13) Promote, advertise, and publicize the port authority and 51824  
its facilities; provide information to shippers and other 51825  
commercial interests; and appear before rate-making authorities to 51826  
represent and promote the interests of the port authority; 51827

(14) Adopt rules, not in conflict with general law, it finds 51828  
necessary or incidental to the performance of its duties and the 51829  
execution of its powers under sections 4582.21 to 4582.54 of the 51830  
Revised Code. Any such rule shall be posted at no less than five 51831  
public places in the port authority, as determined by the board of 51832  
directors, for a period of not fewer than fifteen days, and shall 51833  
be available for public inspection at the principal office of the 51834  
port authority during regular business hours. No person shall 51835  
violate any lawful rule adopted and posted as provided in this 51836



division. 51837

(15) Do any of the following, in regard to any interests in 51838  
any real or personal property, or any combination thereof, 51839  
including, without limitation, machinery, equipment, plants, 51840  
factories, offices, and other structures and facilities related 51841  
to, useful for, or in furtherance of any authorized purpose, for 51842  
such consideration and in such manner, consistent with Article 51843  
VIII of the Ohio Constitution, as the board in its sole discretion 51844  
may determine: 51845

(a) Loan moneys to any person or governmental entity for the 51846  
acquisition, construction, furnishing, and equipping of the 51847  
property; 51848

(b) Acquire, construct, maintain, repair, furnish, and equip 51849  
the property; 51850

(c) Sell to, exchange with, lease, convey other interests in, 51851  
or lease with an option to purchase the same or any lesser 51852  
interest in the property to the same or any other person or 51853  
governmental entity; 51854

(d) Guarantee the obligations of any person or governmental 51855  
entity. 51856

A port authority may accept and hold as consideration for the 51857  
conveyance of property or any interest therein such property or 51858  
interests therein as the board in its discretion may determine, 51859  
notwithstanding any restrictions that apply to the investment of 51860  
funds by a port authority. 51861

(16) Sell, lease, or convey other interests in real and 51862  
personal property, and grant easements or rights-of-way over 51863  
property of the port authority. The board of directors shall 51864  
specify the consideration and any terms for the sale, lease, or 51865  
conveyance of other interests in real and personal property. Any 51866  
determination made by the board under this division shall be 51867

conclusive. The sale, lease, or conveyance may be made without 51868  
advertising and the receipt of bids. 51869

(17) Exercise the right of eminent domain to appropriate any 51870  
land, rights, rights-of-way, franchises, easements, or other 51871  
property, necessary or proper for any authorized purpose, pursuant 51872  
to the procedure provided in sections 163.01 to 163.22 of the 51873  
Revised Code, if funds equal to the appraised value of the 51874  
property to be acquired as a result of such proceedings are 51875  
available for that purpose. However, nothing contained in sections 51876  
4582.201 to 4582.59 of the Revised Code shall authorize a port 51877  
authority to take or disturb property or facilities belonging to 51878  
any agency or political subdivision of this state, public utility, 51879  
cable operator, or common carrier, which property or facilities 51880  
are necessary and convenient in the operation of the agency or 51881  
political subdivision, public utility, cable operator, or common 51882  
carrier, unless provision is made for the restoration, relocation, 51883  
or duplication of such property or facilities, or upon the 51884  
election of the agency or political subdivision, public utility, 51885  
cable operator, or common carrier, for the payment of 51886  
compensation, if any, at the sole cost of the port authority, 51887  
provided that: 51888

(a) If any restoration or duplication proposed to be made 51889  
under this section involves a relocation of the property or 51890  
facilities, the new facilities and location shall be of at least 51891  
comparable utilitarian value and effectiveness and shall not 51892  
impair the ability of the public utility, cable operator, or 51893  
common carrier to compete in its original area of operation; 51894

(b) If any restoration or duplication made under this section 51895  
involves a relocation of the property or facilities, the port 51896  
authority shall acquire no interest or right in or to the 51897  
appropriated property or facilities, except as provided in 51898  
division (A)(15) of this section, until the relocated property or 51899

facilities are available for use and until marketable title 51900  
thereto has been transferred to the public utility, cable 51901  
operator, or common carrier. 51902

As used in division (A)(17) of this section, "cable operator" 51903  
has the same meaning as in the "Cable Communications Policy Act of 51904  
1984," Pub. L. No. 98-549, 98 Stat. 2780, 47 U.S.C. 522, as 51905  
amended by the "Telecommunications Act of 1996," Pub. L. No. 51906  
104-104, 110 Stat. 56. 51907

(18)(a) Make and enter into all contracts and agreements and 51908  
execute all instruments necessary or incidental to the performance 51909  
of its duties and the execution of its powers under sections 51910  
4582.21 to 4582.59 of the Revised Code. 51911

(b)(i) Except as provided in division (A)(18)(c) of this 51912  
section or except when the port authority elects to construct a 51913  
building, structure, or other improvement pursuant to a contract 51914  
made with a construction manager at risk under sections 9.33 to 51915  
9.335 of the Revised Code or with a design-build firm under 51916  
section 153.65 to 153.73 of the Revised Code, when the cost of a 51917  
contract for the construction of any building, structure, or other 51918  
improvement undertaken by a port authority involves an expenditure 51919  
exceeding the higher of ~~one~~ two hundred thousand dollars or the 51920  
amount as adjusted under division (A)(18)(b)(ii) of this section, 51921  
and the port authority is the contracting entity, the port 51922  
authority shall make a written contract after notice calling for 51923  
bids for the award of the contract has been given by publication 51924  
twice, with at least seven days between publications, in a 51925  
newspaper of general circulation in the area of the port authority 51926  
or as provided in section 7.16 of the Revised Code. Each such 51927  
contract shall be let to the lowest responsive and responsible 51928  
bidder in accordance with section 9.312 of the Revised Code. Every 51929  
contract shall be accompanied by or shall refer to plans and 51930  
specifications for the work to be done, prepared for and approved 51931

by the port authority, signed by an authorized officer of the port 51932  
authority and by the contractor, and shall be executed in 51933  
triplicate. 51934

Each bid shall be awarded in accordance with sections 153.54, 51935  
153.57, and 153.571 of the Revised Code. The port authority may 51936  
reject any and all bids. 51937

(ii) On January 1, 2012, and the first day of January of 51938  
every even-numbered year thereafter, the director of commerce 51939  
shall adjust the threshold level for contracts subject to the 51940  
bidding requirements contained in division (A)(18)(b)(i) of this 51941  
section. The director shall adjust this amount according to the 51942  
average increase for each of the two years immediately preceding 51943  
the adjustment as set forth in the producer price index for 51944  
material and supply inputs for new nonresidential construction as 51945  
determined by the bureau of labor statistics of the United States 51946  
department of labor or, if that index no longer is published, a 51947  
generally available comparable index. If there is no resulting 51948  
increase, the threshold shall remain the same until the next 51949  
scheduled adjustment on the first day of January of the next 51950  
even-numbered year. 51951

(c) The board of directors by rule may provide criteria for 51952  
the negotiation and award without competitive bidding of any 51953  
contract as to which the port authority is the contracting entity 51954  
for the construction of any building or structure or other 51955  
improvement under any of the following circumstances: 51956

(i) There exists a real and present emergency that threatens 51957  
damage or injury to persons or property of the port authority or 51958  
other persons, provided that a statement specifying the nature of 51959  
the emergency that is the basis for the negotiation and award of a 51960  
contract without competitive bidding shall be signed by the 51961  
officer of the port authority that executes that contract at the 51962  
time of the contract's execution and shall be attached to the 51963

contract. 51964

(ii) A commonly recognized industry or other standard or specification does not exist and cannot objectively be articulated for the improvement. 51965  
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(iii) The contract is for any energy conservation measure as defined in section 307.041 of the Revised Code. 51968  
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(iv) With respect to material to be incorporated into the improvement, only a single source or supplier exists for the material. 51970  
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(v) A single bid is received by the port authority after complying with the provisions of division (A)(18)(b) of this section. 51973  
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(d)(i) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(ii) of this section, the port authority shall publish a notice calling for technical proposals twice, with at least seven days between publications, in a newspaper of general circulation in the area of the port authority or as provided in section 7.16 of the Revised Code. After receipt of the technical proposals, the port authority may negotiate with and award a contract for the improvement to the proposer making the proposal considered to be the most advantageous to the port authority. 51976  
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(ii) If a contract is to be negotiated and awarded without competitive bidding for the reason set forth in division (A)(18)(c)(iv) of this section, any construction activities related to the incorporation of the material into the improvement also may be provided without competitive bidding by the source or supplier of that material. 51986  
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(e)(i) Any purchase, exchange, sale, lease, lease with an option to purchase, conveyance of other interests in, or other contract with a person or governmental entity that pertains to the 51992  
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acquisition, construction, maintenance, repair, furnishing, 51995  
equipping, or operation of any real or personal property, or any 51996  
combination thereof, related to, useful for, or in furtherance of 51997  
an activity contemplated by Section 13 or 16 of Article VIII, Ohio 51998  
Constitution, shall be made in such manner and subject to such 51999  
terms and conditions as may be determined by the board of 52000  
directors in its discretion. 52001

(ii) Division (A)(18)(e)(i) of this section applies to all 52002  
contracts that are subject to the division, notwithstanding any 52003  
other provision of law that might otherwise apply, including, 52004  
without limitation, any requirement of notice, any requirement of 52005  
competitive bidding or selection, or any requirement for the 52006  
provision of security. 52007

(iii) Divisions (A)(18)(e)(i) and (ii) of this section do not 52008  
apply to either of the following: any contract secured by or to be 52009  
paid from moneys raised by taxation or the proceeds of obligations 52010  
secured by a pledge of moneys raised by taxation; or any contract 52011  
secured exclusively by or to be paid exclusively from the general 52012  
revenues of the port authority. For the purposes of this section, 52013  
any revenues derived by the port authority under a lease or other 52014  
agreement that, by its terms, contemplates the use of amounts 52015  
payable under the agreement either to pay the costs of the 52016  
improvement that is the subject of the contract or to secure 52017  
obligations of the port authority issued to finance costs of such 52018  
improvement, are excluded from general revenues. 52019

(19) Employ managers, superintendents, and other employees 52020  
and retain or contract with consulting engineers, financial 52021  
consultants, accounting experts, architects, attorneys, and any 52022  
other consultants and independent contractors as are necessary in 52023  
its judgment to carry out this chapter, and fix the compensation 52024  
thereof. All expenses thereof shall be payable from any available 52025  
funds of the port authority or from funds appropriated for that 52026

purpose by a political subdivision creating or participating in 52027  
the creation of the port authority. 52028

(20) Receive and accept from any state or federal agency 52029  
grants and loans for or in aid of the construction of any port 52030  
authority facility or for research and development with respect to 52031  
port authority facilities, and receive and accept aid or 52032  
contributions from any source of money, property, labor, or other 52033  
things of value, to be held, used, and applied only for the 52034  
purposes for which the grants and contributions are made; 52035

(21) Engage in research and development with respect to port 52036  
authority facilities; 52037

(22) Purchase fire and extended coverage and liability 52038  
insurance for any port authority facility and for the principal 52039  
office and branch offices of the port authority, insurance 52040  
protecting the port authority and its officers and employees 52041  
against liability for damage to property or injury to or death of 52042  
persons arising from its operations, and any other insurance the 52043  
port authority may agree to provide under any resolution 52044  
authorizing its port authority revenue bonds or in any trust 52045  
agreement securing the same; 52046

(23) Charge, alter, and collect rentals and other charges for 52047  
the use or services of any port authority facility as provided in 52048  
section 4582.43 of the Revised Code; 52049

(24) Provide coverage for its employees under Chapters 145., 52050  
4123., and 4141. of the Revised Code; 52051

(25) Do all acts necessary or proper to carry out the powers 52052  
expressly granted in sections 4582.21 to 4582.59 of the Revised 52053  
Code. 52054

(B) Any instrument by which real property is acquired 52055  
pursuant to this section shall identify the agency of the state 52056  
that has the use and benefit of the real property as specified in 52057

section 5301.012 of the Revised Code. 52058

(C) Whoever violates division (A)(14) of this section is 52059  
guilty of a minor misdemeanor. 52060

**Sec. 4712.01.** As used in sections 4712.01 to 4712.14 of the 52061  
Revised Code: 52062

(A) "Buyer" means an individual who is solicited to purchase 52063  
or who purchases the services of a credit services organization 52064  
for purposes other than obtaining a business loan as described in 52065  
division (B)(6) of section 1343.01 of the Revised Code. 52066

(B) "Consumer reporting agency" has the same meaning as in 52067  
the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, 52068  
as amended. 52069

(C)(1) "Credit services organization" means any person that, 52070  
in return for the payment of money or other valuable consideration 52071  
readily convertible into money for the following services, sells, 52072  
provides, or performs, or represents that the person can or will 52073  
sell, provide, or perform, one or more of the following services: 52074

(a) Improving a buyer's credit record, history, or rating; 52075

(b) Obtaining an extension of credit by others for a buyer; 52076

(c) Providing advice or assistance to a buyer in connection 52077  
with division (C)(1)(a) or (b) of this section; 52078

(d) Removing adverse credit information that is accurate and 52079  
not obsolete from the buyer's credit record, history, or rating; 52080

(e) Altering the buyer's identification to prevent the 52081  
display of the buyer's credit record, history, or rating. 52082

(2) "Credit services organization" does not include any of 52083  
the following: 52084

(a) A person that makes or collects loans, to the extent 52085  
these activities are subject to licensure or registration by this 52086



state; 52087

(b) A mortgage broker, as defined in section 1322.01 of the Revised Code, that holds a valid certificate of registration under sections 1322.01 to 1322.12 of the Revised Code; 52088  
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(c) A lender approved by the United States secretary of housing and urban development for participation in a mortgage insurance program under the "National Housing Act," 48 Stat. 1246 (1934), 12 U.S.C.A. 1701, as amended; 52091  
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(d) A bank, savings bank, or savings and loan association, or a subsidiary or an affiliate of a bank, savings bank, or savings and loan association. For purposes of division (C)(2)(d) of this section, "affiliate" has the same meaning as in division (A) of section 1101.01 of the Revised Code and "bank," as used in division (A) of section 1101.01 of the Revised Code, is deemed to include a savings bank or savings and loan association. 52095  
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(e) A credit union organized and qualified under Chapter 1733. of the Revised Code or the "Federal Credit Union Act," 84 Stat. 994 (1970), 12 U.S.C.A. 1751, as amended; 52102  
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(f) A budget and debt counseling service, as defined in division (D) of section 2716.03 of the Revised Code, provided that the service is a nonprofit organization exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, and that the service is in compliance with Chapter 4710. of the Revised Code; 52105  
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(g) A consumer reporting agency that is in substantial compliance with the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended. 52111  
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(h) A mortgage banker; 52114

(i) Any political subdivision, or any governmental or other public entity, corporation, or agency, in or of the United States 52115  
52116

or any state of the United States; 52117

(j) A college or university, or controlled entity of a 52118  
college or university, as defined in section 1713.05 of the 52119  
Revised Code; 52120

(k) A motor vehicle dealer licensed pursuant to Chapter 4517. 52121  
of the Revised Code acting within the scope and authority of that 52122  
license or a motor vehicle auction owner licensed pursuant to 52123  
Chapters 4517. and 4707. of the Revised Code acting within the 52124  
scope and authority of that license; 52125

(l) An attorney at law admitted to the practice of law in 52126  
this state who offers, provides, or performs a legal service that 52127  
is privileged by reason of the attorney-client relationship, 52128  
provided that the service is not a service described in division 52129  
(C)(1)(b) or (e) of this section. 52130

(D) "Extension of credit" means the right to defer payment of 52131  
debt, or to incur debt and defer its payment, offered or granted 52132  
primarily for personal, family, or household purposes. "Extension 52133  
of credit" does not include a mortgage. 52134

(E) "Mortgage" means any indebtedness secured by a deed of 52135  
trust, security deed, or other lien on real property. 52136

(F) "Mortgage banker" means any person that makes, services, 52137  
or buys and sells mortgage loans and is approved by the United 52138  
States department of housing and urban development, the United 52139  
States department of veterans affairs, the federal national 52140  
mortgage association, or the federal home loan mortgage 52141  
corporation. 52142

(G) "Superintendent of financial institutions" includes the 52143  
deputy superintendent for consumer finance as provided in section 52144  
1181.21 of the Revised Code. 52145

**Sec. 4723.481.** This section establishes standards and 52146

conditions regarding the authority of a clinical nurse specialist, 52147  
certified nurse-midwife, or certified nurse practitioner to 52148  
prescribe drugs and therapeutic devices under a certificate to 52149  
prescribe issued under section 4723.481 of the Revised Code. 52150

(A) A clinical nurse specialist, certified nurse-midwife, or 52151  
certified nurse practitioner shall not prescribe any drug or 52152  
therapeutic device that is not included in the types of drugs and 52153  
devices listed on the formulary established in rules adopted under 52154  
section 4723.50 of the Revised Code. 52155

(B) The prescriptive authority of a clinical nurse 52156  
specialist, certified nurse-midwife, or certified nurse 52157  
practitioner shall not exceed the prescriptive authority of the 52158  
collaborating physician or podiatrist, including the collaborating 52159  
physician's authority to treat chronic pain with controlled 52160  
substances and products containing tramadol as described in 52161  
section 4731.052 of the Revised Code. 52162

(C)(1) Except as provided in division (C)(2) or (3) of this 52163  
section, a clinical nurse specialist, certified nurse-midwife, or 52164  
certified nurse practitioner may prescribe to a patient a schedule 52165  
II controlled substance only if all of the following are the case: 52166

(a) The patient has a terminal condition, as defined in 52167  
section 2133.01 of the Revised Code. 52168

(b) The collaborating physician of the clinical nurse 52169  
specialist, certified nurse-midwife, or certified nurse 52170  
practitioner initially prescribed the substance for the patient. 52171

(c) The prescription is for an amount that does not exceed 52172  
the amount necessary for the patient's use in a single, 52173  
twenty-four hour period. 52174

(2) The restrictions on prescriptive authority in division 52175  
(C)(1) of this section do not apply if a clinical nurse 52176

specialist, certified nurse-midwife, or certified nurse	52177
practitioner issues the prescription to the patient from any of	52178
the following locations:	52179
(a) A hospital registered under section 3701.07 of the	52180
Revised Code;	52181
(b) An entity owned or controlled, in whole or in part, by a	52182
hospital or by an entity that owns or controls, in whole or in	52183
part, one or more hospitals;	52184
(c) A health care facility operated by the department of	52185
mental health or the department of developmental disabilities;	52186
(d) A nursing home licensed under section 3721.02 of the	52187
Revised Code or by a political subdivision certified under section	52188
3721.09 of the Revised Code;	52189
(e) A county home or district home operated under Chapter	52190
5155. of the Revised Code that is certified under the medicare or	52191
medicaid program;	52192
(f) A hospice care program, as defined in section 3712.01 of	52193
the Revised Code;	52194
(g) A community mental health agency, as defined in section	52195
5122.01 of the Revised Code;	52196
(h) An ambulatory surgical facility, as defined in section	52197
3702.30 of the Revised Code;	52198
(i) A freestanding birthing center, as defined in section	52199
3702.51 of the Revised Code;	52200
(j) A federally qualified health center, as defined in	52201
section 3701.047 of the Revised Code;	52202
(k) A federally qualified health center look-alike, as	52203
defined in section 3701.047 of the Revised Code;	52204
(l) A health care office or facility operated by the board of	52205

health of a city or general health district or the authority 52206  
having the duties of a board of health under section 3709.05 of 52207  
the Revised Code; 52208

(m) A site where a medical practice is operated, but only if 52209  
the practice is comprised of one or more physicians who also are 52210  
owners of the practice; the practice is organized to provide 52211  
direct patient care; and the clinical nurse specialist, certified 52212  
nurse-midwife, or certified nurse practitioner providing services 52213  
at the site has a standard care arrangement and collaborates with 52214  
at least one of the physician owners who practices primarily at 52215  
that site. 52216

(3) A clinical nurse specialist, certified nurse-midwife, or 52217  
certified nurse practitioner shall not issue to a patient a 52218  
prescription for a schedule II controlled substance from a 52219  
convenience care clinic even if the clinic is owned or operated by 52220  
an entity specified in division (C)(2) of this section. 52221

(D) A pharmacist who acts in good faith reliance on a 52222  
prescription issued by a clinical nurse specialist, certified 52223  
nurse-midwife, or certified nurse practitioner under division 52224  
(C)(2) of this section is not liable for or subject to any of the 52225  
following for relying on the prescription: damages in any civil 52226  
action, prosecution in any criminal proceeding, or professional 52227  
disciplinary action by the state board of pharmacy under Chapter 52228  
4729. of the Revised Code. 52229

(E) A clinical nurse specialist, certified nurse-midwife, or 52230  
certified nurse practitioner may personally furnish to a patient a 52231  
sample of any drug or therapeutic device included in the types of 52232  
drugs and devices listed on the formulary, except that all of the 52233  
following conditions apply: 52234

(1) The amount of the sample furnished shall not exceed a 52235  
seventy-two-hour supply, except when the minimum available 52236

quantity of the sample is packaged in an amount that is greater 52237  
than a seventy-two-hour supply, in which case the packaged amount 52238  
may be furnished. 52239

(2) No charge may be imposed for the sample or for furnishing 52240  
it. 52241

(3) Samples of controlled substances may not be personally 52242  
furnished. 52243

(F) A clinical nurse specialist, certified nurse-midwife, or 52244  
certified nurse practitioner may personally furnish to a patient a 52245  
complete or partial supply of a drug or therapeutic device 52246  
included in the types of drugs and devices listed on the 52247  
formulary, except that all of the following conditions apply: 52248

(1) The clinical nurse specialist, certified nurse-midwife, 52249  
or certified nurse practitioner shall personally furnish only 52250  
antibiotics, antifungals, scabicides, contraceptives, prenatal 52251  
vitamins, antihypertensives, drugs and devices used in the 52252  
treatment of diabetes, drugs and devices used in the treatment of 52253  
asthma, and drugs used in the treatment of dyslipidemia. 52254

(2) The clinical nurse specialist, certified nurse-midwife, 52255  
or certified nurse practitioner shall not furnish the drugs and 52256  
devices in locations other than a health department operated by 52257  
the board of health of a city or general health district or the 52258  
authority having the duties of a board of health under section 52259  
3709.05 of the Revised Code, a federally funded comprehensive 52260  
primary care clinic, or a nonprofit health care clinic or program. 52261

(3) The clinical nurse specialist, certified nurse-midwife, 52262  
or certified nurse practitioner shall comply with all safety 52263  
standards for personally furnishing supplies of drugs and devices, 52264  
as established in rules adopted under section 4723.50 of the 52265  
Revised Code. 52266

Sec. 4730.42. (A) In granting physician-delegated 52267  
prescriptive authority to a particular physician assistant who 52268  
holds a certificate to prescribe issued under this chapter, the 52269  
supervising physician is subject to all of the following: 52270

(1) The supervising physician shall not grant 52271  
physician-delegated prescriptive authority for any drug or 52272  
therapeutic device that is not listed on the formulary established 52273  
in rules adopted under section 4730.39 of the Revised Code as a 52274  
drug or therapeutic device that may be included in the 52275  
physician-delegated prescriptive authority granted to a physician 52276  
assistant. 52277

(2) The supervising physician shall not grant 52278  
physician-delegated prescriptive authority for any drug or device 52279  
that may be used to perform or induce an abortion. 52280

(3) The supervising physician shall not grant 52281  
physician-delegated prescriptive authority in a manner that 52282  
exceeds the supervising physician's prescriptive authority, 52283  
including the physician's authority to treat chronic pain with 52284  
controlled substances and products containing tramadol as 52285  
described in section 4731.052 of the Revised Code. 52286

(4) The supervising physician shall supervise the physician 52287  
assistant in accordance with all of the following: 52288

(a) The supervision requirements specified in section 4730.21 52289  
of the Revised Code and, in the case of supervision provided 52290  
during a provisional period of physician-delegated prescriptive 52291  
authority, the supervision requirements specified in section 52292  
4730.45 of the Revised Code; 52293

(b) The physician supervisory plan approved for the 52294  
supervising physician or the policies of the health care facility 52295  
in which the physician and physician assistant are practicing; 52296

(c) The supervision agreement approved under section 4730.19 52297  
of the Revised Code that applies to the supervising physician and 52298  
the physician assistant. 52299

(B)(1) The supervising physician of a physician assistant may 52300  
place conditions on the physician-delegated prescriptive authority 52301  
granted to the physician assistant. If conditions are placed on 52302  
that authority, the supervising physician shall maintain a written 52303  
record of the conditions and make the record available to the 52304  
state medical board on request. 52305

(2) The conditions that a supervising physician may place on 52306  
the physician-delegated prescriptive authority granted to a 52307  
physician assistant include the following: 52308

(a) Identification by class and specific generic nomenclature 52309  
of drugs and therapeutic devices that the physician chooses not to 52310  
permit the physician assistant to prescribe; 52311

(b) Limitations on the dosage units or refills that the 52312  
physician assistant is authorized to prescribe; 52313

(c) Specification of circumstances under which the physician 52314  
assistant is required to refer patients to the supervising 52315  
physician or another physician when exercising physician-delegated 52316  
prescriptive authority; 52317

(d) Responsibilities to be fulfilled by the physician in 52318  
supervising the physician assistant that are not otherwise 52319  
specified in the physician supervisory plan or otherwise required 52320  
by this chapter. 52321

**Sec. 4731.052.** (A) As used in this section: 52322

(1) ~~"Dangerous drug" has the same meaning as in section 52323  
4729.01 of the Revised Code.~~ 52324

~~(2)~~ "Chronic pain" means pain that has persisted after 52325  
reasonable medical efforts have been made to relieve the pain or 52326



cure its cause and that has continued, either continuously or 52327  
episodically, for longer than three continuous months. "Chronic 52328  
pain" does not include pain associated with a terminal condition 52329  
or with a progressive disease that, in the normal course of 52330  
progression, may reasonably be expected to result in a terminal 52331  
condition. 52332

(2) "Controlled substance" has the same meaning as in section 52333  
3719.01 of the Revised Code. 52334

(3) "Physician" means an individual authorized under this 52335  
chapter to practice medicine and surgery or osteopathic medicine 52336  
and surgery. 52337

(B) The state medical board shall adopt rules in accordance 52338  
with Chapter 119. of the Revised Code that establish standards and 52339  
procedures to be followed by physicians in the diagnosis and 52340  
treatment of chronic pain, including standards for a physician's 52341  
consultation with one or more other physicians who specialize in 52342  
the treatment of the area, system, or organ of the body perceived 52343  
as the source of pain and managing chronic pain by prescribing, 52344  
personally furnishing, or administering ~~dangerous drugs in amounts~~ 52345  
~~or combinations that may not be appropriate when treating other~~ 52346  
~~medical conditions. In developing the rules, the board shall~~ 52347  
~~consult with and permit review by physicians who are experienced~~ 52348  
~~in the diagnosis and treatment of chronic pain~~ controlled 52349  
substances or products containing tramadol. 52350

(C) When a physician diagnoses ~~an individual~~ a patient as 52351  
having chronic pain, the physician may, subject to division (D) of 52352  
this section, treat the pain by managing it with ~~dangerous drugs~~ 52353  
~~in amounts or combinations that may not be appropriate when~~ 52354  
~~treating other medical conditions~~ controlled substances and 52355  
products containing tramadol. The physician's diagnosis and 52356  
treatment decisions shall be made ~~after having the individual~~ 52357  
according to accepted and prevailing standards for medical care. 52358

For the purpose of assisting with the diagnosis of chronic pain, 52359  
the physician shall obtain and review all available medical 52360  
records or detailed written summaries of the patient's treatment 52361  
for chronic pain or the condition causing the chronic pain. It is 52362  
recommended that the physician also consider having the patient 52363  
evaluated by one or more other physicians who specialize in the 52364  
treatment of the area, system, or organ of the body perceived as 52365  
the source of the pain. ~~The physician's diagnosis and treatment~~ 52366  
~~decisions shall be made according to accepted and prevailing~~ 52367  
~~standards for medical care. The~~ 52368

(D) For each patient a physician diagnoses as having chronic 52369  
pain, the physician shall maintain a written record of all of the 52370  
following: 52371

(1) Medical history and physical examination of the 52372  
~~individual patient;~~ 52373

(2) The diagnosis of chronic pain, including signs, symptoms, 52374  
and causes; 52375

(3) The plan of treatment proposed, the patient's response to 52376  
treatment, and any modification to the plan of treatment, ~~+~~ 52377  
including all of the following: 52378

(a) Documentation that other medically reasonable treatments 52379  
for relief of the patient's chronic pain have been offered or 52380  
attempted without adequate or reasonable success; 52381

(b) Periodic assessment and documentation of the patient's 52382  
functional status, including the ability to engage in work or 52383  
other purposeful activities, the pain intensity and its 52384  
interference with activities of daily living, quality of family 52385  
life and social activities, and physical activity of the patient; 52386

(c) Periodic assessment and documentation of the patient's 52387  
progress toward treatment objectives, including the intended role 52388  
of controlled substances or products containing tramadol within 52389

the overall plan of treatment; 52390

(d) Periodic assessment and documentation for indicators of possible addiction, drug abuse, or drug diversion; 52391  
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(e) Notation of any adverse drug effects. 52393

(4) The dates on which ~~dangerous drugs~~ controlled substances or products containing tramadol were prescribed, furnished, or administered, the name and address of the ~~individual patient~~ to or for whom the ~~dangerous drugs~~ controlled substances or products containing tramadol were prescribed, ~~dispensed~~ furnished, or administered, and the amounts and dosage forms for the ~~dangerous drugs~~ controlled substances or products containing tramadol prescribed, furnished, or administered; 52394  
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(5) A copy of ~~the~~ any record or report made by ~~the~~ another physician ~~or the physician to whom referral for evaluation was made under this division~~ that was used or consulted for the purpose of diagnosing the patient's chronic pain or treating the patient for chronic pain. 52402  
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(E) A physician shall not prescribe, personally furnish, or administer to a patient a controlled substance or product containing tramadol without taking into account the potential for abuse of the controlled substance or product, the possibility the controlled substance or product may lead to dependence, the possibility the patient will obtain the controlled substance or product for a nontherapeutic use or distribute it to other persons, and the potential existence of an illicit market for the controlled substance or product. In addition, the physician shall address with the patient the risks associated with protracted treatment with controlled substances or products containing tramadol, including informing the patient of the potential for dependence, tolerance, and addiction and the clinical or monitoring tools the physician may use if signs of addiction, drug 52407  
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abuse, or drug diversion are present. 52421

~~(D)~~(F) A physician who treats chronic pain by managing it 52422  
with ~~dangerous drugs~~ controlled substances or products containing 52423  
tramadol is not subject to disciplinary action by the board under 52424  
section 4731.22 of the Revised Code solely because the physician 52425  
treated the chronic pain with ~~dangerous drugs~~ controlled 52426  
substances or products containing tramadol. 52427

**Sec. 4731.22.** (A) The state medical board, by an affirmative 52428  
vote of not fewer than six of its members, may revoke or may 52429  
refuse to grant a certificate to a person found by the board to 52430  
have committed fraud during the administration of the examination 52431  
for a certificate to practice or to have committed fraud, 52432  
misrepresentation, or deception in applying for or securing any 52433  
certificate to practice or certificate of registration issued by 52434  
the board. 52435

(B) The board, by an affirmative vote of not fewer than six 52436  
members, shall, to the extent permitted by law, limit, revoke, or 52437  
suspend an individual's certificate to practice, refuse to 52438  
register an individual, refuse to reinstate a certificate, or 52439  
reprimand or place on probation the holder of a certificate for 52440  
one or more of the following reasons: 52441

(1) Permitting one's name or one's certificate to practice or 52442  
certificate of registration to be used by a person, group, or 52443  
corporation when the individual concerned is not actually 52444  
directing the treatment given; 52445

(2) Failure to maintain minimal standards applicable to the 52446  
selection or administration of drugs, or failure to employ 52447  
acceptable scientific methods in the selection of drugs or other 52448  
modalities for treatment of disease; 52449

(3) Selling, giving away, personally furnishing, prescribing, 52450

or administering drugs for other than legal and legitimate 52451  
therapeutic purposes or a plea of guilty to, a judicial finding of 52452  
guilt of, or a judicial finding of eligibility for intervention in 52453  
lieu of conviction of, a violation of any federal or state law 52454  
regulating the possession, distribution, or use of any drug; 52455

(4) Willfully betraying a professional confidence. 52456

For purposes of this division, "willfully betraying a 52457  
professional confidence" does not include providing any 52458  
information, documents, or reports to a child fatality review 52459  
board under sections 307.621 to 307.629 of the Revised Code and 52460  
does not include the making of a report of an employee's use of a 52461  
drug of abuse, or a report of a condition of an employee other 52462  
than one involving the use of a drug of abuse, to the employer of 52463  
the employee as described in division (B) of section 2305.33 of 52464  
the Revised Code. Nothing in this division affects the immunity 52465  
from civil liability conferred by that section upon a physician 52466  
who makes either type of report in accordance with division (B) of 52467  
that section. As used in this division, "employee," "employer," 52468  
and "physician" have the same meanings as in section 2305.33 of 52469  
the Revised Code. 52470

(5) Making a false, fraudulent, deceptive, or misleading 52471  
statement in the solicitation of or advertising for patients; in 52472  
relation to the practice of medicine and surgery, osteopathic 52473  
medicine and surgery, podiatric medicine and surgery, or a limited 52474  
branch of medicine; or in securing or attempting to secure any 52475  
certificate to practice or certificate of registration issued by 52476  
the board. 52477

As used in this division, "false, fraudulent, deceptive, or 52478  
misleading statement" means a statement that includes a 52479  
misrepresentation of fact, is likely to mislead or deceive because 52480  
of a failure to disclose material facts, is intended or is likely 52481  
to create false or unjustified expectations of favorable results, 52482

or includes representations or implications that in reasonable 52483  
probability will cause an ordinarily prudent person to 52484  
misunderstand or be deceived. 52485

(6) A departure from, or the failure to conform to, minimal 52486  
standards of care of similar practitioners under the same or 52487  
similar circumstances, whether or not actual injury to a patient 52488  
is established; 52489

(7) Representing, with the purpose of obtaining compensation 52490  
or other advantage as personal gain or for any other person, that 52491  
an incurable disease or injury, or other incurable condition, can 52492  
be permanently cured; 52493

(8) The obtaining of, or attempting to obtain, money or 52494  
anything of value by fraudulent misrepresentations in the course 52495  
of practice; 52496

(9) A plea of guilty to, a judicial finding of guilt of, or a 52497  
judicial finding of eligibility for intervention in lieu of 52498  
conviction for, a felony; 52499

(10) Commission of an act that constitutes a felony in this 52500  
state, regardless of the jurisdiction in which the act was 52501  
committed; 52502

(11) A plea of guilty to, a judicial finding of guilt of, or 52503  
a judicial finding of eligibility for intervention in lieu of 52504  
conviction for, a misdemeanor committed in the course of practice; 52505

(12) Commission of an act in the course of practice that 52506  
constitutes a misdemeanor in this state, regardless of the 52507  
jurisdiction in which the act was committed; 52508

(13) A plea of guilty to, a judicial finding of guilt of, or 52509  
a judicial finding of eligibility for intervention in lieu of 52510  
conviction for, a misdemeanor involving moral turpitude; 52511

(14) Commission of an act involving moral turpitude that 52512

constitutes a misdemeanor in this state, regardless of the 52513  
jurisdiction in which the act was committed; 52514

(15) Violation of the conditions of limitation placed by the 52515  
board upon a certificate to practice; 52516

(16) Failure to pay license renewal fees specified in this 52517  
chapter; 52518

(17) Except as authorized in section 4731.31 of the Revised 52519  
Code, engaging in the division of fees for referral of patients, 52520  
or the receiving of a thing of value in return for a specific 52521  
referral of a patient to utilize a particular service or business; 52522

(18) Subject to section 4731.226 of the Revised Code, 52523  
violation of any provision of a code of ethics of the American 52524  
medical association, the American osteopathic association, the 52525  
American podiatric medical association, or any other national 52526  
professional organizations that the board specifies by rule. The 52527  
state medical board shall obtain and keep on file current copies 52528  
of the codes of ethics of the various national professional 52529  
organizations. The individual whose certificate is being suspended 52530  
or revoked shall not be found to have violated any provision of a 52531  
code of ethics of an organization not appropriate to the 52532  
individual's profession. 52533

For purposes of this division, a "provision of a code of 52534  
ethics of a national professional organization" does not include 52535  
any provision that would preclude the making of a report by a 52536  
physician of an employee's use of a drug of abuse, or of a 52537  
condition of an employee other than one involving the use of a 52538  
drug of abuse, to the employer of the employee as described in 52539  
division (B) of section 2305.33 of the Revised Code. Nothing in 52540  
this division affects the immunity from civil liability conferred 52541  
by that section upon a physician who makes either type of report 52542  
in accordance with division (B) of that section. As used in this 52543

division, "employee," "employer," and "physician" have the same 52544  
meanings as in section 2305.33 of the Revised Code. 52545

(19) Inability to practice according to acceptable and 52546  
prevailing standards of care by reason of mental illness or 52547  
physical illness, including, but not limited to, physical 52548  
deterioration that adversely affects cognitive, motor, or 52549  
perceptive skills. 52550

In enforcing this division, the board, upon a showing of a 52551  
possible violation, may compel any individual authorized to 52552  
practice by this chapter or who has submitted an application 52553  
pursuant to this chapter to submit to a mental examination, 52554  
physical examination, including an HIV test, or both a mental and 52555  
a physical examination. The expense of the examination is the 52556  
responsibility of the individual compelled to be examined. Failure 52557  
to submit to a mental or physical examination or consent to an HIV 52558  
test ordered by the board constitutes an admission of the 52559  
allegations against the individual unless the failure is due to 52560  
circumstances beyond the individual's control, and a default and 52561  
final order may be entered without the taking of testimony or 52562  
presentation of evidence. If the board finds an individual unable 52563  
to practice because of the reasons set forth in this division, the 52564  
board shall require the individual to submit to care, counseling, 52565  
or treatment by physicians approved or designated by the board, as 52566  
a condition for initial, continued, reinstated, or renewed 52567  
authority to practice. An individual affected under this division 52568  
shall be afforded an opportunity to demonstrate to the board the 52569  
ability to resume practice in compliance with acceptable and 52570  
prevailing standards under the provisions of the individual's 52571  
certificate. For the purpose of this division, any individual who 52572  
applies for or receives a certificate to practice under this 52573  
chapter accepts the privilege of practicing in this state and, by 52574  
so doing, shall be deemed to have given consent to submit to a 52575



mental or physical examination when directed to do so in writing 52576  
by the board, and to have waived all objections to the 52577  
admissibility of testimony or examination reports that constitute 52578  
a privileged communication. 52579

(20) Except when civil penalties are imposed under section 52580  
4731.225 or 4731.281 of the Revised Code, and subject to section 52581  
4731.226 of the Revised Code, violating or attempting to violate, 52582  
directly or indirectly, or assisting in or abetting the violation 52583  
of, or conspiring to violate, any provisions of this chapter or 52584  
any rule promulgated by the board. 52585

This division does not apply to a violation or attempted 52586  
violation of, assisting in or abetting the violation of, or a 52587  
conspiracy to violate, any provision of this chapter or any rule 52588  
adopted by the board that would preclude the making of a report by 52589  
a physician of an employee's use of a drug of abuse, or of a 52590  
condition of an employee other than one involving the use of a 52591  
drug of abuse, to the employer of the employee as described in 52592  
division (B) of section 2305.33 of the Revised Code. Nothing in 52593  
this division affects the immunity from civil liability conferred 52594  
by that section upon a physician who makes either type of report 52595  
in accordance with division (B) of that section. As used in this 52596  
division, "employee," "employer," and "physician" have the same 52597  
meanings as in section 2305.33 of the Revised Code. 52598

(21) The violation of section 3701.79 of the Revised Code or 52599  
of any abortion rule adopted by the ~~public~~ director of health 52600  
~~council~~ pursuant to section 3701.341 of the Revised Code; 52601

(22) Any of the following actions taken by an agency 52602  
responsible for authorizing, certifying, or regulating an 52603  
individual to practice a health care occupation or provide health 52604  
care services in this state or another jurisdiction, for any 52605  
reason other than the nonpayment of fees: the limitation, 52606  
revocation, or suspension of an individual's license to practice; 52607

acceptance of an individual's license surrender; denial of a 52608  
license; refusal to renew or reinstate a license; imposition of 52609  
probation; or issuance of an order of censure or other reprimand; 52610

(23) The violation of section 2919.12 of the Revised Code or 52611  
the performance or inducement of an abortion upon a pregnant woman 52612  
with actual knowledge that the conditions specified in division 52613  
(B) of section 2317.56 of the Revised Code have not been satisfied 52614  
or with a heedless indifference as to whether those conditions 52615  
have been satisfied, unless an affirmative defense as specified in 52616  
division (H)(2) of that section would apply in a civil action 52617  
authorized by division (H)(1) of that section; 52618

(24) The revocation, suspension, restriction, reduction, or 52619  
termination of clinical privileges by the United States department 52620  
of defense or department of veterans affairs or the termination or 52621  
suspension of a certificate of registration to prescribe drugs by 52622  
the drug enforcement administration of the United States 52623  
department of justice; 52624

(25) Termination or suspension from participation in the 52625  
medicare or medicaid programs by the department of health and 52626  
human services or other responsible agency for any act or acts 52627  
that also would constitute a violation of division (B)(2), (3), 52628  
(6), (8), or (19) of this section; 52629

(26) Impairment of ability to practice according to 52630  
acceptable and prevailing standards of care because of habitual or 52631  
excessive use or abuse of drugs, alcohol, or other substances that 52632  
impair ability to practice. 52633

For the purposes of this division, any individual authorized 52634  
to practice by this chapter accepts the privilege of practicing in 52635  
this state subject to supervision by the board. By filing an 52636  
application for or holding a certificate to practice under this 52637  
chapter, an individual shall be deemed to have given consent to 52638

submit to a mental or physical examination when ordered to do so 52639  
by the board in writing, and to have waived all objections to the 52640  
admissibility of testimony or examination reports that constitute 52641  
privileged communications. 52642

If it has reason to believe that any individual authorized to 52643  
practice by this chapter or any applicant for certification to 52644  
practice suffers such impairment, the board may compel the 52645  
individual to submit to a mental or physical examination, or both. 52646  
The expense of the examination is the responsibility of the 52647  
individual compelled to be examined. Any mental or physical 52648  
examination required under this division shall be undertaken by a 52649  
treatment provider or physician who is qualified to conduct the 52650  
examination and who is chosen by the board. 52651

Failure to submit to a mental or physical examination ordered 52652  
by the board constitutes an admission of the allegations against 52653  
the individual unless the failure is due to circumstances beyond 52654  
the individual's control, and a default and final order may be 52655  
entered without the taking of testimony or presentation of 52656  
evidence. If the board determines that the individual's ability to 52657  
practice is impaired, the board shall suspend the individual's 52658  
certificate or deny the individual's application and shall require 52659  
the individual, as a condition for initial, continued, reinstated, 52660  
or renewed certification to practice, to submit to treatment. 52661

Before being eligible to apply for reinstatement of a 52662  
certificate suspended under this division, the impaired 52663  
practitioner shall demonstrate to the board the ability to resume 52664  
practice in compliance with acceptable and prevailing standards of 52665  
care under the provisions of the practitioner's certificate. The 52666  
demonstration shall include, but shall not be limited to, the 52667  
following: 52668

(a) Certification from a treatment provider approved under 52669  
section 4731.25 of the Revised Code that the individual has 52670

successfully completed any required inpatient treatment; 52671

(b) Evidence of continuing full compliance with an aftercare 52672  
contract or consent agreement; 52673

(c) Two written reports indicating that the individual's 52674  
ability to practice has been assessed and that the individual has 52675  
been found capable of practicing according to acceptable and 52676  
prevailing standards of care. The reports shall be made by 52677  
individuals or providers approved by the board for making the 52678  
assessments and shall describe the basis for their determination. 52679

The board may reinstate a certificate suspended under this 52680  
division after that demonstration and after the individual has 52681  
entered into a written consent agreement. 52682

When the impaired practitioner resumes practice, the board 52683  
shall require continued monitoring of the individual. The 52684  
monitoring shall include, but not be limited to, compliance with 52685  
the written consent agreement entered into before reinstatement or 52686  
with conditions imposed by board order after a hearing, and, upon 52687  
termination of the consent agreement, submission to the board for 52688  
at least two years of annual written progress reports made under 52689  
penalty of perjury stating whether the individual has maintained 52690  
sobriety. 52691

(27) A second or subsequent violation of section 4731.66 or 52692  
4731.69 of the Revised Code; 52693

(28) Except as provided in division (N) of this section: 52694

(a) Waiving the payment of all or any part of a deductible or 52695  
copayment that a patient, pursuant to a health insurance or health 52696  
care policy, contract, or plan that covers the individual's 52697  
services, otherwise would be required to pay if the waiver is used 52698  
as an enticement to a patient or group of patients to receive 52699  
health care services from that individual; 52700

(b) Advertising that the individual will waive the payment of 52701  
all or any part of a deductible or copayment that a patient, 52702  
pursuant to a health insurance or health care policy, contract, or 52703  
plan that covers the individual's services, otherwise would be 52704  
required to pay. 52705

(29) Failure to use universal blood and body fluid 52706  
precautions established by rules adopted under section 4731.051 of 52707  
the Revised Code; 52708

(30) Failure to provide notice to, and receive acknowledgment 52709  
of the notice from, a patient when required by section 4731.143 of 52710  
the Revised Code prior to providing nonemergency professional 52711  
services, or failure to maintain that notice in the patient's 52712  
file; 52713

(31) Failure of a physician supervising a physician assistant 52714  
to maintain supervision in accordance with the requirements of 52715  
Chapter 4730. of the Revised Code and the rules adopted under that 52716  
chapter; 52717

(32) Failure of a physician or podiatrist to enter into a 52718  
standard care arrangement with a clinical nurse specialist, 52719  
certified nurse-midwife, or certified nurse practitioner with whom 52720  
the physician or podiatrist is in collaboration pursuant to 52721  
section 4731.27 of the Revised Code or failure to fulfill the 52722  
responsibilities of collaboration after entering into a standard 52723  
care arrangement; 52724

(33) Failure to comply with the terms of a consult agreement 52725  
entered into with a pharmacist pursuant to section 4729.39 of the 52726  
Revised Code; 52727

(34) Failure to cooperate in an investigation conducted by 52728  
the board under division (F) of this section, including failure to 52729  
comply with a subpoena or order issued by the board or failure to 52730  
answer truthfully a question presented by the board at a 52731

deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(35) Failure to supervise an acupuncturist in accordance with Chapter 4762. of the Revised Code and the board's rules for supervision of an acupuncturist;

(36) Failure to supervise an anesthesiologist assistant in accordance with Chapter 4760. of the Revised Code and the board's rules for supervision of an anesthesiologist assistant;

(37) Assisting suicide as defined in section 3795.01 of the Revised Code;

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;

(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;

(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;

(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;

(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;

(43) Failure to comply with the requirements of section

4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;

~~(41)~~(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea of guilty to, or judicial finding of guilt of, a violation of section 2919.123 of the Revised Code, the disciplinary action shall consist of a suspension of the individual's certificate to practice for a period of at least one year or, if determined appropriate by the board, a more serious sanction involving the individual's certificate to practice. Any consent agreement

entered into under this division with an individual that pertains 52794  
to a second or subsequent plea of guilty to, or judicial finding 52795  
of guilt of, a violation of that section shall provide for a 52796  
suspension of the individual's certificate to practice for a 52797  
period of at least one year or, if determined appropriate by the 52798  
board, a more serious sanction involving the individual's 52799  
certificate to practice. 52800

(D) For purposes of divisions (B)(10), (12), and (14) of this 52801  
section, the commission of the act may be established by a finding 52802  
by the board, pursuant to an adjudication under Chapter 119. of 52803  
the Revised Code, that the individual committed the act. The board 52804  
does not have jurisdiction under those divisions if the trial 52805  
court renders a final judgment in the individual's favor and that 52806  
judgment is based upon an adjudication on the merits. The board 52807  
has jurisdiction under those divisions if the trial court issues 52808  
an order of dismissal upon technical or procedural grounds. 52809

(E) The sealing of conviction records by any court shall have 52810  
no effect upon a prior board order entered under this section or 52811  
upon the board's jurisdiction to take action under this section 52812  
if, based upon a plea of guilty, a judicial finding of guilt, or a 52813  
judicial finding of eligibility for intervention in lieu of 52814  
conviction, the board issued a notice of opportunity for a hearing 52815  
prior to the court's order to seal the records. The board shall 52816  
not be required to seal, destroy, redact, or otherwise modify its 52817  
records to reflect the court's sealing of conviction records. 52818

(F)(1) The board shall investigate evidence that appears to 52819  
show that a person has violated any provision of this chapter or 52820  
any rule adopted under it. Any person may report to the board in a 52821  
signed writing any information that the person may have that 52822  
appears to show a violation of any provision of this chapter or 52823  
any rule adopted under it. In the absence of bad faith, any person 52824  
who reports information of that nature or who testifies before the 52825



board in any adjudication conducted under Chapter 119. of the 52826  
Revised Code shall not be liable in damages in a civil action as a 52827  
result of the report or testimony. Each complaint or allegation of 52828  
a violation received by the board shall be assigned a case number 52829  
and shall be recorded by the board. 52830

(2) Investigations of alleged violations of this chapter or 52831  
any rule adopted under it shall be supervised by the supervising 52832  
member elected by the board in accordance with section 4731.02 of 52833  
the Revised Code and by the secretary as provided in section 52834  
4731.39 of the Revised Code. The president may designate another 52835  
member of the board to supervise the investigation in place of the 52836  
supervising member. No member of the board who supervises the 52837  
investigation of a case shall participate in further adjudication 52838  
of the case. 52839

(3) In investigating a possible violation of this chapter or 52840  
any rule adopted under this chapter, the board may administer 52841  
oaths, order the taking of depositions, inspect and copy any 52842  
books, accounts, papers, records, or documents, issue subpoenas, 52843  
and compel the attendance of witnesses and production of books, 52844  
accounts, papers, records, documents, and testimony, except that a 52845  
subpoena for patient record information shall not be issued 52846  
without consultation with the attorney general's office and 52847  
approval of the secretary and supervising member of the board. 52848  
Before issuance of a subpoena for patient record information, the 52849  
secretary and supervising member shall determine whether there is 52850  
probable cause to believe that the complaint filed alleges a 52851  
violation of this chapter or any rule adopted under it and that 52852  
the records sought are relevant to the alleged violation and 52853  
material to the investigation. The subpoena may apply only to 52854  
records that cover a reasonable period of time surrounding the 52855  
alleged violation. 52856

On failure to comply with any subpoena issued by the board 52857

and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence. When the person being served is a person whose practice is authorized by this chapter, service of the subpoena may be made by certified mail, restricted delivery, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery.

A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings and investigations of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) Information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that

consent or a waiver of that nature is not required if the board 52889  
possesses reliable and substantial evidence that no bona fide 52890  
physician-patient relationship exists. 52891

The board may share any information it receives pursuant to 52892  
an investigation, including patient records and patient record 52893  
information, with law enforcement agencies, other licensing 52894  
boards, and other governmental agencies that are prosecuting, 52895  
adjudicating, or investigating alleged violations of statutes or 52896  
administrative rules. An agency or board that receives the 52897  
information shall comply with the same requirements regarding 52898  
confidentiality as those with which the state medical board must 52899  
comply, notwithstanding any conflicting provision of the Revised 52900  
Code or procedure of the agency or board that applies when it is 52901  
dealing with other information in its possession. In a judicial 52902  
proceeding, the information may be admitted into evidence only in 52903  
accordance with the Rules of Evidence, but the court shall require 52904  
that appropriate measures are taken to ensure that confidentiality 52905  
is maintained with respect to any part of the information that 52906  
contains names or other identifying information about patients or 52907  
complainants whose confidentiality was protected by the state 52908  
medical board when the information was in the board's possession. 52909  
Measures to ensure confidentiality that may be taken by the court 52910  
include sealing its records or deleting specific information from 52911  
its records. 52912

(6) On a quarterly basis, the board shall prepare a report 52913  
that documents the disposition of all cases during the preceding 52914  
three months. The report shall contain the following information 52915  
for each case with which the board has completed its activities: 52916

(a) The case number assigned to the complaint or alleged 52917  
violation; 52918

(b) The type of certificate to practice, if any, held by the 52919  
individual against whom the complaint is directed; 52920

(c) A description of the allegations contained in the 52921  
complaint; 52922

(d) The disposition of the case. 52923

The report shall state how many cases are still pending and 52924  
shall be prepared in a manner that protects the identity of each 52925  
person involved in each case. The report shall be a public record 52926  
under section 149.43 of the Revised Code. 52927

(G) If the secretary and supervising member determine both of 52928  
the following, they may recommend that the board suspend an 52929  
individual's certificate to practice without a prior hearing: 52930

(1) That there is clear and convincing evidence that an 52931  
individual has violated division (B) of this section; 52932

(2) That the individual's continued practice presents a 52933  
danger of immediate and serious harm to the public. 52934

Written allegations shall be prepared for consideration by 52935  
the board. The board, upon review of those allegations and by an 52936  
affirmative vote of not fewer than six of its members, excluding 52937  
the secretary and supervising member, may suspend a certificate 52938  
without a prior hearing. A telephone conference call may be 52939  
utilized for reviewing the allegations and taking the vote on the 52940  
summary suspension. 52941

The board shall issue a written order of suspension by 52942  
certified mail or in person in accordance with section 119.07 of 52943  
the Revised Code. The order shall not be subject to suspension by 52944  
the court during pendency of any appeal filed under section 119.12 52945  
of the Revised Code. If the individual subject to the summary 52946  
suspension requests an adjudicatory hearing by the board, the date 52947  
set for the hearing shall be within fifteen days, but not earlier 52948  
than seven days, after the individual requests the hearing, unless 52949  
otherwise agreed to by both the board and the individual. 52950

Any summary suspension imposed under this division shall 52951  
remain in effect, unless reversed on appeal, until a final 52952  
adjudicative order issued by the board pursuant to this section 52953  
and Chapter 119. of the Revised Code becomes effective. The board 52954  
shall issue its final adjudicative order within seventy-five days 52955  
after completion of its hearing. A failure to issue the order 52956  
within seventy-five days shall result in dissolution of the 52957  
summary suspension order but shall not invalidate any subsequent, 52958  
final adjudicative order. 52959

(H) If the board takes action under division (B)(9), (11), or 52960  
(13) of this section and the judicial finding of guilt, guilty 52961  
plea, or judicial finding of eligibility for intervention in lieu 52962  
of conviction is overturned on appeal, upon exhaustion of the 52963  
criminal appeal, a petition for reconsideration of the order may 52964  
be filed with the board along with appropriate court documents. 52965  
Upon receipt of a petition of that nature and supporting court 52966  
documents, the board shall reinstate the individual's certificate 52967  
to practice. The board may then hold an adjudication under Chapter 52968  
119. of the Revised Code to determine whether the individual 52969  
committed the act in question. Notice of an opportunity for a 52970  
hearing shall be given in accordance with Chapter 119. of the 52971  
Revised Code. If the board finds, pursuant to an adjudication held 52972  
under this division, that the individual committed the act or if 52973  
no hearing is requested, the board may order any of the sanctions 52974  
identified under division (B) of this section. 52975

(I) The certificate to practice issued to an individual under 52976  
this chapter and the individual's practice in this state are 52977  
automatically suspended as of the date of the individual's second 52978  
or subsequent plea of guilty to, or judicial finding of guilt of, 52979  
a violation of section 2919.123 of the Revised Code, or the date 52980  
the individual pleads guilty to, is found by a judge or jury to be 52981  
guilty of, or is subject to a judicial finding of eligibility for 52982

intervention in lieu of conviction in this state or treatment or 52983  
intervention in lieu of conviction in another jurisdiction for any 52984  
of the following criminal offenses in this state or a 52985  
substantially equivalent criminal offense in another jurisdiction: 52986  
aggravated murder, murder, voluntary manslaughter, felonious 52987  
assault, kidnapping, rape, sexual battery, gross sexual 52988  
imposition, aggravated arson, aggravated robbery, or aggravated 52989  
burglary. Continued practice after suspension shall be considered 52990  
practicing without a certificate. 52991

The board shall notify the individual subject to the 52992  
suspension by certified mail or in person in accordance with 52993  
section 119.07 of the Revised Code. If an individual whose 52994  
certificate is automatically suspended under this division fails 52995  
to make a timely request for an adjudication under Chapter 119. of 52996  
the Revised Code, the board shall do whichever of the following is 52997  
applicable: 52998

(1) If the automatic suspension under this division is for a 52999  
second or subsequent plea of guilty to, or judicial finding of 53000  
guilt of, a violation of section 2919.123 of the Revised Code, the 53001  
board shall enter an order suspending the individual's certificate 53002  
to practice for a period of at least one year or, if determined 53003  
appropriate by the board, imposing a more serious sanction 53004  
involving the individual's certificate to practice. 53005

(2) In all circumstances in which division (I)(1) of this 53006  
section does not apply, enter a final order permanently revoking 53007  
the individual's certificate to practice. 53008

(J) If the board is required by Chapter 119. of the Revised 53009  
Code to give notice of an opportunity for a hearing and if the 53010  
individual subject to the notice does not timely request a hearing 53011  
in accordance with section 119.07 of the Revised Code, the board 53012  
is not required to hold a hearing, but may adopt, by an 53013  
affirmative vote of not fewer than six of its members, a final 53014

order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.

(M) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a certificate issued under this chapter shall not be effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code. Reinstatement of a certificate surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application for a certificate made under the

provisions of this chapter may not be withdrawn without approval of the board. 53046  
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(3) Failure by an individual to renew a certificate of registration in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 53048  
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(N) Sanctions shall not be imposed under division (B)(28) of this section against any person who waives deductibles and copayments as follows: 53052  
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(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the board upon request. 53055  
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(2) For professional services rendered to any other person authorized to practice pursuant to this chapter, to the extent allowed by this chapter and rules adopted by the board. 53060  
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(O) Under the board's investigative duties described in this section and subject to division (F) of this section, the board shall develop and implement a quality intervention program designed to improve through remedial education the clinical and communication skills of individuals authorized under this chapter to practice medicine and surgery, osteopathic medicine and surgery, and podiatric medicine and surgery. In developing and implementing the quality intervention program, the board may do all of the following: 53063  
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(1) Offer in appropriate cases as determined by the board an educational and assessment program pursuant to an investigation the board conducts under this section; 53072  
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(2) Select providers of educational and assessment services, including a quality intervention program panel of case reviewers; 53075  
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(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. 4731.297.** (A) As used in this section:

(1) "Academic medical center" means a medical school and its affiliated teaching hospitals and clinics partnering to do all of the following:

(a) Provide the highest quality of patient care from expert physicians;

(b) Conduct groundbreaking research leading to medical advancements for current and future patients;

(c) Provide medical education and graduate medical education to educate and train physicians.

(2) "Affiliated physician group practice" means a medical practice that consists of one or more physicians authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and that is affiliated with an academic medical center to further the objectives described in divisions

(A)(1)(a) to (c) of this section. 53107

(B) The state medical board shall issue, without examination, to an applicant who meets the requirements of this section a certificate of conceded eminence authorizing the practice of medicine and surgery or osteopathic medicine and surgery as part of the applicant's employment with an academic medical center in this state or affiliated physician group practice in this state. 53108  
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(C) To be eligible for a certificate of conceded eminence, an applicant shall provide to the board all of the following: 53114  
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(1) Evidence satisfactory to the board of all of the following: 53116  
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(a) That the applicant is an international medical graduate who holds a medical degree from an educational institution listed in the international medical education directory; 53118  
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(b) That the applicant has been appointed to serve in this state as a full-time faculty member of a medical school accredited by the liaison committee on medical education or an osteopathic medical school accredited by the American osteopathic association; 53121  
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(c) That the applicant has accepted an offer of employment with an academic medical center in this state or affiliated physician group practice in this state; 53125  
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(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; 53128  
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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: 53131  
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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 53134  
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<u>other academic credentials.</u>	53137
<u>(ii) The applicant has written multiple articles in journals listed in the index medicus or an equivalent scholarly publication acceptable to the board.</u>	53138 53139 53140
<u>(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.</u>	53141 53142 53143 53144
<u>(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence.</u>	53145 53146
<u>(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.</u>	53147 53148 53149
<u>(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.</u>	53150 53151 53152
<u>(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.</u>	53153 53154 53155
<u>(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award.</u>	53156 53157
<u>(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;</u>	53158 53159 53160 53161 53162 53163
<u>(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals;</u>	53164 53165 53166

(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice. 53167  
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(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center; 53170  
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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; 53172  
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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; 53176  
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(5) A fee of one thousand dollars for the certificate. 53183

(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. 53184  
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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. 53188  
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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. 53192  
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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.

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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:

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(1) Pays the renewal fee of one thousand dollars;

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(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:

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(a) That the applicant's initial appointment to the medical faculty is still valid or has been renewed;

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(b) That the applicant's clinical practice is consistent with the established standards in the field;

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(c) That the applicant has demonstrated continued scholarly achievement;

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(d) That the applicant has demonstrated continued professional achievement consistent with the academic medical center's requirements, established pursuant to standards adopted under section 3701.351 of the Revised Code, for physicians with staff membership or professional privileges with the academic medical center.

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(3) Satisfies the same continuing medical education requirements set forth in section 4731.281 of the Revised Code that apply to a person who holds a certificate to practice

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medicine and surgery or osteopathic medicine and surgery issued 53228  
under this chapter. 53229

(4) Complies with any other requirements established by the 53230  
board. 53231

(H) The board may adopt any rules it considers necessary to 53232  
implement this section. The rules shall be adopted in accordance 53233  
with Chapter 119. of the Revised Code. 53234

**Sec. 4735.01.** As used in this chapter: 53235

(A) "Real estate broker" includes any person, partnership, 53236  
association, limited liability company, limited liability 53237  
partnership, or corporation, foreign or domestic, who for another, 53238  
whether pursuant to a power of attorney or otherwise, and who for 53239  
a fee, commission, or other valuable consideration, or with the 53240  
intention, or in the expectation, or upon the promise of receiving 53241  
or collecting a fee, commission, or other valuable consideration 53242  
does any of the following: 53243

(1) Sells, exchanges, purchases, rents, or leases, or 53244  
negotiates the sale, exchange, purchase, rental, or leasing of any 53245  
real estate; 53246

(2) Offers, attempts, or agrees to negotiate the sale, 53247  
exchange, purchase, rental, or leasing of any real estate; 53248

(3) Lists, or offers, attempts, or agrees to list, or 53249  
auctions, or offers, attempts, or agrees to auction, any real 53250  
estate; 53251

(4) Buys or offers to buy, sells or offers to sell, or 53252  
otherwise deals in options on real estate; 53253

(5) Operates, manages, or rents, or offers or attempts to 53254  
operate, manage, or rent, other than as custodian, caretaker, or 53255  
janitor, any building or portions of buildings to the public as 53256  
tenants; 53257

(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate;	53258 53259 53260
(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate;	53261 53262 53263 53264
(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners;	53265 53266 53267 53268 53269 53270 53271 53272 53273
(9) Collects rental information for purposes of referring prospective tenants to rental units or locations of such units and charges the prospective tenants a fee.	53274 53275 53276
(B) "Real estate" includes leaseholds as well as any and every interest or estate in land situated in this state, whether corporeal or incorporeal, whether freehold or nonfreehold, and the improvements on the land, but does not include cemetery interment rights.	53277 53278 53279 53280 53281
(C) "Real estate salesperson" means any person associated with a licensed real estate broker to do or to deal in any acts or transactions set out or comprehended by the definition of a real estate broker, for compensation or otherwise.	53282 53283 53284 53285
(D) "Institution of higher education" means either of the following:	53286 53287
(1) A nonprofit institution as defined in section 1713.01 of	53288

the Revised Code that actually awards, rather than intends to 53289  
award, degrees for fulfilling requirements of academic work beyond 53290  
high school; 53291

(2) An institution operated for profit that otherwise 53292  
qualifies under the definition of an institution in section 53293  
1713.01 of the Revised Code and that actually awards, rather than 53294  
intends to award, degrees for fulfilling requirements of academic 53295  
work beyond high school. 53296

(E) "Foreign real estate" means real estate not situated in 53297  
this state and any interest in real estate not situated in this 53298  
state. 53299

(F) "Foreign real estate dealer" includes any person, 53300  
partnership, association, limited liability company, limited 53301  
liability partnership, or corporation, foreign or domestic, who 53302  
for another, whether pursuant to a power of attorney or otherwise, 53303  
and who for a fee, commission, or other valuable consideration, or 53304  
with the intention, or in the expectation, or upon the promise of 53305  
receiving or collecting a fee, commission, or other valuable 53306  
consideration, does or deals in any act or transaction specified 53307  
or comprehended in division (A) of this section with respect to 53308  
foreign real estate. 53309

(G) "Foreign real estate salesperson" means any person 53310  
associated with a licensed foreign real estate dealer to do or 53311  
deal in any act or transaction specified or comprehended in 53312  
division (A) of this section with respect to foreign real estate, 53313  
for compensation or otherwise. 53314

(H) Any person, partnership, association, limited liability 53315  
company, limited liability partnership, or corporation, who, for 53316  
another, in consideration of compensation, by fee, commission, 53317  
salary, or otherwise, or with the intention, in the expectation, 53318  
or upon the promise of receiving or collecting a fee, does, or 53319



offers, attempts, or agrees to engage in, any single act or 53320  
transaction contained in the definition of a real estate broker, 53321  
whether an act is an incidental part of a transaction, or the 53322  
entire transaction, shall be constituted a real estate broker or 53323  
real estate salesperson under this chapter. 53324

(I)(1) The terms "real estate broker," "real estate 53325  
salesperson," "foreign real estate dealer," and "foreign real 53326  
estate salesperson" do not include a person, partnership, 53327  
association, limited liability company, limited liability 53328  
partnership, or corporation, or the regular employees thereof, who 53329  
perform any of the acts or transactions specified or comprehended 53330  
in division (A) of this section, whether or not for, or with the 53331  
intention, in expectation, or upon the promise of receiving or 53332  
collecting a fee, commission, or other valuable consideration: 53333

(a) With reference to real estate situated in this state 53334  
owned by such person, partnership, association, limited liability 53335  
company, limited liability partnership, or corporation, or 53336  
acquired on its own account in the regular course of, or as an 53337  
incident to the management of the property and the investment in 53338  
it; 53339

(b) As receiver or trustee in bankruptcy, as guardian, 53340  
executor, administrator, trustee, assignee, commissioner, or any 53341  
person doing the things mentioned in this section, under authority 53342  
or appointment of, or incident to a proceeding in, any court, or 53343  
as a bona fide public officer, or as executor, trustee, or other 53344  
bona fide fiduciary under any trust agreement, deed of trust, 53345  
will, or other instrument that has been executed in good faith 53346  
creating a like bona fide fiduciary obligation; 53347

(c) As a public officer while performing the officer's 53348  
official duties; 53349

(d) As an attorney at law in the performance of the 53350

attorney's duties; 53351

(e) As a person who engages in the brokering of the sale of 53352  
business assets, not including the sale, lease, exchange, or 53353  
assignment of any interest in real estate; 53354

(f) As a person who engages in the sale of manufactured homes 53355  
as defined in division (C)(4) of section 3781.06 of the Revised 53356  
Code, or of mobile homes as defined in division (O) of section 53357  
4501.01 of the Revised Code, provided the sale does not include 53358  
the negotiation, sale, lease, exchange, or assignment of any 53359  
interest in real estate; 53360

(g) As a person who engages in the sale of commercial real 53361  
estate pursuant to the requirements of section 4735.022 of the 53362  
Revised Code. 53363

(2) A person, partnership, association, limited liability 53364  
company, limited liability partnership, or corporation exempt 53365  
under division (I)(1)(a) of this section shall be limited by the 53366  
legal interest in the real estate held by that person or entity to 53367  
performing any of the acts or transactions specified in or 53368  
comprehended by division (A) of this section. 53369

(J) "Disabled licensee" means a person licensed pursuant to 53370  
this chapter who is under a severe disability which is of such a 53371  
nature as to prevent the person from being able to attend any 53372  
instruction lasting at least three hours in duration. 53373

(K) "Division of real estate" may be used interchangeably 53374  
with, and for all purposes has the same meaning as, "division of 53375  
real estate and professional licensing." 53376

(L) "Superintendent" or "superintendent of real estate" means 53377  
the superintendent of the division of real estate and professional 53378  
licensing of this state. Whenever the division or superintendent 53379  
of real estate is referred to or designated in any statute, rule, 53380  
contract, or other document, the reference or designation shall be 53381

deemed to refer to the division or superintendent of real estate 53382  
and professional licensing, as the case may be. 53383

(M) "Inactive license" means the license status in which a 53384  
salesperson's license is in the possession of the division, 53385  
renewed as required under this chapter or rules adopted under this 53386  
chapter, and not associated with a real estate broker. 53387

(N) "Broker's license on deposit" means the license status in 53388  
which a broker's license is in the possession of the division of 53389  
real estate and professional licensing and renewed as required 53390  
under this chapter or rules adopted under this chapter. 53391

(O) "Suspended license" means the license status that 53392  
prohibits a licensee from providing services that require a 53393  
license under this chapter for a specified interval of time. 53394

(P) "Reactivate" means the process prescribed by the 53395  
superintendent of real estate and professional licensing to remove 53396  
a license from an inactive, ~~voluntary hold~~, suspended, or broker's 53397  
license on deposit status to allow a licensee to provide services 53398  
that require a license under this chapter. 53399

(Q) "Revoked" means the license status in which the license 53400  
is void and not eligible for reactivation. 53401

(R) "Commercial real estate" means any parcel of real estate 53402  
in this state other than real estate containing one to four 53403  
residential units. "Commercial real estate" does not include 53404  
single-family residential units such as condominiums, townhouses, 53405  
manufactured homes, or homes in a subdivision when sold, leased, 53406  
or otherwise conveyed on a unit-by-unit basis, even when those 53407  
units are a part of a larger building or parcel of real estate 53408  
containing more than four residential units. 53409

(S) "Out-of-state commercial broker" includes any person, 53410  
partnership, association, limited liability company, limited 53411  
liability partnership, or corporation that is licensed to do 53412

business as a real estate broker in a jurisdiction other than 53413  
Ohio. 53414

(T) "Out-of-state commercial salesperson" includes any person 53415  
affiliated with an out-of-state commercial broker who is not 53416  
licensed as a real estate salesperson in Ohio. 53417

(U) "Exclusive right to sell or lease listing agreement" 53418  
means an agency agreement between a seller and broker that meets 53419  
the requirements of section 4735.55 of the Revised Code and does 53420  
both of the following: 53421

(1) Grants the broker the exclusive right to represent the 53422  
seller in the sale or lease of the seller's property; 53423

(2) Provides the broker will be compensated if the broker, 53424  
the seller, or any other person or entity produces a purchaser or 53425  
tenant in accordance with the terms specified in the listing 53426  
agreement or if the property is sold or leased during the term of 53427  
the listing agreement to anyone other than to specifically 53428  
exempted persons or entities. 53429

(V) "Exclusive agency agreement" means an agency agreement 53430  
between a seller and broker that meets the requirements of section 53431  
4735.55 of the Revised Code and does both of the following: 53432

(1) Grants the broker the exclusive right to represent the 53433  
seller in the sale or lease of the seller's property; 53434

(2) Provides the broker will be compensated if the broker or 53435  
any other person or entity produces a purchaser or tenant in 53436  
accordance with the terms specified in the listing agreement or if 53437  
the property is sold or leased during the term of the listing 53438  
agreement, unless the property is sold or leased solely through 53439  
the efforts of the seller or to the specifically exempted persons 53440  
or entities. 53441

(W) "Exclusive purchaser agency agreement" means an agency 53442

agreement between a purchaser and broker that meets the 53443  
requirements of section 4735.55 of the Revised Code and does both 53444  
of the following: 53445

(1) Grants the broker the exclusive right to represent the 53446  
purchaser in the purchase or lease of property; 53447

(2) Provides the broker will be compensated in accordance 53448  
with the terms specified in the exclusive agency agreement or if a 53449  
property is purchased or leased by the purchaser during the term 53450  
of the agency agreement unless the property is specifically 53451  
exempted in the agency agreement. 53452

The agreement may authorize the broker to receive 53453  
compensation from the seller or the seller's agent and may provide 53454  
that the purchaser is not obligated to compensate the broker if 53455  
the property is purchased or leased solely through the efforts of 53456  
the purchaser. 53457

(X) "Seller" means a party in a real estate transaction who 53458  
is the potential transferor of property. "Seller" includes an 53459  
owner of property who is seeking to sell the property and a 53460  
landlord who is seeking to rent or lease property to another 53461  
person. 53462

(Y) ~~"Voluntary hold" means the license status in which a~~ 53463  
~~license is in the possession of the division of real estate and~~ 53464  
~~professional licensing for a period of not more than twelve months~~ 53465  
~~pursuant to section 4735.142 of the Revised Code, is not renewed~~ 53466  
~~in accordance with the requirements specified in this chapter or~~ 53467  
~~the rules adopted pursuant to it, and is not associated with a~~ 53468  
~~real estate broker.~~ 53469

~~(Z)~~ "Resigned" means the license status in which a license 53470  
has been voluntarily and permanently surrendered to or is 53471  
otherwise in the possession of the division of real estate and 53472  
professional licensing, ~~is~~ may not be renewed or reactivated in 53473

accordance with the requirements specified in this chapter or the 53474  
rules adopted pursuant to it, and is not associated with a real 53475  
estate broker. 53476

~~(AA)~~(Z) "Bona fide" means made in good faith or without 53477  
purpose of circumventing license law. 53478

**Sec. 4735.02.** (A) Except as provided in section 4735.022 of 53479  
the Revised Code, no person, partnership, association, limited 53480  
liability company, limited liability partnership, or corporation 53481  
shall act as a real estate broker or real estate salesperson, or 53482  
advertise or assume to act as such, without first being licensed 53483  
as provided in this chapter. No person, partnership, association, 53484  
limited liability company, limited liability partnership, or 53485  
corporation shall provide services that require a license under 53486  
this chapter if the licensee's license is inactive, suspended, 53487  
~~placed on voluntary hold,~~ resigned, or a broker's license on 53488  
deposit, or if the license has been revoked. Nothing contained in 53489  
this chapter shall be construed as authorizing a real estate 53490  
broker or salesperson to perform any service constituting the 53491  
practice of law. 53492

(B) No partnership, association, limited liability company, 53493  
limited liability partnership, or corporation holding a real 53494  
estate license shall employ as an officer, director, manager, or 53495  
principal employee any person previously holding a license as a 53496  
real estate broker, real estate salesperson, foreign real estate 53497  
dealer, or foreign real estate salesperson, whose license has been 53498  
placed in inactive, ~~voluntary hold,~~ or resigned status, or is 53499  
suspended, or revoked and who has not thereafter reactivated the 53500  
license or received a new license. 53501

**Sec. 4735.052.** (A) Upon receipt of a written complaint or 53502  
upon the superintendent's own motion, the superintendent may 53503

investigate any person that has allegedly violated section 4735.02 53504  
or 4735.25 of the Revised Code, except that the superintendent 53505  
shall not initiate an investigation, pursuant to this section, of 53506  
any person who held a ~~license on voluntary hold or a~~ suspended or 53507  
inactive license under this chapter on the date of the alleged 53508  
violation. 53509

(B) If, after investigation, the superintendent determines 53510  
there exists reasonable evidence of a violation of section 4735.02 53511  
or 4735.25 of the Revised Code, within fourteen business days 53512  
after that determination, the superintendent shall send the party 53513  
who is the subject of the investigation, a written notice, by 53514  
regular mail, that includes all of the following information: 53515

(1) A description of the activity in which the party 53516  
allegedly is engaging or has engaged that is a violation of 53517  
section 4735.02 or 4735.25 of the Revised Code; 53518

(2) The applicable law allegedly violated; 53519

(3) A statement informing the party that a hearing concerning 53520  
the alleged violation will be held, upon the party's request, 53521  
before a hearing examiner pursuant to Chapter 119. of the Revised 53522  
Code. 53523

(C)(1) If a hearing is requested, the hearing examiner shall 53524  
hear the testimony of all parties present at the hearing and 53525  
consider any written testimony submitted pursuant to this section, 53526  
and determine if there has been a violation of section 4735.02 or 53527  
4735.25 of the Revised Code. 53528

(2) After the conclusion of formal hearings, the hearing 53529  
examiner shall file a report of findings of fact and conclusions 53530  
of law with the superintendent, the commission, the complainant, 53531  
and the parties. Within twenty days of receipt of such copy of the 53532  
written report of findings of fact and conclusions of law, the 53533  
parties and the division may file with the commission written 53534

objections to the report, which shall be considered by the 53535  
commission before approving, modifying, or disapproving the 53536  
report. 53537

(3) The commission shall review the hearing examiner's report 53538  
at the next regularly scheduled commission meeting held at least 53539  
twenty business days after receipt of the hearing examiner's 53540  
report. The commission shall hear the testimony of the complainant 53541  
or the parties upon request. 53542

(4) The commission shall decide whether to impose 53543  
disciplinary sanctions upon a party for a violation of section 53544  
4735.02 of the Revised Code. If the commission finds that a 53545  
violation has occurred, the commission may assess a civil penalty, 53546  
in an amount it determines, not to exceed one thousand dollars per 53547  
violation. Each day a violation occurs or continues is a separate 53548  
violation. The commission shall determine the terms of payment. 53549  
The commission shall maintain a record of the proceedings of the 53550  
hearing and issue a written opinion to all parties, citing its 53551  
findings and grounds for any action taken. 53552

(D) Civil penalties collected under this section shall be 53553  
deposited in the real estate operating fund, which is created in 53554  
the state treasury under section 4735.211 of the Revised Code. 53555

(E) If a party fails to pay a civil penalty assessed pursuant 53556  
to this section within the time prescribed by the commission, the 53557  
superintendent shall forward to the attorney general the name of 53558  
the party and the amount of the civil penalty, for the purpose of 53559  
collecting that civil penalty. In addition to the civil penalty 53560  
assessed pursuant to this section, the party also shall pay any 53561  
fee assessed by the attorney general for collection of the civil 53562  
penalty. 53563

(F) The superintendent may reserve the right to bring a civil 53564  
action against a party that fails to pay a civil penalty for 53565



breach of contract in a court of competent jurisdiction. 53566

**Sec. 4735.10.** (A)(1) The Ohio real estate commission may 53567  
adopt reasonable rules in accordance with Chapter 119. of the 53568  
Revised Code, necessary for implementing the provisions of this 53569  
chapter relating, but not limited to, the following: 53570

(a) The form and manner of filing applications for licensure; 53571

(b) Times and form of examination for license; 53572

(c) Placing an existing broker's license on deposit or a 53573  
salesperson's license on an inactive status for an indefinite 53574  
period; 53575

(d) Specifying the process by which a licensee may ~~place~~ 53576  
resign the licensee's license ~~on voluntary hold or resigned~~ 53577  
~~status~~; 53578

(e) Defining any additional license status that the 53579  
commission determines is necessary and that is not otherwise 53580  
defined in this chapter and establishing the process by which a 53581  
licensee places the licensee's license in a status defined by the 53582  
commission in the rules the commission adopts; 53583

(f) Clarification of the activities that require a license 53584  
under this chapter. 53585

(2) The commission shall adopt reasonable rules in accordance 53586  
with Chapter 119. of the Revised Code, for implementing the 53587  
provisions of this chapter relating to the following: 53588

(a) The issuance, renewal, suspension, and revocation of 53589  
licenses, other sanctions that may be imposed for violations of 53590  
this chapter, the conduct of hearings related to these actions, 53591  
and the process of reactivating a license; 53592

(b) A three-year license and a three-year license renewal 53593  
system; 53594

(c) Standards for the approval of the ten-hour postlicensure courses as required by division ~~(H)~~(G) of section 4735.07 and division (H) of section 4735.09 of the Revised Code, courses of study required for licenses, courses offered in preparation for license examinations, or courses required as continuing education for licenses.

(d) Guidelines to ensure that continuing education classes are open to all persons licensed under this chapter. The rules shall specify that an organization that sponsors a continuing education class may offer its members a reasonable reduction in the fees charged for the class.

(e) Requirements for trust accounts and property management accounts. The rules shall specify that:

(i) Brokerages engaged in the management of property for another may, pursuant to a written contract with the property owner, exercise signatory authority for withdrawals from property management accounts maintained in the name of the property owner. The exercise of authority for withdrawals does not constitute a violation of any provision of division (A) of section 4735.18 of the Revised Code.

(ii) The interest earned on property management trust accounts maintained in the name of the property owner or the broker shall be payable to the property owner unless otherwise specified in a written contract.

(f) Notice of renewal forms and filing deadlines;

(g) Special assessments under division (A) of section 4735.12 of the Revised Code.

(B) The commission may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and guidelines with which the superintendent of real estate shall comply in the exercise of the following powers:

(1) Appointment and recommendation of ancillary trustees under section 4735.05 of the Revised Code;	53626 53627
(2) Rejection of names proposed to be used by partnerships, associations, limited liability companies, limited liability partnerships, and corporations, under division (A) of section 4735.06 of the Revised Code;	53628 53629 53630 53631
(3) Acceptance and rejection of applications to take the broker and salesperson examinations and licensure, with appropriate waivers pursuant to division (E) of section 4735.07 and section 4735.09 of the Revised Code;	53632 53633 53634 53635
(4) Approval of applications of brokers to place their licenses in an inactive status and to become salespersons under section 4735.13 of the Revised Code;	53636 53637 53638
(5) Appointment of hearing examiners under section 119.09 of the Revised Code;	53639 53640
(6) Acceptance and rejection of applications to take the foreign real estate dealer and salesperson examinations and licensure, with waiver of examination, under sections 4735.27 and 4735.28 of the Revised Code;	53641 53642 53643 53644
(7) Qualification of foreign real estate under section 4735.25 of the Revised Code.	53645 53646
If at any time there is no rule in effect establishing a guideline or standard required by this division, the superintendent may adopt a rule in accordance with Chapter 119. of the Revised Code for such purpose.	53647 53648 53649 53650
(C) The commission or superintendent may hear testimony in matters relating to the duties imposed upon them, and the president of the commission and superintendent may administer oaths. The commission or superintendent may require other proof of the honesty, truthfulness, and good reputation of any person named	53651 53652 53653 53654 53655

in an application for a real estate broker's or real estate salesperson's license before admitting the applicant to the examination or issuing a license.

**Sec. 4735.13.** (A) Every real estate broker licensed under this chapter shall have and maintain a definite place of business in this state. A post office box address is not a definite place of business for purposes of this section. The license of a real estate broker shall be prominently displayed in the office or place of business of the broker, and no license shall authorize the licensee to do business except from the location specified in it. If the broker maintains more than one place of business within the state, the broker shall apply for and procure a duplicate license for each branch office maintained by the broker. Each branch office shall be in the charge of a licensed broker or salesperson. The branch office license shall be prominently displayed at the branch office location.

(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive, ~~voluntary hold,~~ or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate.

The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via

certified mail return receipt requested, within three business 53687  
days of the receipt of a written request from the superintendent 53688  
for the return of the license, is prima-facie evidence of 53689  
misconduct under division (A)(6) of section 4735.18 of the Revised 53690  
Code. 53691

(C) ~~Any~~ A licensee shall notify the superintendent in writing 53692  
within fifteen days of any of the following occurrences: 53693

(1) The licensee is convicted of a felony. 53694

(2) The licensee is convicted of a crime involving moral 53695  
turpitude. 53696

(3) The licensee is found to have violated any federal, 53697  
state, or municipal civil rights law pertaining to discrimination 53698  
in housing. 53699

(4) The licensee is found to have engaged in a discriminatory 53700  
practice pertaining to housing accommodations described in 53701  
division (H) of section 4112.02 of the Revised Code. 53702

~~(5) The licensee is found to have violated any municipal 53703  
civil rights law pertaining to housing discrimination. 53704~~

~~(6)~~ The licensee is the subject of an order by the department 53705  
of commerce, the department of insurance, or the department of 53706  
agriculture revoking or permanently surrendering any professional 53707  
license, certificate, or registration. 53708

~~(7)~~(6) The licensee is the subject of an order by any 53709  
government agency concerning real estate, financial matters, or 53710  
the performance of fiduciary duties with respect to any license, 53711  
certificate, or registration. 53712

If a licensee fails to notify the superintendent within the 53713  
required time, the superintendent immediately may suspend the 53714  
license of the licensee. 53715

Any court that convicts a licensee of a violation of any 53716

municipal civil rights law pertaining to housing discrimination 53717  
also shall notify the Ohio civil rights commission within fifteen 53718  
days of the conviction. 53719

(D) In case of any change of business location, a broker 53720  
shall give notice to the superintendent, on a form prescribed by 53721  
the superintendent, within thirty days after the change of 53722  
location, whereupon the superintendent shall issue new licenses 53723  
for the unexpired period without charge. If a broker changes a 53724  
business location without giving the required notice and without 53725  
receiving new licenses that action is prima-facie evidence of 53726  
misconduct under division (A)(6) of section 4735.18 of the Revised 53727  
Code. 53728

(E) If a real estate broker desires to associate with another 53729  
real estate broker in the capacity of a real estate salesperson, 53730  
the broker shall apply to the superintendent to deposit the 53731  
broker's real estate broker's license with the superintendent and 53732  
for the issuance of a real estate salesperson's license. The 53733  
application shall be made on a form prescribed by the 53734  
superintendent and shall be accompanied by the recommendation of 53735  
the real estate broker with whom the applicant intends to become 53736  
associated and a fee of twenty-five dollars for the real estate 53737  
salesperson's license. One dollar of the fee shall be credited to 53738  
the real estate education and research fund. If the superintendent 53739  
is satisfied that the applicant is honest, truthful, and of good 53740  
reputation, has not been convicted of a felony or a crime 53741  
involving moral turpitude, and has not been finally adjudged by a 53742  
court to have violated any municipal, state, or federal civil 53743  
rights laws relevant to the protection of purchasers or sellers of 53744  
real estate, and that the association of the real estate broker 53745  
and the applicant will be in the public interest, the 53746  
superintendent shall grant the application and issue a real estate 53747  
salesperson's license to the applicant. Any license so deposited 53748

with the superintendent shall be subject to this chapter. A broker 53749  
who intends to deposit the broker's license with the 53750  
superintendent, as provided in this section, shall give written 53751  
notice of this fact in a format prescribed by the superintendent 53752  
to all salespersons associated with the broker when applying to 53753  
place the broker's license on deposit. 53754

(F) If a real estate broker desires to become a member or 53755  
officer of a partnership, association, limited liability company, 53756  
limited liability partnership, or corporation that is or intends 53757  
to become a licensed real estate broker, the broker shall notify 53758  
the superintendent of the broker's intentions. The notice of 53759  
intention shall be on a form prescribed by the superintendent and 53760  
shall be accompanied by a fee of twenty-five dollars. One dollar 53761  
of the fee shall be credited to the real estate education and 53762  
research fund. 53763

A licensed real estate broker who is a member or officer of a 53764  
partnership, association, limited liability company, limited 53765  
liability partnership, or corporation shall only act as a real 53766  
estate broker for such partnership, association, limited liability 53767  
company, limited liability partnership, or corporation. 53768

(G) If a real estate broker or salesperson enters the armed 53769  
forces, the broker or salesperson may place the broker's or 53770  
salesperson's license on deposit with the Ohio real estate 53771  
commission. The licensee shall not be required to renew the 53772  
license until the renewal date that follows the date of discharge 53773  
from the armed forces. Any license deposited with the commission 53774  
shall be subject to this chapter. Any licensee whose license is on 53775  
deposit under this division and who fails to meet the continuing 53776  
education requirements of section 4735.141 of the Revised Code 53777  
because the licensee is in the armed forces shall satisfy the 53778  
commission that the licensee has complied with the continuing 53779  
education requirements within twelve months of the licensee's 53780

first birthday after discharge. The superintendent shall notify 53781  
the licensee of the licensee's obligations under section 4735.141 53782  
of the Revised Code at the time the licensee applies for 53783  
reactivation of the licensee's license. 53784

(H) If a licensed real estate salesperson submits an 53785  
application to the superintendent to leave the association of one 53786  
broker to associate with a different broker, the broker possessing 53787  
the licensee's license need not return the salesperson's license 53788  
to the superintendent. The superintendent may process the 53789  
application regardless of whether the licensee's license is 53790  
returned to the superintendent. 53791

**Sec. 4735.14.** (A) Each license issued under this chapter, 53792  
shall be valid without further recommendation or examination until 53793  
it is placed in an inactive, ~~voluntary hold~~, or resigned status, 53794  
is revoked or suspended, or such license expires by operation of 53795  
law. 53796

(B) Except for a licensee who has placed the licensee's 53797  
license ~~on voluntary hold or in~~ resigned status pursuant to 53798  
section 4735.142 of the Revised Code, each licensed broker, 53799  
brokerage, or salesperson shall file, on or before the date the 53800  
Ohio real estate commission has adopted by rule for that licensee 53801  
in accordance with division (A)(2)(f) of section 4735.10 of the 53802  
Revised Code, a notice of renewal on a form prescribed by the 53803  
superintendent of real estate. The notice of renewal shall be 53804  
mailed by the superintendent two months prior to the filing 53805  
deadline to the personal residence address of each broker or 53806  
salesperson that is on file with the division. If the licensee is 53807  
a partnership, association, limited liability company, limited 53808  
liability partnership, or corporation, the notice of renewal shall 53809  
be mailed by the superintendent two months prior to the filing 53810  
deadline to the brokerage's business address on file with the 53811



division. A licensee shall not renew the licensee's license any 53812  
earlier than two months prior to the filing deadline. 53813

(C) Except as otherwise provided in division (B) of this 53814  
section, the license of any real estate broker, brokerage, or 53815  
salesperson that fails to file a notice of renewal on or before 53816  
the filing deadline of each ensuing year shall be suspended 53817  
automatically without the taking of any action by the 53818  
superintendent. A suspended license may be reactivated within 53819  
twelve months of the date of suspension, provided that the renewal 53820  
fee plus a penalty fee of fifty per cent of the renewal fee is 53821  
paid to the superintendent. Failure to reactivate the license as 53822  
provided in this division shall result in automatic revocation of 53823  
the license without the taking of any action by the 53824  
superintendent. No person, partnership, association, corporation, 53825  
limited liability company, or limited partnership shall engage in 53826  
any act or acts for which a real estate license is required while 53827  
that entity's license is placed in an inactive, ~~voluntary hold~~, or 53828  
resigned status, or is suspended, or revoked. The commission shall 53829  
adopt rules in accordance with Chapter 119. of the Revised Code to 53830  
provide to licensees notice of suspension or revocation or both. 53831

(D) Each licensee shall notify the ~~commission~~ superintendent 53832  
of a change in personal residence address. A licensee's failure to 53833  
notify the ~~commission~~ superintendent of a change in personal 53834  
residence address does not negate the requirement to file the 53835  
license renewal by the required deadline established by the 53836  
commission by rule under division (A)(2)(f) of section 4735.10 of 53837  
the Revised Code. 53838

(E) The superintendent shall not renew a license if the 53839  
licensee fails to comply with section 4735.141 of the Revised Code 53840  
or is otherwise not in compliance with this chapter. 53841

(F) The superintendent shall make notice of successful 53842  
renewal available electronically to licensees as soon as 53843

practicable, but not later than thirty days after receipt by the 53844  
division of a complete application and renewal fee. This notice 53845  
shall serve as a notice of renewal for purposes of section 4745.02 53846  
of the Revised Code. 53847

**Sec. 4735.141.** (A) Except as otherwise provided in this 53848  
division and except for a licensee who has placed the licensee's 53849  
license ~~on voluntary hold or in~~ resigned status pursuant to 53850  
section 4735.142 of the Revised Code, each person licensed under 53851  
section 4735.07 or 4735.09 of the Revised Code shall submit proof 53852  
satisfactory to the superintendent of real estate that the 53853  
licensee has satisfactorily completed thirty hours of continuing 53854  
education, as prescribed by the Ohio real estate commission 53855  
pursuant to section 4735.10 of the Revised Code, on or before the 53856  
licensee's birthday occurring three years after the licensee's 53857  
date of initial licensure, and on or before the licensee's 53858  
birthday every three years thereafter. 53859

Persons licensed as real estate salespersons who subsequently 53860  
become licensed real estate brokers shall continue to submit proof 53861  
of continuing education in accordance with the time period 53862  
established in this section. 53863

The requirements of this section shall not apply to any 53864  
disabled licensee as provided in division (E) of this section. 53865

Each licensee who is seventy years of age or older, within a 53866  
continuing education reporting period, shall submit proof 53867  
satisfactory to the superintendent of real estate that the 53868  
licensee has satisfactorily completed a total of nine classroom 53869  
hours of continuing education, including instruction in Ohio real 53870  
estate law; recently enacted state and federal laws affecting the 53871  
real estate industry; municipal, state, and federal civil rights 53872  
law; and canons of ethics for the real estate industry as adopted 53873  
by the commission. The required proof of completion shall be 53874

submitted on or before the licensee's birthday that falls in the 53875  
third year of that continuing education reporting period. A 53876  
licensee who is seventy years of age or older whose license is in 53877  
an inactive status is exempt from the continuing education 53878  
requirements specified in this section. The commission shall adopt 53879  
reasonable rules in accordance with Chapter 119. of the Revised 53880  
Code to carry out the purposes of this paragraph. 53881

(B) The continuing education requirements of this section 53882  
shall be completed in schools, seminars, and educational 53883  
institutions approved by the commission. Such approval shall be 53884  
given according to rules established by the commission under the 53885  
procedures of Chapter 119. of the Revised Code, and shall not be 53886  
limited to institutions providing two-year or four-year degrees. 53887  
Each school, seminar, or educational institution approved under 53888  
this division shall be open to all licensees on an equal basis. 53889

(C) If the requirements of this section are not met by a 53890  
licensee within the period specified, the licensee's license shall 53891  
be suspended automatically without the taking of any action by the 53892  
superintendent. The superintendent shall notify the licensee of 53893  
the license suspension, and such notification shall be sent by 53894  
regular mail to the personal residence address of the licensee 53895  
that is on file with the division. Any license so suspended shall 53896  
remain suspended until it is reactivated by the superintendent. No 53897  
such license shall be reactivated until it is established, to the 53898  
satisfaction of the superintendent, that the requirements of this 53899  
section have been met. If the requirements of this section are not 53900  
met within twelve months from the date the license was suspended, 53901  
the license shall be revoked automatically without the taking of 53902  
any action by the superintendent. 53903

(D) If the license of a real estate broker is suspended 53904  
pursuant to division (C) of this section, the license of a real 53905  
estate salesperson associated with that broker correspondingly is 53906

suspended pursuant to division (H) of section 4735.20 of the Revised Code. A sole broker shall notify affiliated salespersons of the suspension in writing within three days of receiving the notice required by division (C) of this section.

(1) The suspended license of the associated real estate salesperson shall be reactivated and no fee shall be charged or collected for that reactivation if that broker subsequently submits proof to the superintendent that the broker has complied with the requirements of this section and requests that the broker's license as a real estate broker be reactivated, and the superintendent then reactivates the broker's license as a real estate broker.

(2) If the real estate salesperson submits an application to leave the association of the suspended broker in order to associate with a different broker, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be charged or collected for that reactivation. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Any person whose license is reactivated pursuant to this division shall comply with the requirements of this section and otherwise be in compliance with this chapter.

(E) Any licensee who is a disabled licensee at any time during the last three months of the third year of the licensee's continuing education reporting period may receive an extension of time as deemed appropriate by the superintendent to submit proof to the superintendent that the licensee has satisfactorily completed the required thirty hours of continuing education. To receive an extension of time, the licensee shall submit a request to the division of real estate for the extension and proof satisfactory to the commission that the licensee was a disabled licensee at some time during the last three months of the

three-year reporting period. The proof shall include, but is not 53939  
limited to, a signed statement by the licensee's attending 53940  
physician describing the disability, certifying that the 53941  
licensee's disability is of such a nature as to prevent the 53942  
licensee from attending any instruction lasting at least three 53943  
hours in duration, and stating the expected duration of the 53944  
disability. The licensee shall request the extension and provide 53945  
the physician's statement to the division no later than one month 53946  
prior to the end of the licensee's three-year continuing education 53947  
reporting period, unless the disability did not arise until the 53948  
last month of the three-year reporting period, in which event the 53949  
licensee shall request the extension and provide the physician's 53950  
statement as soon as practical after the occurrence of the 53951  
disability. A licensee granted an extension pursuant to this 53952  
division who is no longer a disabled licensee and who submits 53953  
proof of completion of the continuing education during the 53954  
extension period, shall submit, for future continuing education 53955  
reporting periods, proof of completion of the continuing education 53956  
requirements according to the schedule established in division (A) 53957  
of this section. 53958

(F) The superintendent shall not renew a license if the 53959  
licensee fails to comply with this section, and the licensee shall 53960  
be required to pay the penalty fee provided in section 4735.14 of 53961  
the Revised Code. 53962

(G) A licensee shall submit proof of completion of the 53963  
required continuing education with the licensee's notice of 53964  
renewal. The proof shall be submitted in the manner provided by 53965  
the superintendent. 53966

**Sec. 4735.142.** (A) Any person licensed under section 4735.07 53967  
or 4735.09 of the Revised Code, at any time prior to the date the 53968  
licensee is required to file a notice of renewal pursuant to 53969

division (B) of section 4735.14 of the Revised Code may apply to 53970  
the superintendent of real estate and professional licensing to 53971  
place the licensee's license ~~on voluntary hold or~~ in a permanently 53972  
resigned status. 53973

~~(B) If the superintendent has placed a license on voluntary 53974  
hold pursuant to a request made under division (A) of this 53975  
section, the licensee who requested that the licensee's license be 53976  
placed on voluntary hold may apply to the superintendent to 53977  
reactivate that license within twelve months after the date the 53978  
license is placed on voluntary hold. The superintendent shall 53979  
reactivate that license if the licensee complies with the 53980  
requirements for such reactivation that are specified in rules 53981  
adopted by the Ohio real estate commission pursuant to division 53982  
(A) of section 4735.10 of the Revised Code and satisfies all of 53983  
the following requirements:~~ 53984

~~(1) The licensee complies with the postlicensure education 53985  
requirements specified in section 4735.07 or 4735.09 of the 53986  
Revised Code, as applicable;~~ 53987

~~(2) The licensee complies with the continuing education 53988  
requirements specified in section 4735.141 of the Revised Code;~~ 53989

~~(3) The licensee renews the licensee's license in accordance 53990  
with section 4735.14 of the Revised Code and, if applicable, pays 53991  
the annual brokerage assessment fee in accordance with the 53992  
requirements specified in rules adopted by the commission.~~ 53993

~~(C) If a licensee does not apply to reactivate a license on 53994  
voluntary hold pursuant to division (B) of this section during the 53995  
twelve month time period specified in that division or does not 53996  
satisfy the requirements specified in that division during that 53997  
twelve month period, the superintendent shall consider that 53998  
license to be in a resigned status. The superintendent shall not 53999  
reactivate a resigned license. The resignation of a license is 54000~~

~~considered to be final without the taking of any action by the 54001  
superintendent. If a person whose license is in a resigned status 54002  
pursuant to this division wishes to obtain an active license, the 54003  
person shall apply for an active license in accordance with the 54004  
requirements specified in section 4735.07 or 4735.09 of the 54005  
Revised Code, as applicable. 54006~~

~~(D)~~ A licensee, at any time during which a license has been 54007  
suspended pursuant to division (G) of section 4735.07, division 54008  
(H) of section 4735.09, division (E) of section 4735.12, division 54009  
(C) of section 4735.14, division (C) of section 4735.141, or 54010  
section 4735.182 of the Revised Code, may apply to the 54011  
superintendent on a form prescribed by the superintendent to 54012  
~~voluntarily~~ permanently resign the licensee's license voluntarily. 54013  
The resignation of a license is considered to be final without the 54014  
taking of any action by the superintendent. ~~if~~ 54015

(C) ~~If~~ a person whose license is in a permanently resigned 54016  
status pursuant to a request made under this ~~division~~ section 54017  
wishes to obtain an active or inactive license, the person shall 54018  
apply for such a license in accordance with the requirements 54019  
specified in section 4735.07 or 4735.09 of the Revised Code, as 54020  
applicable, or in the rules adopted by the commission pursuant to 54021  
division (A) of section 4735.10 of the Revised Code. 54022

~~(E)~~(D) If placing a broker's license ~~on voluntary hold or in~~ 54023  
a permanently resigned status will result in the closure of the 54024  
broker's brokerage, the broker, within three days after applying 54025  
to the superintendent to place the license ~~on voluntary hold or in~~ 54026  
a permanently resigned status, shall provide to each salesperson 54027  
associated with that broker a written notice stating that fact. 54028

~~(F)~~(E) This section does not apply to any licensee whose 54029  
license has been suspended pursuant to division (F) of section 54030  
4735.181 of the Revised Code or due to disciplinary action ordered 54031  
by the commission pursuant to section 4735.051 of the Revised 54032

Code.	54033
<b>Sec. 4735.74.</b> Unless otherwise agreed in writing, a licensee	54034
owes no further duty to a client after performance of all duties	54035
or after any contract has terminated or expired, except for both	54036
of the following:	54037
(A) Providing the client with an accounting of all moneys and	54038
property relating to the transaction;	54039
(B) Keeping confidential all information received during the	54040
course of the transaction unless:	54041
(1) The client permits disclosure;	54042
(2) Disclosure is required by law or by court order;	54043
(3) The information becomes public from a source other than	54044
the licensee;	54045
(4) The information is necessary to prevent a crime the	54046
client intends to commit;	54047
(5) Disclosure is necessary to defend the brokerage or its	54048
licensees against an accusation of wrongful conduct or to	54049
establish or defend a claim that a commission is owed on a	54050
transaction;	54051
(6) Disclosure is regarding sales information requested by a	54052
<del>registered</del> <u>real estate</u> appraiser assistant <u>registered under</u>	54053
<u>Chapter 4763. of the Revised Code</u> or a <del>licensed or certified</del> <u>real</u>	54054
<u>estate</u> appraiser <u>licensed or certified under Chapter 4763. of the</u>	54055
<u>Revised Code</u> for the purposes of performing an appraisal. No cause	54056
of action shall arise on behalf of any person against a licensee	54057
for releasing information pursuant to this division.	54058
<b>Sec. 4736.01.</b> As used in this chapter:	54059
(A) "Environmental health science" means the aspect of public	54060



health science that includes, but is not limited to, the following 54061  
bodies of knowledge: air quality, food quality and protection, 54062  
hazardous and toxic substances, consumer product safety, housing, 54063  
institutional health and safety, community noise control, 54064  
radiation protection, recreational facilities, solid and liquid 54065  
waste management, vector control, drinking water quality, milk 54066  
sanitation, and rabies control. 54067

(B) "Sanitarian" means a person who performs for compensation 54068  
educational, investigational, technical, or administrative duties 54069  
requiring specialized knowledge and skills in the field of 54070  
environmental health science. 54071

(C) "Registered sanitarian" means a person who is registered 54072  
as a sanitarian in accordance with this chapter. 54073

(D) "Sanitarian-in-training" means a person who is registered 54074  
as a sanitarian-in-training in accordance with this chapter. 54075

(E) "Practice of environmental health" means consultation, 54076  
instruction, investigation, inspection, or evaluation by an 54077  
employee of a city health district, a general health district, the 54078  
environmental protection agency, the department of health, or the 54079  
department of agriculture requiring specialized knowledge, 54080  
training, and experience in the field of environmental health 54081  
science, with the primary purpose of improving or conducting 54082  
administration or enforcement under any of the following: 54083

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., or 54084  
3733. of the Revised Code; 54085

(2) Chapter 3734. of the Revised Code as it pertains to solid 54086  
waste; 54087

(3) Section 955.26, 3701.344, 3707.01, or 3707.03, sections 54088  
3707.38 to 3707.99, or section 3715.21 of the Revised Code; 54089

(4) Rules adopted under former section 3701.34 of the Revised 54090

Code pertaining to rabies control or swimming pools; 54091

(5) Rules adopted under section 3701.935 of the Revised Code 54092  
for school health and safety network inspections and rules adopted 54093  
under section 3707.26 of the Revised Code for sanitary 54094  
inspections. 54095

"Practice of environmental health" does not include sampling, 54096  
testing, controlling of vectors, reporting of observations, or 54097  
other duties that do not require application of specialized 54098  
knowledge and skills in environmental health science performed 54099  
under the supervision of a registered sanitarian. 54100

The state board of sanitarian registration may further define 54101  
environmental health science in relation to specific functions in 54102  
the practice of environmental health through rules adopted by the 54103  
board under Chapter 119. of the Revised Code. 54104

**Sec. 4740.03.** (A) The administrative section of the Ohio 54105  
construction industry licensing board annually shall elect from 54106  
among its members a chairperson and other officers as the board, 54107  
by rule, designates. The chairperson shall preside over meetings 54108  
of the administrative section or designate another member to 54109  
preside in the chairperson's absence. The administrative section 54110  
shall hold at least two regular meetings each year, but may meet 54111  
at additional times as specified by rule, at the call of the 54112  
chairperson, or upon the request of two or more members. A 54113  
majority of the members of the administrative section constitutes 54114  
a quorum for the transaction of all business. The administrative 54115  
section may not take any action without the concurrence of at 54116  
least three of its members. 54117

(B)(1) The administrative section shall employ a secretary, 54118  
who is not a member of the board, to serve at the pleasure of the 54119  
administrative section, and shall fix the compensation of the 54120  
secretary. The secretary shall be in the unclassified civil 54121

service of the state. 54122

(2) The secretary shall do all of the following: 54123

(a) Keep or set standards for and delegate to another person 54124  
the keeping of the minutes, books, and other records and files of 54125  
the board and each section of the board; 54126

(b) Issue all licenses in the name of the board; 54127

(c) Send out all notices, including advance notices of 54128  
meetings of the board and each section of the board, and attend to 54129  
all correspondence of the board and each section of the board, 54130  
under the direction of the administrative section; 54131

(d) Receive and deposit all fees payable pursuant to this 54132  
chapter into the ~~labor~~ industrial compliance operating fund 54133  
created pursuant to section 121.084 of the Revised Code; 54134

(e) Perform all other duties incidental to the office of the 54135  
secretary or properly assigned to the secretary by the 54136  
administrative section of the board. 54137

(3) Before entering upon the discharge of the duties of the 54138  
secretary, the secretary shall file with the treasurer of state a 54139  
bond in the sum of five thousand dollars, payable to the state, to 54140  
ensure the faithful performance of the secretary's duties. The 54141  
board shall pay the premium of the bond in the same manner as it 54142  
pays other expenditures of the board. 54143

(C) Upon the request of the administrative section of the 54144  
board, the director of commerce shall supply the board and its 54145  
sections with personnel, office space, and supplies, as the 54146  
director determines appropriate. The administrative section of the 54147  
board shall employ any additional staff it considers necessary and 54148  
appropriate. 54149

(D) The chairperson of the board or the secretary, or both, 54150  
as authorized by the board, shall approve all vouchers of the 54151

board. 54152

**Sec. 4740.11.** The Ohio construction industry licensing board 54153  
and its sections shall deposit all receipts and fines collected 54154  
under this chapter into the state treasury to the credit of the 54155  
~~labor~~ industrial compliance operating fund created in section 54156  
121.084 of the Revised Code. 54157

**Sec. 4740.14.** (A) There is hereby created within the 54158  
department of commerce the residential construction advisory 54159  
committee consisting of nine persons the director of commerce 54160  
appoints. The advisory committee shall be made up of the following 54161  
members: 54162

(1) Three shall be general contractors who have recognized 54163  
ability and experience in the construction of residential 54164  
buildings. 54165

(2) Two shall be building officials who have experience 54166  
administering and enforcing a residential building code. 54167

(3) One, chosen from a list of three names the Ohio fire 54168  
chief's association submits, shall be from the fire service 54169  
certified as a fire safety inspector who has at least ten years of 54170  
experience enforcing fire or building codes. 54171

(4) One shall be a residential contractor who has recognized 54172  
ability and experience in the remodeling and construction of 54173  
residential buildings. 54174

(5) One shall be an architect registered pursuant to Chapter 54175  
4703. of the Revised Code, with recognized ability and experience 54176  
in the architecture of residential buildings. 54177

(6) One, chosen from a list of three names the Ohio municipal 54178  
league submits to the director, shall be a mayor of a municipal 54179  
corporation in which the Ohio residential building code is being 54180

enforced in the municipal corporation by a certified building department. 54181  
54182

(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. 54183  
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(C) The advisory committee shall do all of the following: 54190

(1) Recommend to the board of building standards a building code for residential buildings. The committee shall recommend a code that it may model on a residential building code a national model code organization issues, with adaptations necessary to implement the code in this state. If the board of building standards decides not to adopt a code the committee recommends, the committee shall revise the code and resubmit it until the board adopts a code the committee recommends as the state residential building code; 54191  
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(2) Advise the board regarding the establishment of standards for certification of building officials who enforce the state residential building code; 54200  
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54202

(3) Assist the board in providing information and guidance to residential contractors and building officials who enforce the state residential building code; 54203  
54204  
54205

(4) Advise the board regarding the interpretation of the state residential building code; 54206  
54207

(5) Provide other assistance the committee considers necessary; 54208  
54209

(6) Provide the board with a written report of the 54210

committee's findings for each consideration required by division 54211  
(D) of this section. 54212

(D) The committee shall not make its recommendation to the 54213  
board pursuant to divisions (C)(1), (2), and (4) of this section 54214  
until the advisory committee has considered all of the following: 54215

(1) The impact that the state residential building code may 54216  
have upon the health, safety, and welfare of the public; 54217

(2) The economic reasonableness of the residential building 54218  
code; 54219

(3) The technical feasibility of the residential building 54220  
code; 54221

(4) The financial impact that the residential building code 54222  
may have on the public's ability to purchase affordable housing. 54223

(E) The advisory committee may provide the board with any 54224  
rule the committee recommends to update or amend the state 54225  
residential building code or any rule that the committee 54226  
recommends to update or amend the state residential building code 54227  
after receiving a petition described in division (A)(2) of section 54228  
3781.12 of the Revised Code. 54229

(F) Members of the advisory committee shall receive no salary 54230  
for the performance of their duties as members, but shall receive 54231  
their actual and necessary expenses incurred in the performance of 54232  
their duties as members of the advisory committee and shall 54233  
receive a per diem for each day in attendance at an official 54234  
meeting of the committee, to be paid from the ~~labor~~ industrial 54235  
compliance operating fund in the state treasury, using fees 54236  
collected in connection with residential buildings pursuant to 54237  
division (F)(2) of section 3781.102 of the Revised Code and 54238  
deposited in that fund. 54239

(G) The advisory committee is not subject to divisions (A) 54240

and (B) of section 101.84 of the Revised Code. 54241

**Sec. 4743.05.** Except as otherwise provided in sections 54242  
4701.20, 4723.062, 4723.082, ~~and 4729.65, 4781.121, and 4781.28~~ of 54243  
the Revised Code, all money collected under Chapters 3773., 4701., 54244  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 54245  
4733., 4734., 4736., 4741., 4753., 4755., 4757., 4758., 4759., 54246  
4761., ~~4766.~~, 4771., 4775., 4779., and 4781. of the Revised Code 54247  
shall be paid into the state treasury to the credit of the 54248  
occupational licensing and regulatory fund, which is hereby 54249  
created for use in administering such chapters. 54250

At the end of each quarter, the director of budget and 54251  
management shall transfer from the occupational licensing and 54252  
regulatory fund to the nurse education assistance fund created in 54253  
section 3333.28 of the Revised Code the amount certified to the 54254  
director under division (B) of section 4723.08 of the Revised 54255  
Code. 54256

At the end of each quarter, the director shall transfer from 54257  
the occupational licensing and regulatory fund to the certified 54258  
public accountant education assistance fund created in section 54259  
4701.26 of the Revised Code the amount certified to the director 54260  
under division (H)(2) of section 4701.10 of the Revised Code. 54261

**Sec. 4763.05.** (A)(1)(a) A person shall make application for 54262  
an initial state-certified general real estate appraiser 54263  
certificate, an initial state-certified residential real estate 54264  
appraiser certificate, an initial state-licensed residential real 54265  
estate appraiser license, or an initial state-registered real 54266  
estate appraiser assistant registration in writing to the 54267  
superintendent of real estate on a form the superintendent 54268  
prescribes. The application shall include the address of the 54269  
applicant's principal place of business and all other addresses at 54270

which the applicant currently engages in the business of preparing 54271  
real estate appraisals and the address of the applicant's current 54272  
residence. The superintendent shall retain the applicant's current 54273  
residence address in a separate record which ~~shall~~ does not 54274  
constitute a public record for purposes of section ~~149.03~~ 149.43 54275  
of the Revised Code. The application shall indicate whether the 54276  
applicant seeks certification as a general real estate appraiser 54277  
or as a residential real estate appraiser, licensure as a 54278  
residential real estate appraiser, or registration as a real 54279  
estate appraiser assistant and be accompanied by the prescribed 54280  
examination and certification, registration, or licensure fees set 54281  
forth in section 4763.09 of the Revised Code. The application also 54282  
shall include a pledge, signed by the applicant, that the 54283  
applicant will comply with the standards set forth in this 54284  
chapter; and a statement that the applicant understands the types 54285  
of misconduct for which disciplinary proceedings may be initiated 54286  
against the applicant pursuant to this chapter. 54287

(b) Upon the filing of an application and payment of any 54288  
examination and certification, registration, or licensure fees, 54289  
the superintendent of real estate shall request the superintendent 54290  
of the bureau of criminal identification and investigation, or a 54291  
vendor approved by the bureau, to conduct a criminal records check 54292  
based on the applicant's fingerprints in accordance with ~~division~~ 54293  
~~(A)(11)~~ of section 109.572 of the Revised Code. Notwithstanding 54294  
division (K) of section 121.08 of the Revised Code, the 54295  
superintendent of real estate shall request that criminal record 54296  
information from the federal bureau of investigation be obtained 54297  
as part of the criminal records check. Any fee required under 54298  
division (C)(3) of section 109.572 of the Revised Code shall be 54299  
paid by the applicant. 54300

(2) For purposes of providing funding for the real estate 54301  
appraiser recovery fund established by section 4763.16 of the 54302



Revised Code, the real estate appraiser board shall levy an 54303  
assessment against each person issued an initial certificate, 54304  
registration, or license and against current licensees, 54305  
registrants, and certificate holders, as required by board rule. 54306  
The assessment is in addition to the application and examination 54307  
fees for initial applicants required by division (A)(1) of this 54308  
section and the renewal fees required for current certificate 54309  
holders, registrants, and licensees. The superintendent of real 54310  
estate shall deposit the assessment into the state treasury to the 54311  
credit of the real estate appraiser recovery fund. The assessment 54312  
for initial certificate holders, registrants, and licensees shall 54313  
be paid prior to the issuance of a certificate, registration, or 54314  
license, and for current certificate holders, registrants, and 54315  
licensees, at the time of renewal. 54316

(B) An applicant for an initial general real estate appraiser 54317  
certificate, residential real estate appraiser certificate, or 54318  
residential real estate appraiser license shall possess experience 54319  
in real estate appraisal as the board prescribes by rule. In 54320  
addition to any other information required by the board, the 54321  
applicant shall furnish, under oath, a detailed listing of the 54322  
appraisal reports or file memoranda for each year for which 54323  
experience is claimed and, upon request of the superintendent or 54324  
the board, shall make available for examination a sample of the 54325  
appraisal reports prepared by the applicant in the course of the 54326  
applicant's practice. 54327

(C) An applicant for an initial certificate, registration, or 54328  
license shall be at least eighteen years of age, honest, truthful, 54329  
and of good reputation and shall present satisfactory evidence to 54330  
the superintendent that the applicant has successfully completed 54331  
any education requirements the board prescribes by rule. 54332

(D) An applicant for an initial general real estate appraiser 54333  
or residential real estate appraiser certificate or residential 54334

real estate appraiser license shall take and successfully complete 54335  
a written examination in order to qualify for the certificate or 54336  
license. 54337

The board shall prescribe the examination requirements by 54338  
rule. 54339

(E)(1) A nonresident, natural person of this state who has 54340  
complied with this section may obtain a certificate, registration, 54341  
or license. The board shall adopt rules relating to the 54342  
certification, registration, and licensure of a nonresident 54343  
applicant whose state of residence the board determines to have 54344  
certification, registration, or licensure requirements that are 54345  
substantially similar to those set forth in this chapter and the 54346  
rules adopted thereunder. 54347

(2) The board shall recognize on a temporary basis a 54348  
certification or license issued in another state and shall 54349  
register on a temporary basis an appraiser who is certified or 54350  
licensed in another state if all of the following apply: 54351

(a) The temporary registration is to perform an appraisal 54352  
assignment that is part of a federally related transaction. 54353

(b) The appraiser's business in this state is of a temporary 54354  
nature. 54355

(c) The appraiser registers with the board pursuant to this 54356  
division. 54357

An appraiser who is certified or licensed in another state 54358  
shall register with the board for temporary practice before 54359  
performing an appraisal assignment in this state in connection 54360  
with a federally related transaction. 54361

The board shall adopt rules relating to registration for the 54362  
temporary recognition of certification and licensure of appraisers 54363  
from another state. The registration for temporary recognition of 54364

certified or licensed appraisers from another state shall not 54365  
authorize completion of more than one appraisal assignment in this 54366  
state. The board shall not issue more than two registrations for 54367  
temporary practice to any one applicant in any calendar year. 54368

(3) In addition to any other information required to be 54369  
submitted with the nonresident applicant's or appraiser's 54370  
application for a certificate, registration, license, or temporary 54371  
recognition of a certificate or license, each nonresident 54372  
applicant or appraiser shall submit a statement consenting to the 54373  
service of process upon the nonresident applicant or appraiser by 54374  
means of delivering that process to the secretary of state if, in 54375  
an action against the applicant, certificate holder, registrant, 54376  
or licensee arising from the applicant's, certificate holder's, 54377  
registrant's, or licensee's activities as a certificate holder, 54378  
registrant, or licensee, the plaintiff, in the exercise of due 54379  
diligence, cannot effect personal service upon the applicant, 54380  
certificate holder, registrant, or licensee. 54381

(F) The superintendent shall not issue a certificate, 54382  
registration, or license to, or recognize on a temporary basis an 54383  
appraiser from another state that is a corporation, partnership, 54384  
or association. This prohibition shall not be construed to prevent 54385  
a certificate holder or licensee from signing an appraisal report 54386  
on behalf of a corporation, partnership, or association. 54387

(G) Every person licensed, registered, or certified under 54388  
this chapter shall notify the superintendent, on a form provided 54389  
by the superintendent, of a change in the address of the 54390  
licensee's, registrant's, or certificate holder's principal place 54391  
of business or residence within thirty days of the change. If a 54392  
licensee's, registrant's, or certificate holder's license, 54393  
registration, or certificate is revoked or not renewed, the 54394  
licensee, registrant, or certificate holder immediately shall 54395  
return the annual and any renewal certificate, registration, or 54396

license to the superintendent. 54397

(H)(1) The superintendent shall not issue a certificate, 54398  
registration, or license to any person, or recognize on a 54399  
temporary basis an appraiser from another state, who does not meet 54400  
applicable minimum criteria for state certification, registration, 54401  
or licensure prescribed by federal law or rule. 54402

(2) The superintendent shall not issue a general real estate 54403  
appraiser certificate, residential real estate appraiser 54404  
certificate, residential real estate appraiser license, or real 54405  
estate appraiser assistant registration to any person who has been 54406  
convicted of or pleaded guilty to any criminal offense involving 54407  
theft, receiving stolen property, embezzlement, forgery, fraud, 54408  
passing bad checks, money laundering, or drug trafficking, or any 54409  
criminal offense involving money or securities, including a 54410  
violation of an existing or former law of this state, any other 54411  
state, or the United States that substantially is equivalent to 54412  
such an offense. However, if the applicant has pleaded guilty to 54413  
or been convicted of such an offense, the superintendent shall not 54414  
consider the offense if the applicant has proven to the 54415  
superintendent, by a preponderance of the evidence, that the 54416  
applicant's activities and employment record since the conviction 54417  
show that the applicant is honest, truthful, and of good 54418  
reputation, and there is no basis in fact for believing that the 54419  
applicant will commit such an offense again. 54420

**Sec. 4765.02. (A)(1)** There is hereby created the state board 54421  
of emergency medical, fire, and transportation services within the 54422  
division of emergency medical services of the department of public 54423  
safety. The board shall consist of the members specified in this 54424  
section who are residents of this state. The governor, with the 54425  
advice and consent of the senate, shall appoint all members of the 54426  
board, except the employee of the department of public safety 54427

designated by the director of public safety under this section to 54428  
be a member of the board. In making the appointments, the governor 54429  
shall appoint only members with background or experience in 54430  
emergency medical services or trauma care and shall attempt to 54431  
include members representing urban and rural areas, various 54432  
geographical regions of the state, and various schools of 54433  
training. 54434

(2) One member of the board shall be a physician certified by 54435  
the American board of emergency medicine or the American 54436  
osteopathic board of emergency medicine who is active in the 54437  
practice of emergency medicine and is actively involved with an 54438  
emergency medical service organization. The governor shall appoint 54439  
this member from among three persons nominated by the Ohio chapter 54440  
of the American college of emergency physicians and three persons 54441  
nominated by the Ohio osteopathic association. One member shall be 54442  
a physician certified by the American board of surgery or the 54443  
American osteopathic board of surgery who is active in the 54444  
practice of trauma surgery and is actively involved with emergency 54445  
medical services. The governor shall appoint this member from 54446  
among three persons nominated by the Ohio chapter of the American 54447  
college of surgeons and three persons nominated by the Ohio 54448  
osteopathic association. One member shall be a physician certified 54449  
by the American academy of pediatrics or American osteopathic 54450  
board of pediatrics who is active in the practice of pediatric 54451  
emergency medicine and actively involved with an emergency medical 54452  
service organization. The governor shall appoint this member from 54453  
among three persons nominated by the Ohio chapter of the American 54454  
academy of pediatrics and three persons nominated by the Ohio 54455  
osteopathic association. ~~One member shall be the administrator of~~ 54456  
~~an adult or pediatric trauma center. The governor shall appoint~~ 54457  
~~this member from among three persons nominated by the OHA: the~~ 54458  
~~association for hospitals and health systems, three persons~~ 54459  
~~nominated by the Ohio osteopathic association, three persons~~ 54460

nominated by the association of Ohio children's hospitals, and 54461  
~~three persons nominated by the health forum of Ohio.~~ One member 54462  
shall be the administrator of a hospital ~~that is not a trauma~~ 54463  
~~center~~ located in this state. The governor shall appoint this 54464  
member from among three persons nominated by OHA: the association 54465  
for hospitals and health systems, three persons nominated by the 54466  
Ohio osteopathic association, and three persons nominated by the 54467  
association of Ohio children's hospitals, ~~and three persons~~ 54468  
~~nominated by the health forum of Ohio.~~ One member shall be a 54469  
registered nurse with EMS certification who ~~is in the active~~ 54470  
~~practice of emergency nursing~~ performs mobile intensive care or 54471  
air medical transport. The governor shall appoint this member from 54472  
among three persons nominated by the Ohio nurses association, 54473  
three persons nominated by the Ohio association of critical care 54474  
transport, and three persons nominated by the Ohio state council 54475  
of the emergency nurses association. One member shall be the chief 54476  
of a fire department that is also an emergency medical service 54477  
organization in which more than fifty per cent of the persons who 54478  
provide emergency medical services are full-time paid employees. 54479  
The governor shall appoint this member from among three persons 54480  
nominated by the Ohio fire chiefs' association. One member shall 54481  
be the chief of a fire department that is also an emergency 54482  
medical service organization in which more than fifty per cent of 54483  
the persons who provide emergency medical services are volunteers. 54484  
The governor shall appoint this member from among three persons 54485  
nominated by the Ohio fire chiefs' association. One member shall 54486  
be a person who is certified to teach under section 4765.23 of the 54487  
Revised Code ~~or, if the board has not yet certified persons to~~ 54488  
~~teach under that section, a person who is qualified to be~~ 54489  
~~certified to teach under that section~~ and holds a valid 54490  
certificate to practice as an EMT, advanced EMT, or paramedic. The 54491  
governor shall appoint this member from among three persons 54492  
nominated by the Ohio emergency medical technician instructors 54493

association and the Ohio instructor/coordinators' society. One 54494  
member shall be an ~~EMT basic, one shall be an EMT I~~ EMT, advanced 54495  
EMT, or paramedic, and one member shall be a paramedic. The 54496  
governor shall appoint these members from among three ~~EMTs basic,~~ 54497  
~~three EMTs I,~~ EMTs or advanced EMTs and three paramedics nominated 54498  
by the Ohio association of professional fire fighters ~~and three~~ 54499  
~~EMTs basic, three EMTs I, and three paramedics nominated by the~~ 54500  
~~northern Ohio fire fighters.~~ One member shall be an ~~EMT basic, one~~ 54501  
~~shall be an EMT I~~ EMT, advanced EMT, or paramedic, and one member 54502  
shall be a paramedic ~~whom the.~~ The governor shall appoint these 54503  
members from among three ~~EMTs basic, three EMTs I,~~ EMTs or 54504  
advanced EMTs and three paramedics nominated by the Ohio state 54505  
firefighter's association. One member shall be a person whom the 54506  
governor shall appoint from among an ~~EMT basic, an EMT I, and~~ EMT, 54507  
an advanced EMT, or a paramedic nominated by the Ohio association 54508  
of emergency medical services or the Ohio ambulance and medical 54509  
transportation association. One member shall be an EMT, an 54510  
advanced EMT, or a paramedic, whom the governor shall appoint from 54511  
among three persons nominated by the Ohio ambulance and medical 54512  
transportation association. One member shall be a paramedic, whom 54513  
the governor shall appoint from among three persons nominated by 54514  
the Ohio ambulance and medical transportation association. ~~The~~ 54515  
~~governor shall appoint one member who is an EMT basic, EMT I, or~~ 54516  
~~paramedic affiliated with an emergency medical services~~ 54517  
~~organization.~~ One member shall be a member of the Ohio ambulance 54518  
~~association whom the governor shall appoint from among three~~ 54519  
~~persons nominated by the Ohio ambulance association.~~ One member 54520  
shall be a physician certified by the American board of surgery, 54521  
American board of osteopathic surgery, American osteopathic board 54522  
of emergency medicine, or American board of emergency medicine who 54523  
is the chief medical officer of an air medical agency and is 54524  
currently active in providing emergency medical services. The 54525  
governor shall appoint this member from among three persons 54526

~~nominated by the Ohio association of air medical services. One~~ 54527  
~~member shall be the owner or operator of a private emergency~~ 54528  
~~medical service organization whom the governor shall appoint from~~ 54529  
~~among three persons nominated by the Ohio ambulance and medical~~ 54530  
~~transportation association. One member shall be a provider of~~ 54531  
~~mobile intensive care unit transportation in this state whom the~~ 54532  
~~governor shall appoint from among three persons nominated by the~~ 54533  
~~Ohio association of critical care transport. One member shall be a~~ 54534  
~~provider of air-medical transportation in this state whom the~~ 54535  
~~governor shall appoint from among three persons nominated by the~~ 54536  
~~Ohio association of critical care transport. One member shall be~~ 54537  
~~the owner or operator of a nonemergency medical service~~ 54538  
~~organization in this state that provides ambulance services whom~~ 54539  
~~the governor shall appoint from among three persons nominated by~~ 54540  
~~the Ohio ambulance and medical transportation association.~~ 54541

The governor may refuse to appoint any of the persons 54542  
nominated by one or more organizations under division (A)(2) of 54543  
this section, except the employee of the department of public 54544  
safety designated by the director of public safety under this 54545  
section to be a member of the board. In that event, the 54546  
organization or organizations shall continue to nominate the 54547  
required number of persons until the governor appoints to the 54548  
board one or more of the persons nominated by the organization or 54549  
organizations. 54550

The director of public safety shall designate an employee of 54551  
the department of public safety to serve as a member of the board 54552  
at the director's pleasure. This member shall serve as a liaison 54553  
between the department and the division of emergency medical 54554  
services in cooperation with the executive director of the board. 54555

~~Initial appointments to the board by the governor and the~~ 54556  
~~director of public safety shall be made within ninety days after~~ 54557  
~~November 12, 1992. Of the initial appointments by the governor,~~ 54558



~~five shall be for terms ending one year after November 12, 1992, 54559  
six shall be for terms ending two years after November 12, 1992, 54560  
and six shall be for terms ending three years after November 12, 54561  
1992. Within ninety days after the effective date of this 54562  
amendment, the governor shall appoint the member of the board who 54563  
is the chief medical officer of an air medical agency for an 54564  
initial term ending November 12, 2000. Thereafter, terms 54565~~

(B) Terms of office of all members appointed by the governor 54566  
shall be for three years, each term ending on the same day of the 54567  
same month as did the term it succeeds. Each member shall hold 54568  
office from the date of appointment until the end of the term for 54569  
which the member was appointed. A member shall continue in office 54570  
subsequent to the expiration date of the member's term until the 54571  
member's successor takes office, or until a period of sixty days 54572  
has elapsed, whichever occurs first. 54573

Each vacancy shall be filled in the same manner as the 54574  
original appointment. A member appointed to fill a vacancy 54575  
occurring prior to the expiration of the term for which the 54576  
member's predecessor was appointed shall hold office for the 54577  
remainder of the unexpired term. 54578

The term of a member shall expire if the member ceases to 54579  
meet any of the requirements to be appointed as that member. The 54580  
governor may remove any member from office for neglect of duty, 54581  
malfeasance, misfeasance, or nonfeasance, after an adjudication 54582  
hearing held in accordance with Chapter 119. of the Revised Code. 54583

(C) The members of the board shall serve without compensation 54584  
but shall be reimbursed for their actual and necessary expenses 54585  
incurred in carrying out their duties as board members. 54586

(D) The board shall organize by annually selecting a chair 54587  
and vice-chair from among its members. The board may adopt bylaws 54588  
to regulate its affairs. A majority of all members of the board 54589

shall constitute a quorum. No action shall be taken without the 54590  
concurrence of a majority of all members of the board. The board 54591  
shall meet at least four times annually and at the call of the 54592  
chair. The chair shall call a meeting on the request of the 54593  
executive director or the medical director of the board or on the 54594  
written request of five members. The board shall maintain written 54595  
or electronic records of its meetings. 54596

(E) Upon twenty-four hours' notice from a member of the 54597  
board, the member's employer shall release the member from the 54598  
member's employment duties to attend meetings of the full board. 54599  
Nothing in this ~~paragraph~~ division requires the employer of a 54600  
member of the board to compensate the member for time the member 54601  
is released from employment duties under this paragraph, but any 54602  
civil immunity, workers' compensation, disability, or similar 54603  
coverage that applies to a member of the board as a result of the 54604  
member's employment shall continue to apply while the member is 54605  
released from employment duties under this paragraph. 54606

**Sec. 4765.03.** (A) The director of public safety shall appoint 54607  
a full-time executive director for the state board of emergency 54608  
medical and transportation services. The executive director shall 54609  
be knowledgeable in emergency medical services and trauma care and 54610  
shall serve at the pleasure of the director of public safety. The 54611  
director of public safety shall appoint the executive director 54612  
from among three persons nominated by the board. The director of 54613  
public safety may refuse, for cause, to appoint any of the board's 54614  
nominees. If the director fails to appoint any of the board's 54615  
nominees, the board shall continue to nominate groups of three 54616  
persons until the director does appoint one of the board's 54617  
nominees. The executive director shall serve as the chief 54618  
executive officer of the board and as the executive director of 54619  
the division of emergency medical services. The executive director 54620  
shall attend each meeting of the board, except the board may 54621

exclude the executive director from discussions concerning the 54622  
employment or performance of the executive director or medical 54623  
director of the board. The executive director shall give a surety 54624  
bond to the state in such sum as the board determines, conditioned 54625  
on the faithful performance of the duties of the executive 54626  
director's office. The executive director shall receive a salary 54627  
from the board and shall be reimbursed for actual and necessary 54628  
expenses incurred in carrying out duties as executive director. 54629

54630

The executive director shall submit a report to the director 54631  
of public safety at least every three months regarding the status 54632  
of emergency medical services in this state. The executive 54633  
director shall meet with the director of public safety at the 54634  
director's request. 54635

(B) The board shall appoint a medical director, who shall 54636  
serve at the pleasure of the board. The medical director shall be 54637  
a physician certified by the American board of emergency medicine 54638  
or the American osteopathic board of emergency medicine who is 54639  
active in the practice of emergency medicine and has been actively 54640  
involved with an emergency medical service organization for at 54641  
least five years prior to being appointed. The board shall 54642  
consider any recommendations for this appointment from the Ohio 54643  
chapter of the American college of emergency physicians, the Ohio 54644  
chapter of the American college of surgeons, the Ohio chapter of 54645  
the American academy of pediatrics, the Ohio osteopathic 54646  
association, and the Ohio state medical association. 54647

The medical director shall direct the executive director and 54648  
advise the board with regard to adult and pediatric trauma and 54649  
emergency medical services issues. The medical director shall 54650  
attend each meeting of the board, except the board may exclude the 54651  
medical director from discussions concerning the appointment or 54652  
performance of the medical director or executive director of the 54653

board. The medical director shall be employed and paid by the 54654  
board and shall be reimbursed for actual and necessary expenses 54655  
incurred in carrying out duties as medical director. 54656

(C) The board may appoint employees as it determines 54657  
necessary. The board shall prescribe the duties and titles of its 54658  
employees. 54659

**Sec. 4765.04.** (A) The firefighter and fire safety inspector 54660  
training committee of the state board of emergency medical, fire, 54661  
and transportation services is hereby created and shall consist of 54662  
the members of the board who are chiefs of fire departments, and 54663  
the members of the board who are emergency medical 54664  
technicians-basic, emergency medical technicians-intermediate, and 54665  
emergency medical technicians-paramedic appointed from among 54666  
persons nominated by the Ohio association of professional fire 54667  
fighters or the northern Ohio fire fighters and from among persons 54668  
nominated by the Ohio state firefighter's association. Each member 54669  
of the committee, except the chairperson, may designate a person 54670  
with fire experience to serve in that member's place. The members 54671  
of the committee or their designees shall select a chairperson 54672  
from among the members or their designees. 54673

The committee may conduct investigations in the course of 54674  
discharging its duties under this chapter. In the course of an 54675  
investigation, the committee may issue subpoenas. If a person 54676  
subpoenaed fails to comply with the subpoena, the committee may 54677  
authorize its chairperson to apply to the court of common pleas in 54678  
the county where the person to be subpoenaed resides for an order 54679  
compelling compliance in the same manner as compliance with a 54680  
subpoena issued by the court is compelled. 54681

(B) The trauma committee of the state board of emergency 54682  
medical, fire, and transportation services is hereby created and 54683  
shall consist of the following members appointed by the director 54684

of public safety: 54685

(1) A physician who is certified by the American board of 54686  
surgery or American osteopathic board of surgery and actively 54687  
practices general trauma surgery, appointed from among three 54688  
persons nominated by the Ohio chapter of the American college of 54689  
surgeons, three persons nominated by the Ohio state medical 54690  
association, and three persons nominated by the Ohio osteopathic 54691  
association; 54692

(2) A physician who is certified by the American board of 54693  
surgery or the American osteopathic board of surgery and actively 54694  
practices orthopedic trauma surgery, appointed from among three 54695  
persons nominated by the Ohio orthopedic society and three persons 54696  
nominated by the Ohio osteopathic association; 54697

(3) A physician who is certified by the American board of 54698  
neurological surgeons or the American osteopathic board of surgery 54699  
and actively practices neurosurgery on trauma victims, appointed 54700  
from among three persons nominated by the Ohio state neurological 54701  
society and three persons nominated by the Ohio osteopathic 54702  
association; 54703

(4) A physician who is certified by the American board of 54704  
surgeons or American osteopathic board of surgeons and actively 54705  
specializes in treating burn victims, appointed from among three 54706  
persons nominated by the Ohio chapter of the American college of 54707  
surgeons and three persons nominated by the Ohio osteopathic 54708  
association; 54709

(5) A dentist who is certified by the American board of oral 54710  
and maxillofacial surgery and actively practices oral and 54711  
maxillofacial surgery, appointed from among three persons 54712  
nominated by the Ohio dental association; 54713

(6) A physician who is certified by the American board of 54714  
physical medicine and rehabilitation or American osteopathic board 54715

of rehabilitation medicine and actively provides rehabilitative 54716  
care to trauma victims, appointed from among three persons 54717  
nominated by the Ohio society of physical medicine and 54718  
rehabilitation and three persons nominated by the Ohio osteopathic 54719  
association; 54720

(7) A physician who is certified by the American board of 54721  
surgery or American osteopathic board of surgery with special 54722  
qualifications in pediatric surgery and actively practices 54723  
pediatric trauma surgery, appointed from among three persons 54724  
nominated by the Ohio chapter of the American academy of 54725  
pediatrics and three persons nominated by the Ohio osteopathic 54726  
association; 54727

(8) A physician who is certified by the American board of 54728  
emergency medicine or American osteopathic board of emergency 54729  
medicine, actively practices emergency medicine, and is actively 54730  
involved in emergency medical services, appointed from among three 54731  
persons nominated by the Ohio chapter of the American college of 54732  
emergency physicians and three persons nominated by the Ohio 54733  
osteopathic association; 54734

(9) A physician who is certified by the American board of 54735  
pediatrics, American osteopathic board of pediatrics, or American 54736  
board of emergency medicine, is sub-boarded in pediatric emergency 54737  
medicine, actively practices pediatric emergency medicine, and is 54738  
actively involved in emergency medical services, appointed from 54739  
among three persons nominated by the Ohio chapter of the American 54740  
academy of pediatrics, three persons nominated by the Ohio chapter 54741  
of the American college of emergency physicians, and three persons 54742  
nominated by the Ohio osteopathic association; 54743

(10) A physician who is certified by the American board of 54744  
surgery, American osteopathic board of surgery, or American board 54745  
of emergency medicine and is the chief medical officer of an air 54746  
medical organization, appointed from among three persons nominated 54747

by the Ohio association of air medical services; 54748

(11) A coroner or medical examiner appointed from among three 54749  
people nominated by the Ohio state coroners' association; 54750

(12) A registered nurse who actively practices trauma nursing 54751  
at an adult or pediatric trauma center, appointed from among three 54752  
persons nominated by the Ohio association of trauma nurse 54753  
coordinators; 54754

(13) A registered nurse who actively practices emergency 54755  
nursing and is actively involved in emergency medical services, 54756  
appointed from among three persons nominated by the Ohio chapter 54757  
of the emergency nurses' association; 54758

(14) The chief trauma registrar of an adult or pediatric 54759  
trauma center, appointed from among three persons nominated by the 54760  
alliance of Ohio trauma registrars; 54761

(15) The administrator of an adult or pediatric trauma 54762  
center, appointed from among three persons nominated by OHA: the 54763  
association for hospitals and health systems, three persons 54764  
nominated by the Ohio osteopathic association, three persons 54765  
nominated by the association of Ohio children's hospitals, and 54766  
three persons nominated by the health forum of Ohio; 54767

(16) The administrator of a hospital that is not a trauma 54768  
center and actively provides emergency care to adult or pediatric 54769  
trauma patients, appointed from among three persons nominated by 54770  
OHA: the association for hospitals and health systems, three 54771  
persons nominated by the Ohio osteopathic association, three 54772  
persons nominated by the association of Ohio children's hospitals, 54773  
and three persons nominated by the health forum of Ohio; 54774

(17) The operator of an ambulance company that actively 54775  
provides trauma care to emergency patients, appointed from among 54776  
three persons nominated by the Ohio ambulance association; 54777

(18) The chief of a fire department that actively provides 54778  
trauma care to emergency patients, appointed from among three 54779  
persons nominated by the Ohio fire chiefs' association; 54780

(19) An EMT or paramedic who is certified under this chapter 54781  
and actively provides trauma care to emergency patients, appointed 54782  
from among three persons nominated by the Ohio association of 54783  
professional firefighters, three persons nominated by the northern 54784  
Ohio fire fighters, three persons nominated by the Ohio state 54785  
firefighters' association, and three persons nominated by the Ohio 54786  
association of emergency medical services; 54787

(20) A person who actively advocates for trauma victims, 54788  
appointed from three persons nominated by the Ohio brain injury 54789  
association and three persons nominated by the governor's council 54790  
on people with disabilities; 54791

(21) A physician or nurse who has substantial administrative 54792  
responsibility for trauma care provided in or by an adult or 54793  
pediatric trauma center, appointed from among three persons 54794  
nominated by OHA: the association for hospitals and health 54795  
systems, three persons nominated by the Ohio osteopathic 54796  
association, three persons nominated by the association of Ohio 54797  
children's hospitals, and three persons nominated by the health 54798  
forum of Ohio; 54799

(22) Three representatives of hospitals that are not trauma 54800  
centers and actively provide emergency care to trauma patients, 54801  
appointed from among three persons nominated by OHA: the 54802  
association for hospitals and health systems, three persons 54803  
nominated by the Ohio osteopathic association, three persons 54804  
nominated by the association of Ohio children's hospitals, and 54805  
three persons nominated by the health forum of Ohio. The 54806  
representatives may be hospital administrators, physicians, 54807  
nurses, or other clinical professionals. 54808



Members of the committee shall have substantial experience in 54809  
the categories they represent, shall be residents of this state, 54810  
and may be members of the state board of emergency medical, fire, 54811  
and transportation services. In appointing members of the 54812  
committee, the director shall attempt to include members 54813  
representing urban and rural areas, various geographical areas of 54814  
the state, and various schools of training. The director shall not 54815  
appoint to the committee more than one member who is employed by 54816  
or practices at the same hospital, health system, or emergency 54817  
medical service organization. 54818

The director may refuse to appoint any of the persons 54819  
nominated by an organization or organizations under this division. 54820  
In that event, the organization or organizations shall continue to 54821  
nominate the required number of persons until the director 54822  
appoints to the committee one or more of the persons nominated by 54823  
the organization or organizations. 54824

Initial appointments to the committee shall be made by the 54825  
director not later than ninety days after November 3, 2000. 54826  
Members of the committee shall serve at the pleasure of the 54827  
director, except that any member of the committee who ceases to be 54828  
qualified for the position to which the member was appointed shall 54829  
cease to be a member of the committee. Vacancies on the committee 54830  
shall be filled in the same manner as original appointments. 54831

The members of the committee shall serve without compensation 54832  
but shall be reimbursed for actual and necessary expenses incurred 54833  
in carrying out duties as members of the committee. 54834

The committee shall select a chairperson and vice-chairperson 54835  
from among its members. A majority of all members of the committee 54836  
shall constitute a quorum. No action shall be taken without the 54837  
concurrence of a majority of all members of the committee. The 54838  
committee shall meet at the call of the chair, upon written 54839  
request of five members of the committee, and at the direction of 54840

the state board of emergency medical, fire, and transportation 54841  
services. The committee shall not meet at times or locations that 54842  
conflict with meetings of the board. The executive director and 54843  
medical director of the state board of emergency medical, fire, 54844  
and transportation services may participate in any meeting of the 54845  
committee and shall do so at the request of the committee. 54846

The committee shall advise and assist the state board of 54847  
emergency medical, fire, and transportation services in matters 54848  
related to adult and pediatric trauma care and the establishment 54849  
and operation of the state trauma registry. In matters relating to 54850  
the state trauma registry, the board and the committee shall 54851  
consult with trauma registrars from adult and pediatric trauma 54852  
centers in the state. The committee may appoint a subcommittee to 54853  
advise and assist with the trauma registry. The subcommittee may 54854  
include persons with expertise relevant to the trauma registry who 54855  
are not members of the board or committee. 54856

(C) The state board of emergency medical, fire, and 54857  
transportation services may appoint other committees and 54858  
subcommittees as it considers necessary. 54859

(D) The state board of emergency medical, fire, and 54860  
transportation services, and any of its committees or 54861  
subcommittees, may request assistance from any state agency. The 54862  
board and its committees and subcommittees may permit persons who 54863  
are not members of those bodies to participate in deliberations of 54864  
those bodies, but no person who is not a member of the board shall 54865  
vote on the board and no person who is not a member of a committee 54866  
created under division (A) or (B) of this section shall vote on 54867  
that committee. 54868

(E) Sections 101.82 to 101.87 of the Revised Code do not 54869  
apply to the committees established under division (A) or (B) of 54870  
this section. 54871

**Sec. 4765.05.** (A) As used in this section, "prehospital emergency medical services" means an emergency medical services system that provides medical services to patients who require immediate assistance, because of illness or injury, prior to their arrival at an emergency medical facility.

(B) The state board of emergency medical, fire, and transportation services shall divide the state geographically into prehospital emergency medical services regions for purposes of overseeing the delivery of adult and pediatric prehospital emergency medical services. For each prehospital emergency medical services region, the state board of emergency medical, fire, and transportation services shall appoint either a physician to serve as the regional director or a physician advisory board to serve as the regional advisory board. The state board of emergency medical, fire, and transportation services shall specify the duties of each regional director and regional advisory board. Regional directors and members of regional advisory boards shall serve without compensation, but shall be reimbursed for actual and necessary expenses incurred in carrying out duties as regional directors and members of regional advisory boards.

(C) Nothing in this section shall be construed to limit in any way the ability of a hospital to determine the market area of that hospital.

**Sec. 4765.06.** (A) The state board of emergency medical, fire, and transportation services shall establish an emergency medical services incidence reporting system for the collection of information regarding the delivery of emergency medical services in this state and the frequency at which the services are provided. All emergency medical service organizations shall submit to the board any information that the board determines is necessary for maintaining the incidence reporting system.

(B) The board shall establish a state trauma registry to be used for the collection of information regarding the care of adult and pediatric trauma victims in this state. The registry shall provide for the reporting of adult and pediatric trauma-related deaths, identification of adult and pediatric trauma patients, monitoring of adult and pediatric trauma patient care data, determination of the total amount of uncompensated adult and pediatric trauma care provided annually by each facility that provides care to trauma victims, and collection of any other information specified by the board. All persons designated by the board shall submit to the board any information it determines is necessary for maintaining the state trauma registry. At the request of the board any state agency possessing information regarding adult or pediatric trauma care shall provide the information to the board. The board shall maintain the state trauma registry in accordance with rules adopted under section 4765.11 of the Revised Code.

Rules relating to the state trauma registry adopted under this section and section 4765.11 of the Revised Code shall not prohibit the operation of other trauma registries and may provide for the reporting of information to the state trauma registry by or through other trauma registries in a manner consistent with information otherwise reported to the state trauma registry. Other trauma registries may report aggregate information to the state trauma registry, provided the information can be matched to the person that reported it. Information maintained by another trauma registry and reported to the state trauma registry in lieu of being reported directly to the state trauma registry is a public record and shall be maintained, made available to the public, held in confidence, risk adjusted, and not subject to discovery or introduction into evidence in a civil action as provided in section 149.43 of the Revised Code and this section. Any person who provides, maintains, or risk adjusts such information shall

comply with this section and rules adopted under it in performing 54936  
that function and has the same immunities with respect to that 54937  
function as a person who performs that function with respect to 54938  
the state trauma registry. 54939

(C) The board and any employee or contractor of the board or 54940  
the department of public safety shall not make public information 54941  
it receives under Chapter 4765. of the Revised Code that 54942  
identifies or would tend to identify a specific recipient of 54943  
emergency medical services or adult or pediatric trauma care. 54944

(D) Not later than two years after ~~the effective date of this~~ 54945  
~~amendment~~ November 3, 2000, the board shall adopt and implement 54946  
rules under section 4765.11 of the Revised Code that provide 54947  
written standards and procedures for risk adjustment of 54948  
information received by the board under Chapter 4765. of the 54949  
Revised Code. The rules shall be developed in consultation with 54950  
appropriate medical, hospital, and emergency medical service 54951  
organizations and may provide for risk adjustment by a contractor 54952  
of the board. Before risk adjustment standards and procedures are 54953  
implemented, no member of the board and no employee or contractor 54954  
of the board or the department of public safety shall make public 54955  
information received by the board under Chapter 4765. of the 54956  
Revised Code that identifies or would tend to identify a specific 54957  
provider of emergency medical services or adult or pediatric 54958  
trauma care. After risk adjustment standards and procedures are 54959  
implemented, the board shall make public such information only on 54960  
a risk adjusted basis. 54961

(E) The board shall adopt rules under section 4765.11 of the 54962  
Revised Code that specify procedures for ensuring the 54963  
confidentiality of information that is not to be made public under 54964  
this section. The rules shall specify the circumstances in which 54965  
deliberations of the persons performing risk adjustment functions 54966  
under this section are not open to the public and records of those 54967

deliberations are maintained in confidence. Nothing in this 54968  
section prohibits the board from making public statistical 54969  
information that does not identify or tend to identify a specific 54970  
recipient or provider of emergency medical services or adult or 54971  
pediatric trauma care. 54972

(F) No provider that furnishes information to the board with 54973  
respect to any patient the provider examined or treated shall, 54974  
because of this furnishing, be deemed liable in damages to any 54975  
person or be held to answer for betrayal of a professional 54976  
confidence in the absence of willful or wanton misconduct. No such 54977  
information shall be subject to introduction in evidence in any 54978  
civil action against the provider. No provider that furnishes 54979  
information to the board shall be liable for the misuse or 54980  
improper release of the information by the board or any other 54981  
person. 54982

No person who performs risk adjustment functions under this 54983  
section shall, because of performing such functions, be held 54984  
liable in a civil action for betrayal of professional confidence 54985  
or otherwise in the absence of willful or wanton misconduct. 54986

**Sec. 4765.07.** (A) The state board of emergency medical, fire, 54987  
and transportation services shall adopt rules under section 54988  
4765.11 of the Revised Code to establish and administer a grant 54989  
program under which grants are distributed according to the 54990  
following priorities: 54991

(1) First priority shall be given to emergency medical 54992  
service organizations for the training of personnel, for the 54993  
purchase of equipment and vehicles, and to improve the 54994  
availability, accessibility, and quality of emergency medical 54995  
services in this state. In this category, the board shall give 54996  
priority to grants that fund training and equipping of emergency 54997  
medical service personnel. 54998

(2) Second priority shall be given to entities that research, 54999  
test, and evaluate medical procedures and systems related to adult 55000  
and pediatric trauma care. 55001

(3) Third priority shall be given to entities that research 55002  
the causes, nature, and effects of traumatic injuries, educate the 55003  
public about injury prevention, and implement, test, and evaluate 55004  
injury prevention strategies. 55005

(4) Fourth priority shall be given to entities that research, 55006  
test, and evaluate procedures that promote the rehabilitation, 55007  
retraining, and reemployment of adult or pediatric trauma victims 55008  
and social service support mechanisms for adult or pediatric 55009  
trauma victims and their families. 55010

(5) Fifth priority shall be given to entities that conduct 55011  
research on, test, or evaluate one or more of the following: 55012

(a) Procedures governing the performance of emergency medical 55013  
services in this state; 55014

(b) The training of emergency medical service personnel; 55015

(c) The staffing of emergency medical service organizations. 55016

(6) For grants distributed for the grant award years 55017  
occurring not later than the award year ending June 30, 2017, 55018  
sixth priority shall be given to entities that operate paramedic 55019  
training programs and are seeking national accreditation of the 55020  
programs. 55021

(B) To be eligible for a grant distributed pursuant to 55022  
division (A)(6) of this section, an applicant for the grant shall 55023  
meet all of the following conditions: 55024

(1) Hold a certificate of accreditation issued by the board 55025  
under section 4765.17 of the Revised Code to operate a paramedic 55026  
training program; 55027

(2) Be seeking initial national accreditation of the program 55028

from an accrediting organization approved by the board; 55029

(3) Apply for the national accreditation on or after February 55030  
25, 2010. 55031

(C) The grant program shall be funded from the trauma and 55032  
emergency medical services ~~grants~~ fund created by section 4513.263 55033  
of the Revised Code. 55034

**Sec. 4765.08.** The state board of emergency medical, fire, and 55035  
transportation services shall prepare a statewide emergency 55036  
medical services plan and shall revise the plan as necessary. 55037

The board shall prepare a plan for the statewide regulation 55038  
of emergency medical services during periods of disaster. The plan 55039  
shall be consistent with the statewide emergency medical services 55040  
plan required under this section and with the statewide emergency 55041  
operations plan required under section 5502.22 of the Revised 55042  
Code. The board shall submit the plan to the emergency management 55043  
agency created under section 5502.22 of the Revised Code. The 55044  
board shall cooperate with the agency in any other manner the 55045  
agency considers necessary to develop and implement the statewide 55046  
emergency operations plan. 55047

**Sec. 4765.09.** The state board of emergency medical, fire, and 55048  
transportation services shall prepare recommendations for the 55049  
operation of ambulance service organizations, air medical 55050  
organizations, and emergency medical service organizations. Within 55051  
thirty days following the preparation or modification of 55052  
recommendations, the board shall notify the board of county 55053  
commissioners of any county, the board of township trustees of any 55054  
township, the board of trustees of any joint ambulance district, 55055  
or the board of trustees of any joint emergency medical services 55056  
district in which there exist ambulance service organizations, air 55057  
medical organizations, or emergency medical service organizations 55058



of any board recommendations for the operation of such 55059  
organizations. The recommendations shall include, but not be 55060  
limited to: 55061

(A) The definition and classification of ambulances and 55062  
medical aircraft; 55063

(B) The design, equipment, and supplies for ambulances and 55064  
medical aircraft, including special equipment, supplies, training, 55065  
and staffing required to assist pediatric and geriatric emergency 55066  
victims; 55067

(C) The minimum number and type of personnel for the 55068  
operation of ambulances and medical aircraft; 55069

(D) The communication systems necessary for the operation of 55070  
ambulances and medical aircraft; 55071

(E) Reports to be made by persons holding certificates of 55072  
accreditation or approval issued under section 4765.17 of the 55073  
Revised Code and certificates to practice issued under section 55074  
4765.30 of the Revised Code to ascertain compliance with this 55075  
chapter and the rules and recommendations adopted thereunder and 55076  
to ascertain the quantity and quality of ambulance service 55077  
organizations, air medical organizations, and emergency medical 55078  
service organizations throughout the state. 55079

**Sec. 4765.10.** (A) The state board of emergency medical, fire, 55080  
and transportation services shall do all of the following: 55081

(1) Administer and enforce the provisions of this chapter and 55082  
the rules adopted under it; 55083

(2) Approve, in accordance with procedures established in 55084  
rules adopted under section 4765.11 of the Revised Code, 55085  
examinations that demonstrate competence to have a certificate to 55086  
practice renewed without completing a continuing education 55087  
program; 55088

(3) Advise applicants for state or federal emergency medical services funds, review and comment on applications for these funds, and approve the use of all state and federal funds designated solely for emergency medical service programs unless federal law requires another state agency to approve the use of all such federal funds;	55089 55090 55091 55092 55093 55094
(4) Serve as a statewide clearinghouse for discussion, inquiry, and complaints concerning emergency medical services;	55095 55096
(5) Make recommendations to the general assembly on legislation to improve the delivery of emergency medical services;	55097 55098
(6) Maintain a toll-free long distance telephone number through which it shall respond to questions about emergency medical services;	55099 55100 55101
(7) Work with appropriate state offices in coordinating the training of firefighters and emergency medical service personnel. Other state offices that are involved in the training of firefighters or emergency medical service personnel shall cooperate with the board and its committees and subcommittees to achieve this goal.	55102 55103 55104 55105 55106 55107
(8) Provide a liaison to the state emergency operation center during those periods when a disaster, as defined in section 5502.21 of the Revised Code, has occurred in this state and the governor has declared an emergency as defined in that section.	55108 55109 55110 55111
(B) The board may do any of the following:	55112
(1) Investigate complaints concerning emergency medical services and emergency medical service organizations as it determines necessary;	55113 55114 55115
(2) Enter into reciprocal agreements with other states that have standards for accreditation of emergency medical services training programs and for certification of first responders,	55116 55117 55118

EMTs-basic, EMTs-I, paramedics, firefighters, or fire safety	55119
inspectors that are substantially similar to those established	55120
under this chapter and the rules adopted under it;	55121
(3) Establish a statewide public information system and	55122
public education programs regarding emergency medical services;	55123
(4) Establish an injury prevention program.	55124
<b>Sec. 4765.101.</b> (A) The state board of emergency medical,	55125
<u>fire, and transportation</u> services shall investigate any allegation	55126
that a person has violated this chapter or a rule adopted under	55127
it.	55128
Any person may submit to the board a written complaint	55129
regarding an alleged violation of this chapter or a rule adopted	55130
under it. In the absence of fraud or bad faith, no person	55131
submitting a complaint to the board or testifying in an	55132
adjudication hearing conducted in accordance with Chapter 119. of	55133
the Revised Code with regard to such an alleged violation shall be	55134
liable to any person in damages in a civil action as a result of	55135
submitting the complaint or providing testimony.	55136
(B) In investigating an allegation, the board may do any of	55137
the following:	55138
(1) Administer oaths;	55139
(2) Order the taking of depositions;	55140
(3) Issue subpoenas;	55141
(4) Compel the attendance of witnesses and production of	55142
books, accounts, papers, records, documents, and testimony.	55143
(C) A subpoena for patient record information shall not be	55144
issued without consultation with the attorney general's office and	55145
approval of the executive director of the board. Before issuance	55146
of a subpoena for patient record information, the executive	55147

director shall determine whether there is probable cause to 55148  
believe that the complaint filed alleges a violation of this 55149  
chapter or any rule adopted under it and that the records sought 55150  
are relevant to the alleged violation and material to the 55151  
investigation. The subpoena may apply only to records that cover a 55152  
reasonable period of time surrounding the alleged violation. 55153

(D) On failure to comply with any subpoena issued by the 55154  
board and after reasonable notice to the person being subpoenaed, 55155  
the board may move, pursuant to the Rules of Civil Procedure, for 55156  
an order compelling the production of persons or records. 55157

(E) A subpoena issued by the board may be served by a 55158  
sheriff, the sheriff's deputy, or an investigator for the division 55159  
of emergency medical services of the department of public safety. 55160  
Service of a subpoena issued by the board may be made by 55161  
delivering a copy of the subpoena to the person named in it, 55162  
reading it to the person, or leaving it at the person's usual 55163  
place of residence. When the person being served is an individual 55164  
authorized by this chapter to practice emergency medical services, 55165  
service of the subpoena may be made by certified mail, restricted 55166  
delivery, return receipt requested, and the subpoena shall be 55167  
deemed served on the date delivery is made or on the date that the 55168  
person refuses to accept delivery. 55169

**Sec. 4765.102.** (A) As used in this section, "licensing 55170  
agency" means any entity that has the authority pursuant to Title 55171  
XLVII of the Revised Code to issue a license, and any other agency 55172  
of this or another state, other than the Ohio supreme court, that 55173  
has the authority to issue a license that authorizes an individual 55174  
to engage in an occupation or profession. "Licensing agency" 55175  
includes an administrative officer that has authority to issue a 55176  
license that authorizes an individual to engage in an occupation 55177  
or profession. 55178

(B) Except as provided in divisions (C) and (D) of this section and section 4765.111 of the Revised Code, all information the state board of emergency medical, fire, and transportation services receives pursuant to an investigation, including information regarding an alleged violation of this chapter or rules adopted under it or a complaint submitted under division (A) of section 4765.101 of the Revised Code, is confidential, and is not subject to discovery in any civil action, during the course of the investigation and any adjudication proceedings that result from the investigation. Upon completion of the investigation and any resulting adjudication proceedings, the information is a matter of public record for purposes of section 149.43 of the Revised Code.

(C) The board may release information otherwise made confidential by division (B) of this section to law enforcement officers or licensing agencies of this or another state that are prosecuting, adjudicating, or investigating the holder of a certificate issued under this chapter or a person who allegedly engaged in the unauthorized provision of emergency medical services.

A law enforcement officer or licensing agency with information disclosed by the board under this division shall not divulge the information other than for the purpose of an adjudication by a court or licensing agency to which the subject of the adjudication is a party.

(D) If an investigation conducted under section 4765.101 of the Revised Code requires a review of patient records, the investigation and proceedings related to it shall be conducted in such a manner as to protect patient confidentiality. The board shall not make public the name or any other identifying information about a patient unless proper consent is given in accordance with rules adopted by the board. If the patient is less

than eighteen years of age, the board shall obtain consent from 55211  
the patient's parent, guardian, or custodian. 55212

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 55213  
and transportation services shall adopt, and may amend and 55214  
rescind, rules in accordance with Chapter 119. of the Revised Code 55215  
and division (C) of this section that establish all of the 55216  
following: 55217

(1) Procedures for its governance and the control of its 55218  
actions and business affairs; 55219

(2) Standards for the performance of emergency medical 55220  
services by first responders, emergency medical technicians-basic, 55221  
emergency medical technicians-intermediate, and emergency medical 55222  
technicians-paramedic; 55223

(3) Application fees for certificates of accreditation, 55224  
certificates of approval, certificates to teach, and certificates 55225  
to practice, which shall be deposited into the trauma and 55226  
emergency medical services fund created in section 4513.263 of the 55227  
Revised Code; 55228

(4) Criteria for determining when the application or renewal 55229  
fee for a certificate to practice may be waived because an 55230  
applicant cannot afford to pay the fee; 55231

(5) Procedures for issuance and renewal of certificates of 55232  
accreditation, certificates of approval, certificates to teach, 55233  
and certificates to practice, including any procedures necessary 55234  
to ensure that adequate notice of renewal is provided in 55235  
accordance with division (D) of section 4765.30 of the Revised 55236  
Code; 55237

(6) Procedures for suspending or revoking certificates of 55238  
accreditation, certificates of approval, certificates to teach, 55239  
and certificates to practice; 55240

(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	55241 55242 55243 55244
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	55245 55246
(9) Standards for certificates of accreditation and certificates of approval;	55247 55248
(10) Qualifications for certificates to teach;	55249
(11) Requirements for a certificate to practice;	55250
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	55251 55252 55253 55254 55255
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;	55256 55257 55258 55259 55260
(14) Examinations for certificates to practice;	55261
(15) Procedures for administering examinations for certificates to practice;	55262 55263
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	55264 55265 55266 55267
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	55268 55269
(18) Procedures for approving the additional emergency	55270

medical services first responders are authorized by division (C) 55271  
of section 4765.35 of the Revised Code to perform, EMTs-basic are 55272  
authorized by division (C) of section 4765.37 of the Revised Code 55273  
to perform, EMTs-I are authorized by division (B)(5) of section 55274  
4765.38 of the Revised Code to perform, and paramedics are 55275  
authorized by division (B)(6) of section 4765.39 of the Revised 55276  
Code to perform; 55277

(19) Standards and procedures for implementing the 55278  
requirements of section 4765.06 of the Revised Code, including 55279  
designations of the persons who are required to report information 55280  
to the board and the types of information to be reported; 55281

(20) Procedures for administering the emergency medical 55282  
services grant program established under section 4765.07 of the 55283  
Revised Code; 55284

(21) Procedures consistent with Chapter 119. of the Revised 55285  
Code for appealing decisions of the board; 55286

(22) Minimum qualifications and peer review and quality 55287  
improvement requirements for persons who provide medical direction 55288  
to emergency medical service personnel; 55289

(23) The manner in which a patient, or a patient's parent, 55290  
guardian, or custodian may consent to the board releasing 55291  
identifying information about the patient under division (D) of 55292  
section 4765.102 of the Revised Code; 55293

(24) Circumstances under which a training program or 55294  
continuing education program, or portion of either type of 55295  
program, may be taught by a person who does not hold a certificate 55296  
to teach issued under section 4765.23 of the Revised Code; 55297

(25) Certification cycles for certificates issued under 55298  
sections 4765.23 and 4765.30 of the Revised Code and certificates 55299  
issued by the executive director of the state board of emergency 55300  
medical, fire, and transportation services under section 4765.55 55301



of the Revised Code that establish a common expiration date for 55302  
all certificates. 55303

(B) The board may adopt, and may amend and rescind, rules in 55304  
accordance with Chapter 119. of the Revised Code and division (C) 55305  
of this section that establish the following: 55306

(1) Specifications of information that may be collected under 55307  
the trauma system registry and incidence reporting system created 55308  
under section 4765.06 of the Revised Code; 55309

(2) Standards and procedures for implementing any of the 55310  
recommendations made by any committees of the board or under 55311  
section 4765.04 of the Revised Code; 55312

(3) Requirements that a person must meet to receive a 55313  
certificate to practice as a first responder pursuant to division 55314  
(A)(2) of section 4765.30 of the Revised Code; 55315

(4) Any other rules necessary to implement this chapter. 55316

(C) In developing and administering rules adopted under this 55317  
chapter, the state board of emergency medical, fire, and 55318  
transportation services shall consult with regional directors and 55319  
regional physician advisory boards created by section 4765.05 of 55320  
the Revised Code and emphasize the special needs of pediatric and 55321  
geriatric patients. 55322

(D) Except as otherwise provided in this division, before 55323  
adopting, amending, or rescinding any rule under this chapter, the 55324  
board shall submit the proposed rule to the director of public 55325  
safety for review. The director may review the proposed rule for 55326  
not more than sixty days after the date it is submitted. If, 55327  
within this sixty-day period, the director approves the proposed 55328  
rule or does not notify the board that the rule is disapproved, 55329  
the board may adopt, amend, or rescind the rule as proposed. If, 55330  
within this sixty-day period, the director notifies the board that 55331  
the proposed rule is disapproved, the board shall not adopt, 55332

amend, or rescind the rule as proposed unless at least twelve 55333  
members of the board vote to adopt, amend, or rescind it. 55334

This division does not apply to an emergency rule adopted in 55335  
accordance with section 119.03 of the Revised Code. 55336

**Sec. 4765.111.** Except as provided in this section or sections 55337  
4765.112 to 4765.116 of the Revised Code, the state board of 55338  
emergency medical, fire, and transportation services shall conduct 55339  
disciplinary proceedings regarding the holder of a certificate 55340  
issued under this chapter in accordance with rules adopted by the 55341  
board under section 4765.11 of the Revised Code. 55342

The board and a holder of a certificate are the parties to a 55343  
hearing conducted under this chapter. Either party may submit a 55344  
written request to the other party for a list of witnesses and 55345  
copies of documents intended to be introduced at the hearing. The 55346  
request shall be in writing and shall be served not less than 55347  
thirty-seven days prior to the commencement of the hearing, unless 55348  
the hearing officer or presiding board member grants an extension 55349  
of time to make the request. Not later than thirty days before the 55350  
hearing, the responding party shall provide the requested list of 55351  
witnesses and copies of documents to the requesting party, unless 55352  
the hearing officer or presiding board member grants an extension 55353  
of time to provide the list and copies. 55354

Failure to timely provide a list or copies requested in 55355  
accordance with this section shall result in exclusion from the 55356  
hearing of the witnesses, testimony, or documents. 55357

**Sec. 4765.112.** (A) The state board of emergency medical, 55358  
fire, and transportation services, by an affirmative vote of the 55359  
majority of its members, may suspend without a prior hearing a 55360  
certificate to practice issued under this chapter if the board 55361  
determines that there is clear and convincing evidence that 55362

continued practice by the certificate holder presents a danger of 55363  
immediate and serious harm to the public and that the certificate 55364  
holder has done any of the following: 55365

(1) Furnished false, fraudulent, or misleading information to 55366  
the board; 55367

(2) Engaged in activities that exceed those permitted by the 55368  
individual's certificate; 55369

(3) In a court of this or any other state or federal court 55370  
been convicted of, pleaded guilty to, or been the subject of a 55371  
judicial finding of guilt of, a judicial finding of guilt 55372  
resulting from a plea of no contest to, or a judicial finding of 55373  
eligibility for intervention in lieu of conviction for, a felony 55374  
or for a misdemeanor committed in the course of practice or 55375  
involving gross immorality or moral turpitude. 55376

(B) Immediately following the decision to impose a summary 55377  
suspension, the board, in accordance with section 119.07 of the 55378  
Revised Code, shall issue a written order of suspension, cause it 55379  
to be delivered to the certificate holder, and notify the 55380  
certificate holder of the opportunity for a hearing. If timely 55381  
requested by the certificate holder, a hearing shall be conducted 55382  
in accordance with section 4765.115 of the Revised Code. 55383

**Sec. 4765.113.** If the state board of emergency medical, fire, 55384  
and transportation services imposes a suspension on the basis of a 55385  
conviction, judicial finding, or plea as described in division 55386  
(A)(3) of section 4765.112 of the Revised Code that is overturned 55387  
on appeal, the certificate holder, on exhaustion of the criminal 55388  
appeal process, may file with the board a petition for 55389  
reconsideration of the suspension along with appropriate court 55390  
documents. On receipt of the petition and documents, the board 55391  
shall reinstate the certificate holder's certificate to practice. 55392

**Sec. 4765.114.** (A) A certificate to practice emergency 55393  
medical services issued under this chapter is automatically 55394  
suspended on the certificate holder's conviction of, plea of 55395  
guilty to, or judicial finding of guilt of any of the following: 55396  
aggravated murder, murder, voluntary manslaughter, felonious 55397  
assault, kidnapping, rape, sexual battery, gross sexual 55398  
imposition, aggravated arson, aggravated burglary, aggravated 55399  
robbery, or a substantially equivalent offense committed in this 55400  
or another jurisdiction. Continued practice after the suspension 55401  
is practicing without a certificate. 55402

(B) If the state board of emergency medical, fire, and 55403  
transportation services has knowledge that an automatic suspension 55404  
has occurred, it shall notify, in accordance with section 119.07 55405  
of the Revised Code, the certificate holder of the suspension and 55406  
of the opportunity for a hearing. If timely requested by the 55407  
certificate holder, a hearing shall be conducted in accordance 55408  
with section 4765.115 of the Revised Code. 55409

**Sec. 4765.115.** (A) A suspension order issued under section 55410  
4765.112 or automatic suspension under section 4765.114 of the 55411  
Revised Code is not subject to suspension by a court prior to a 55412  
hearing under this section or during the pendency of any appeal 55413  
filed under section 119.12 of the Revised Code. 55414

(B) A suspension order issued under section 4765.112 or 55415  
automatic suspension under section 4765.114 of the Revised Code 55416  
remains in effect, unless reversed by the state board of emergency 55417  
medical, fire, and transportation services, until a final 55418  
adjudication order issued by the board pursuant to this section 55419  
becomes effective. 55420

(C) Hearings requested pursuant to section 4765.112 or 55421  
4765.114 of the Revised Code shall be conducted under this section 55422

in accordance with Chapter 119. of the Revised Code. 55423

(D) A hearing under this section shall be held not later than 55424  
forty-five days but not earlier than forty days after the 55425  
certificate holder requests it, unless another date is agreed to 55426  
by the certificate holder and the board. 55427

(E) After completion of an adjudication hearing, the board 55428  
may adopt, by an affirmative vote of the majority of its members, 55429  
a final adjudication order that imposes any of the following 55430  
sanctions: 55431

(1) Suspension of the holder's certificate to practice; 55432

(2) Revocation of the holder's certificate to practice; 55433

(3) Issuance of a written reprimand; 55434

(4) A refusal to renew or a limitation on the holder's 55435  
certificate to practice. 55436

The board shall issue its final adjudication order not later 55437  
than forty-five days after completion of an adjudication hearing. 55438  
If the board does not issue a final order within that time period, 55439  
the suspension order is void, but any final adjudication order 55440  
subsequently issued is not affected. 55441

(F) Any action taken by the board under this section 55442  
resulting in a suspension from practice shall be accompanied by a 55443  
written statement of the conditions under which the certificate to 55444  
practice may be reinstated. Reinstatement of a certificate 55445  
suspended under this section requires an affirmative vote by the 55446  
majority of the members of the board. 55447

(G) When the board revokes or refuses to reinstate a 55448  
certificate to practice, the board may specify that its action is 55449  
permanent. An individual subject to permanent action taken by the 55450  
board is forever ineligible to hold a certificate of the type 55451  
revoked or refused, and the board shall not accept from the 55452

individual an application for reinstatement of the certificate or 55453  
for a new certificate. 55454

**Sec. 4765.116.** If a certificate holder subject to a 55455  
suspension order issued by the state board of emergency medical, 55456  
fire, and transportation services under section 4765.112 or an 55457  
automatic suspension order under section 4765.114 of the Revised 55458  
Code fails to make a timely request for a hearing, the following 55459  
apply: 55460

(A) In the case of a certificate holder subject to a summary 55461  
suspension order, the board is not required to hold a hearing, but 55462  
may adopt, by an affirmative vote of a majority of its members, a 55463  
final order that contains the board's findings. In the final 55464  
order, the board may order any of the sanctions listed in division 55465  
(E) of section 4765.115 of the Revised Code. 55466

(B) In the case of a certificate holder subject to an 55467  
automatic suspension order, the board may adopt, by an affirmative 55468  
vote of a majority of its members, a final order that permanently 55469  
revokes the holder's certificate to practice. 55470

**Sec. 4765.12.** (A) Not later than two years after ~~the~~ 55471  
~~effective date of this section~~ November 3, 2000, the state board 55472  
of emergency medical and transportation services shall develop and 55473  
distribute guidelines for the care of trauma victims by emergency 55474  
medical service personnel and for the conduct of peer review and 55475  
quality assurance programs by emergency medical service 55476  
organizations. The guidelines shall be consistent with the state 55477  
trauma triage protocols adopted in rules under sections 4765.11 55478  
and 4765.40 of the Revised Code and shall place emphasis on the 55479  
special needs of pediatric and geriatric trauma victims. In 55480  
developing the guidelines, the board shall consult with entities 55481  
with interests in trauma and emergency medical services and shall 55482

consider any relevant guidelines adopted by national 55483  
organizations, including the American college of surgeons, 55484  
American college of emergency physicians, and American academy of 55485  
pediatrics. The board shall distribute the guidelines, and 55486  
amendments to the guidelines, to each emergency medical service 55487  
organization, regional director, regional physician advisory 55488  
board, certified emergency medical service instructor, and person 55489  
who regularly provides medical direction to emergency medical 55490  
service personnel in this state. 55491

(B) Not later than three years after ~~the effective date of~~ 55492  
~~this section~~ November 3, 2000, each emergency medical service 55493  
organization in this state shall implement ongoing peer review and 55494  
quality assurance programs designed to improve the availability 55495  
and quality of the emergency medical services it provides. The 55496  
form and content of the programs shall be determined by each 55497  
emergency medical service organization. In implementing the 55498  
programs, each emergency medical service organization shall 55499  
consider how to improve its ability to provide effective trauma 55500  
care, particularly for pediatric and geriatric trauma victims, and 55501  
shall take into account the trauma care guidelines developed by 55502  
the state board of emergency medical, fire, and transportation 55503  
services under this section. 55504

Information generated solely for use in a peer review or 55505  
quality assurance program conducted on behalf of an emergency 55506  
medical service organization is not a public record under section 55507  
149.43 of the Revised Code. Such information, and any discussion 55508  
conducted in the course of a peer review or quality assurance 55509  
program conducted on behalf of an emergency medical service 55510  
organization, is not subject to discovery in a civil action and 55511  
shall not be introduced into evidence in a civil action against 55512  
the emergency medical service organization on whose behalf the 55513  
information was generated or the discussion occurred. 55514

No emergency medical service organization on whose behalf a peer review or quality assurance program is conducted, and no person who conducts such a program, because of performing such functions, shall be liable in a civil action for betrayal of professional confidence or otherwise in the absence of willful or wanton misconduct.

**Sec. 4765.15.** A person seeking to operate an emergency medical services training program shall submit a completed application for accreditation to the state board of emergency medical, fire, and transportation services on a form the board shall prescribe and furnish. The application shall be accompanied by the appropriate application fee established in rules adopted under section 4765.11 of the Revised Code.

A person seeking to operate an emergency medical services continuing education program shall submit a completed application for approval to the board on a form the board shall prescribe and furnish. The application shall be accompanied by the appropriate application fee established in rules adopted under section 4765.11 of the Revised Code.

The board shall administer the accreditation and approval processes pursuant to rules adopted under section 4765.11 of the Revised Code. In administering these processes, the board may authorize other persons to evaluate applications for accreditation or approval and may accept the recommendations made by those persons.

The board may cause an investigation to be made into the accuracy of the information submitted in any application for accreditation or approval. If an investigation indicates that false, misleading, or incomplete information has been submitted to the board in connection with any application for accreditation or approval, the board shall conduct a hearing on the matter in



accordance with Chapter 119. of the Revised Code. 55546

**Sec. 4765.16.** (A) All courses offered through an emergency 55547  
medical services training program or an emergency medical services 55548  
continuing education program, other than ambulance driving, shall 55549  
be developed under the direction of a physician who specializes in 55550  
emergency medicine. Each course that deals with trauma care shall 55551  
be developed in consultation with a physician who specializes in 55552  
trauma surgery. Except as specified by the state board of 55553  
emergency medical, fire, and transportation services pursuant to 55554  
rules adopted under section 4765.11 of the Revised Code, each 55555  
course offered through a training program or continuing education 55556  
program shall be taught by a person who holds the appropriate 55557  
certificate to teach issued under section 4765.23 of the Revised 55558  
Code. 55559

(B) A training program for first responders shall meet the 55560  
standards established in rules adopted by the board under section 55561  
4765.11 of the Revised Code. The program shall include courses in 55562  
both of the following areas for at least the number of hours 55563  
established by the board's rules: 55564

(1) Emergency victim care; 55565

(2) Reading and interpreting a trauma victim's vital signs. 55566

(C) A training program for emergency medical 55567  
technicians-basic shall meet the standards established in rules 55568  
adopted by the board under section 4765.11 of the Revised Code. 55569  
The program shall include courses in each of the following areas 55570  
for at least the number of hours established by the board's rules: 55571

(1) Emergency victim care; 55572

(2) Reading and interpreting a trauma victim's vital signs; 55573

(3) Triage protocols for adult and pediatric trauma victims; 55574

(4) In-hospital training; 55575

- (5) Clinical training; 55576
- (6) Training as an ambulance driver. 55577

Each operator of a training program for emergency medical 55578  
technicians-basic shall allow any pupil in the twelfth grade in a 55579  
secondary school who is at least seventeen years old and who 55580  
otherwise meets the requirements for admission into such a 55581  
training program to be admitted to and complete the program and, 55582  
as part of the training, to ride in an ambulance with emergency 55583  
medical technicians-basic, emergency medical 55584  
technicians-intermediate, and emergency medical 55585  
technicians-paramedic. Each emergency medical service organization 55586  
shall allow pupils participating in training programs to ride in 55587  
an ambulance with emergency medical technicians-basic, advanced 55588  
emergency medical technicians-intermediate, and emergency medical 55589  
technicians-paramedic. 55590

(D) A training program for emergency medical 55591  
technicians-intermediate shall meet the standards established in 55592  
rules adopted by the board under section 4765.11 of the Revised 55593  
Code. The program shall include, or require as a prerequisite, the 55594  
training specified in division (C) of this section and courses in 55595  
each of the following areas for at least the number of hours 55596  
established by the board's rules: 55597

(1) Recognizing symptoms of life-threatening allergic 55598  
reactions and in calculating proper dosage levels and 55599  
administering injections of epinephrine to persons who suffer 55600  
life-threatening allergic reactions, conducted in accordance with 55601  
rules adopted by the board under section 4765.11 of the Revised 55602  
Code; 55603

(2) Venous access procedures; 55604

(3) Cardiac monitoring and electrical interventions to 55605  
support or correct the cardiac function. 55606

(E) A training program for emergency medical technicians-paramedic shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. The program shall include, or require as a prerequisite, the training specified in divisions (C) and (D) of this section and courses in each of the following areas for at least the number of hours established by the board's rules:

(1) Medical terminology;

(2) Venous access procedures;

(3) Airway procedures;

(4) Patient assessment and triage;

(5) Acute cardiac care, including administration of parenteral injections, electrical interventions, and other emergency medical services;

(6) Emergency and trauma victim care beyond that required under division (C) of this section;

(7) Clinical training beyond that required under division (C) of this section.

(F) A continuing education program for first responders, EMTs-basic, EMTs-I, or paramedics shall meet the standards established in rules adopted by the board under section 4765.11 of the Revised Code. A continuing education program shall include instruction and training in subjects established by the board's rules for at least the number of hours established by the board's rules.

**Sec. 4765.17.** (A) The state board of emergency medical, fire, and transportation services shall issue the appropriate certificate of accreditation or certificate of approval to an applicant who is of good reputation and meets the requirements of section 4765.16 of the Revised Code. The board shall grant or deny

a certificate of accreditation or certificate of approval within 55637  
one hundred twenty days of receipt of the application. The board 55638  
may issue or renew a certificate of accreditation or certificate 55639  
of approval on a provisional basis to an applicant who is of good 55640  
reputation and is in substantial compliance with the requirements 55641  
of section 4765.16 of the Revised Code. The board shall inform an 55642  
applicant receiving such a certificate of the conditions that must 55643  
be met to complete compliance with section 4765.16 of the Revised 55644  
Code. 55645

(B) Except as provided in division (C) of this section, a 55646  
certificate of accreditation or certificate of approval is valid 55647  
for up to five years and may be renewed by the board pursuant to 55648  
procedures and standards established in rules adopted under 55649  
section 4765.11 of the Revised Code. An application for renewal 55650  
shall be accompanied by the appropriate renewal fee established in 55651  
rules adopted under section 4765.11 of the Revised Code. 55652

(C) A certificate of accreditation or certificate of approval 55653  
issued on a provisional basis is valid for the length of time 55654  
established by the board. If the board finds that the holder of 55655  
such a certificate has met the conditions it specifies under 55656  
division (A) of this section, the board shall issue the 55657  
appropriate certificate of accreditation or certificate of 55658  
approval. 55659

(D) A certificate of accreditation is valid only for the 55660  
emergency medical services training program or programs for which 55661  
it is issued. The holder of a certificate of accreditation may 55662  
apply to operate additional training programs in accordance with 55663  
rules adopted by the board under section 4765.11 of the Revised 55664  
Code. Any additional training programs shall expire on the 55665  
expiration date of the applicant's current certificate. A 55666  
certificate of approval is valid only for the emergency medical 55667  
services continuing education program for which it is issued. 55668

Neither is transferable. 55669

(E) The holder of a certificate of accreditation or a 55670  
certificate of approval may offer courses at more than one 55671  
location in accordance with rules adopted under section 4765.11 of 55672  
the Revised Code. 55673

**Sec. 4765.18.** The state board of emergency medical, fire, and 55674  
transportation services may suspend or revoke a certificate of 55675  
accreditation or a certificate of approval issued under section 55676  
4765.17 of the Revised Code for any of the following reasons: 55677

(A) Violation of this chapter or any rule adopted under it; 55678

(B) Furnishing of false, misleading, or incomplete 55679  
information to the board; 55680

(C) The signing of an application or the holding of a 55681  
certificate of accreditation by a person who has pleaded guilty to 55682  
or has been convicted of a felony, or has pleaded guilty to or 55683  
been convicted of a crime involving moral turpitude; 55684

(D) The signing of an application or the holding of a 55685  
certificate of accreditation by a person who is addicted to the 55686  
use of any controlled substance or has been adjudicated 55687  
incompetent for that purpose by a court, as provided in section 55688  
5122.301 of the Revised Code; 55689

(E) Violation of any commitment made in an application for a 55690  
certificate of accreditation or certificate of approval; 55691

(F) Presentation to prospective students of misleading, 55692  
false, or fraudulent information relating to the emergency medical 55693  
services training program or emergency medical services continuing 55694  
education program, employment opportunities, or opportunities for 55695  
enrollment in accredited institutions of higher education after 55696  
entering or completing courses offered by the operator of a 55697  
program; 55698

(G) Failure to maintain in a safe and sanitary condition 55699  
premises and equipment used in conducting courses of study; 55700

(H) Failure to maintain financial resources adequate for the 55701  
satisfactory conduct of courses of study or to retain a sufficient 55702  
number of certified instructors; 55703

(I) Discrimination in the acceptance of students upon the 55704  
basis of race, color, religion, sex, or national origin. 55705

**Sec. 4765.22.** A person seeking a certificate to teach in an 55706  
emergency medical services training program or an emergency 55707  
medical services continuing education program shall submit a 55708  
completed application for certification to the state board of 55709  
emergency medical, fire, and transportation services on a form the 55710  
board shall prescribe and furnish. The application shall be 55711  
accompanied by the appropriate application fee established in 55712  
rules adopted under section 4765.11 of the Revised Code. 55713

**Sec. 4765.23.** The state board of emergency medical, fire, and 55714  
transportation services shall issue a certificate to teach in an 55715  
emergency medical services training program or an emergency 55716  
medical services continuing education program to any applicant who 55717  
it determines meets the qualifications established in rules 55718  
adopted under section 4765.11 of the Revised Code. The certificate 55719  
shall indicate each type of instruction and training the 55720  
certificate holder may teach under the certificate. 55721

A certificate to teach shall have a certification cycle 55722  
established by the board and may be renewed by the board pursuant 55723  
to rules adopted under section 4765.11 of the Revised Code. An 55724  
application for renewal shall be accompanied by the appropriate 55725  
renewal fee established in rules adopted under section 4765.11 of 55726  
the Revised Code. 55727

The board may suspend or revoke a certificate to teach 55728

pursuant to rules adopted under section 4765.11 of the Revised Code. 55729  
55730

**Sec. 4765.28.** A person seeking a certificate to practice as a 55731  
first responder, emergency medical technician-basic, emergency 55732  
medical technician-intermediate, or emergency medical 55733  
technician-paramedic shall submit a completed application for 55734  
certification to the state board of emergency medical, fire, and 55735  
transportation services on a form the board shall prescribe and 55736  
furnish. Except as provided in division (B) of section 4765.29 of 55737  
the Revised Code, the application shall include evidence that the 55738  
applicant received the appropriate certificate of completion 55739  
pursuant to section 4765.24 of the Revised Code. The application 55740  
shall be accompanied by the appropriate application fee 55741  
established in rules adopted under section 4765.11 of the Revised 55742  
Code, unless the board waives the fee on determining pursuant to 55743  
those rules that the applicant cannot afford to pay the fee. 55744

**Sec. 4765.29.** (A) The state board of emergency medical, fire, 55745  
and transportation services shall provide for the examination of 55746  
applicants for certification to practice as first responders, 55747  
emergency medical technicians-basic, emergency medical 55748  
technicians-intermediate, and emergency medical 55749  
technicians-paramedic. The examinations shall be established by 55750  
the board in rules adopted under section 4765.11 of the Revised 55751  
Code. The board may administer the examinations or contract with 55752  
other persons to administer the examinations. In either case, the 55753  
examinations shall be administered pursuant to procedures 55754  
established in rules adopted under section 4765.11 of the Revised 55755  
Code and shall be offered at various locations in the state 55756  
selected by the board. 55757

Except as provided in division (B) of this section, an 55758  
applicant shall not be permitted to take an examination for the 55759

same certificate to practice more than three times since last 55760  
receiving the certificate of completion pursuant to section 55761  
4765.24 of the Revised Code that qualifies the applicant to take 55762  
the examination unless the applicant receives another certificate 55763  
of completion that qualifies the applicant to take the 55764  
examination. 55765

(B) On request of an applicant who fails three examinations 55766  
for the same certificate to practice, the board may direct the 55767  
applicant to complete a specific portion of an accredited 55768  
emergency medical services training program. If the applicant 55769  
provides satisfactory proof to the board that the applicant has 55770  
successfully completed that portion of the program, the applicant 55771  
shall be permitted to take the examination. 55772

**Sec. 4765.30.** (A)(1) The state board of emergency medical, 55773  
fire, and transportation services shall issue a certificate to 55774  
practice as a first responder to an applicant who meets all of the 55775  
following conditions: 55776

(a) Except as provided in division (A)(2) of this section, is 55777  
a volunteer for a nonprofit emergency medical service organization 55778  
or a nonprofit fire department; 55779

(b) Holds the appropriate certificate of completion issued in 55780  
accordance with section 4765.24 of the Revised Code; 55781

(c) Passes the appropriate examination conducted under 55782  
section 4765.29 of the Revised Code; 55783

(d) Is not in violation of any provision of this chapter or 55784  
the rules adopted under it; 55785

(e) Meets any other certification requirements established in 55786  
rules adopted under section 4765.11 of the Revised Code. 55787

(2) The board may waive the requirement to be a volunteer for 55788  
a nonprofit entity if the applicant meets other requirements 55789



established in rules adopted under division (B)(3) of section 55790  
4765.11 of the Revised Code relative to a person's eligibility to 55791  
practice as a first responder. 55792

(B) The state board of emergency medical, fire, and 55793  
transportation services shall issue a certificate to practice as 55794  
an emergency medical technician-basic to an applicant who meets 55795  
all of the following conditions: 55796

(1) Holds a certificate of completion in emergency medical 55797  
services training-basic issued in accordance with section 4765.24 55798  
of the Revised Code; 55799

(2) Passes the examination for emergency medical 55800  
technicians-basic conducted under section 4765.29 of the Revised 55801  
Code; 55802

(3) Is not in violation of any provision of this chapter or 55803  
the rules adopted under it; 55804

(4) Meets any other certification requirements established in 55805  
rules adopted under section 4765.11 of the Revised Code. 55806

(C) The state board of emergency medical, fire, and 55807  
transportation services shall issue a certificate to practice as 55808  
an emergency medical technician-intermediate or emergency medical 55809  
technician-paramedic to an applicant who meets all of the 55810  
following conditions: 55811

(1) Holds a certificate to practice as an emergency medical 55812  
technician-basic; 55813

(2) Holds the appropriate certificate of completion issued in 55814  
accordance with section 4765.24 of the Revised Code; 55815

(3) Passes the appropriate examination conducted under 55816  
section 4765.29 of the Revised Code; 55817

(4) Is not in violation of any provision of this chapter or 55818  
the rules adopted under it; 55819

(5) Meets any other certification requirements established in 55820  
rules adopted under section 4765.11 of the Revised Code. 55821

(D) A certificate to practice shall have a certification 55822  
cycle established by the board and may be renewed by the board 55823  
pursuant to rules adopted under section 4765.11 of the Revised 55824  
Code. Not later than sixty days prior to the expiration date of an 55825  
individual's certificate to practice, the board shall notify the 55826  
individual of the scheduled expiration. 55827

An application for renewal shall be accompanied by the 55828  
appropriate renewal fee established in rules adopted under section 55829  
4765.11 of the Revised Code, unless the board waives the fee on 55830  
determining pursuant to those rules that the applicant cannot 55831  
afford to pay the fee. Except as provided in division (B) of 55832  
section 4765.31 of the Revised Code, the application shall include 55833  
evidence of either of the following: 55834

(1) That the applicant received a certificate of completion 55835  
from the appropriate emergency medical services continuing 55836  
education program pursuant to section 4765.24 of the Revised Code; 55837

(2) That the applicant has successfully passed an examination 55838  
that demonstrates the competence to have a certificate renewed 55839  
without completing an emergency medical services continuing 55840  
education program. The board shall approve such examinations in 55841  
accordance with rules adopted under section 4765.11 of the Revised 55842  
Code. 55843

(E) The board shall not require an applicant for renewal of a 55844  
certificate to practice to take an examination as a condition of 55845  
renewing the certificate. This division does not preclude the use 55846  
of examinations by operators of approved emergency medical 55847  
services continuing education programs as a condition for issuance 55848  
of a certificate of completion in emergency medical services 55849  
continuing education. 55850

Sec. 4765.31. (A) Except as provided in division (B) of this 55851  
section, a first responder, emergency medical technician-basic, 55852  
emergency medical technician-intermediate, and emergency medical 55853  
technician-paramedic shall complete an emergency medical services 55854  
continuing education program or pass an examination approved by 55855  
the state board of emergency medical, fire, and transportation 55856  
services under division (A) of section 4765.10 of the Revised Code 55857  
prior to the expiration of the individual's certificate to 55858  
practice. Completion of the continuing education requirements for 55859  
EMTs-I or paramedics satisfies the continuing education 55860  
requirements for renewing the certificate to practice as an 55861  
EMT-basic held by an EMT-I or paramedic. 55862

(B)(1) An applicant for renewal of a certificate to practice 55863  
may apply to the board, in writing, for an extension to complete 55864  
the continuing education requirements established under division 55865  
(A) of this section. The board may grant such an extension and 55866  
determine the length of the extension. The board may authorize the 55867  
applicant to continue to practice during the extension as if the 55868  
certificate to practice had not expired. 55869

(2) An applicant for renewal of a certificate to practice may 55870  
apply to the board, in writing, for an exemption from the 55871  
continuing education requirements established under division (A) 55872  
of this section. The board may exempt an individual or a group of 55873  
individuals from all or any part of the continuing education 55874  
requirements due to active military service, unusual circumstance, 55875  
emergency, special hardship, or any other cause considered 55876  
reasonable by the board. 55877

(C) Decisions of whether to grant an extension or exemption 55878  
under division (B) of this section shall be made by the board 55879  
pursuant to procedures established in rules adopted under section 55880  
4765.11 of the Revised Code. 55881

**Sec. 4765.32.** A current, valid certificate of accreditation 55882  
issued under the provisions of former section 3303.11 or 3303.23 55883  
of the Revised Code shall remain valid until one year after the 55884  
expiration date of the certificate as determined by the provisions 55885  
of those sections and shall confer the same privileges and impose 55886  
the same responsibilities and requirements as a certificate of 55887  
accreditation issued by the state board of emergency medical, 55888  
fire, and transportation services under section 4765.17 of the 55889  
Revised Code. 55890

A certificate to practice as an emergency medical 55891  
technician-ambulance that is valid on November 24, 1995, shall be 55892  
considered a certificate to practice as an emergency medical 55893  
technician-basic. A certificate to practice as an advanced 55894  
emergency medical technician-ambulance that is valid on November 55895  
24, 1995, shall be considered a certificate to practice as an 55896  
emergency medical technician-intermediate. 55897

**Sec. 4765.33.** The state board of emergency medical, fire, and 55898  
transportation services may suspend or revoke certificates to 55899  
practice issued under section 4765.30 of the Revised Code, and may 55900  
take other disciplinary action against first responders, emergency 55901  
medical technicians-basic, emergency medical 55902  
technicians-intermediate, and emergency medical 55903  
technicians-paramedic pursuant to rules adopted under section 55904  
4765.11 of the Revised Code. 55905

**Sec. 4765.37.** (A) An emergency medical technician-basic shall 55906  
perform the emergency medical services described in this section 55907  
in accordance with this chapter and any rules adopted under it by 55908  
the state board of emergency medical, fire, and transportation 55909  
services. 55910

(B) An emergency medical technician-basic may operate, or be 55911

responsible for operation of, an ambulance and may provide 55912  
emergency medical services to patients. In an emergency, an 55913  
EMT-basic may determine the nature and extent of illness or injury 55914  
and establish priority for required emergency medical services. An 55915  
EMT-basic may render emergency medical services such as opening 55916  
and maintaining an airway, giving positive pressure ventilation, 55917  
cardiac resuscitation, electrical interventions with automated 55918  
defibrillators to support or correct the cardiac function and 55919  
other methods determined by the board, controlling of hemorrhage, 55920  
treatment of shock, immobilization of fractures, bandaging, 55921  
assisting in childbirth, management of mentally disturbed 55922  
patients, initial care of poison and burn patients, and 55923  
determining triage of adult and pediatric trauma victims. Where 55924  
patients must in an emergency be extricated from entrapment, an 55925  
EMT-basic may assess the extent of injury and render all possible 55926  
emergency medical services and protection to the entrapped 55927  
patient; provide light rescue services if an ambulance has not 55928  
been accompanied by a specialized unit; and after extrication, 55929  
provide additional care in sorting of the injured in accordance 55930  
with standard emergency procedures. 55931

(C) An EMT-basic may perform any other emergency medical 55932  
services approved pursuant to rules adopted under section 4765.11 55933  
of the Revised Code. The board shall determine whether the nature 55934  
of any such service requires that an EMT-basic receive 55935  
authorization prior to performing the service. 55936

(D)(1) Except as provided in division (D)(2) of this section, 55937  
if the board determines under division (C) of this section that a 55938  
service requires prior authorization, the service shall be 55939  
performed only pursuant to the written or verbal authorization of 55940  
a physician or of the cooperating physician advisory board, or 55941  
pursuant to an authorization transmitted through a direct 55942  
communication device by a physician or registered nurse designated 55943

by a physician. 55944

(2) If communications fail during an emergency situation or 55945  
the required response time prohibits communication, an EMT-basic 55946  
may perform services subject to this division, if, in the judgment 55947  
of the EMT-basic, the life of the patient is in immediate danger. 55948  
Services performed under these circumstances shall be performed in 55949  
accordance with the protocols for triage of adult and pediatric 55950  
trauma victims established in rules adopted under sections 4765.11 55951  
and 4765.40 of the Revised Code and any applicable protocols 55952  
adopted by the emergency medical service organization with which 55953  
the EMT-basic is affiliated. 55954

**Sec. 4765.38.** (A) An emergency medical 55955  
technician-intermediate shall perform the emergency medical 55956  
services described in this section in accordance with this chapter 55957  
and any rules adopted under it. 55958

(B) An EMT-I may do any of the following: 55959

(1) Establish and maintain an intravenous lifeline that has 55960  
been approved by a cooperating physician or physician advisory 55961  
board; 55962

(2) Perform cardiac monitoring; 55963

(3) Perform electrical interventions to support or correct 55964  
the cardiac function; 55965

(4) Administer epinephrine; 55966

(5) Determine triage of adult and pediatric trauma victims; 55967

(6) Perform any other emergency medical services approved 55968  
pursuant to rules adopted under section 4765.11 of the Revised 55969  
Code. 55970

(C)(1) Except as provided in division (C)(2) of this section, 55971  
the services described in division (B) of this section shall be 55972

performed by an EMT-I only pursuant to the written or verbal 55973  
authorization of a physician or of the cooperating physician 55974  
advisory board, or pursuant to an authorization transmitted 55975  
through a direct communication device by a physician or registered 55976  
nurse designated by a physician. 55977

(2) If communications fail during an emergency situation or 55978  
the required response time prohibits communication, an EMT-I may 55979  
perform any of the services described in division (B) of this 55980  
section, if, in the judgment of the EMT-I, the life of the patient 55981  
is in immediate danger. Services performed under these 55982  
circumstances shall be performed in accordance with the protocols 55983  
for triage of adult and pediatric trauma victims established in 55984  
rules adopted under sections 4765.11 and 4765.40 of the Revised 55985  
Code and any applicable protocols adopted by the emergency medical 55986  
service organization with which the EMT-I is affiliated. 55987

(D) In addition to, and in the course of, providing emergency 55988  
medical treatment, an emergency medical technician-intermediate 55989  
may withdraw blood as provided under sections 1547.11, 4506.17, 55990  
and 4511.19 of the Revised Code. An emergency medical 55991  
technician-intermediate shall withdraw blood in accordance with 55992  
this chapter and any rules adopted under it by the state board of 55993  
emergency medical and transportation services. 55994

**Sec. 4765.39.** (A) An emergency medical technician-paramedic 55995  
shall perform the emergency medical services described in this 55996  
section in accordance with this chapter and any rules adopted 55997  
under it. 55998

(B) A paramedic may do any of the following: 55999

(1) Perform cardiac monitoring; 56000

(2) Perform electrical interventions to support or correct 56001  
the cardiac function; 56002

(3) Perform airway procedures;	56003
(4) Perform relief of pneumothorax;	56004
(5) Administer appropriate drugs and intravenous fluids;	56005
(6) Determine triage of adult and pediatric trauma victims;	56006
(7) Perform any other emergency medical services, including	56007
life support or intensive care techniques, approved pursuant to	56008
rules adopted under section 4765.11 of the Revised Code.	56009
(C)(1) Except as provided in division (C)(2) of this section,	56010
the services described in division (B) of this section shall be	56011
performed by a paramedic only pursuant to the written or verbal	56012
authorization of a physician or of the cooperating physician	56013
advisory board, or pursuant to an authorization transmitted	56014
through a direct communication device by a physician or registered	56015
nurse designated by a physician.	56016
(2) If communications fail during an emergency situation or	56017
the required response time prohibits communication, a paramedic	56018
may perform any of the services described in division (B) of this	56019
section, if, in the paramedic's judgment, the life of the patient	56020
is in immediate danger. Services performed under these	56021
circumstances shall be performed in accordance with the protocols	56022
for triage of adult and pediatric trauma victims established in	56023
rules adopted under sections 4765.11 and 4765.40 of the Revised	56024
Code and any applicable protocols adopted by the emergency medical	56025
service organization with which the paramedic is affiliated.	56026
(D) In addition to, and in the course of, providing emergency	56027
medical treatment, <u>an</u> emergency medical technician-paramedic may	56028
withdraw blood as provided under sections 1547.11, 4506.17, and	56029
4511.19 of the Revised Code. An emergency medical	56030
technician-paramedic shall withdraw blood in accordance with this	56031
chapter and any rules adopted under it by the state board of	56032
emergency medical, <u>fire, and transportation</u> services.	56033



**Sec. 4765.40.** (A)(1) Not later than two years after ~~the~~ 56034  
~~effective date of this amendment~~ November 3, 2000, the state board 56035  
of emergency medical, fire, and transportation services shall 56036  
adopt rules under section 4765.11 of the Revised Code establishing 56037  
written protocols for the triage of adult and pediatric trauma 56038  
victims. The rules shall define adult and pediatric trauma in a 56039  
manner that is consistent with section 4765.01 of the Revised 56040  
Code, minimizes overtriage and undertriage, and emphasizes the 56041  
special needs of pediatric and geriatric trauma patients. 56042

(2) The state triage protocols adopted under division (A) of 56043  
this section shall require a trauma victim to be transported 56044  
directly to an adult or pediatric trauma center that is qualified 56045  
to provide appropriate adult or pediatric trauma care, unless one 56046  
or more of the following exceptions applies: 56047

(a) It is medically necessary to transport the victim to 56048  
another hospital for initial assessment and stabilization before 56049  
transfer to an adult or pediatric trauma center; 56050

(b) It is unsafe or medically inappropriate to transport the 56051  
victim directly to an adult or pediatric trauma center due to 56052  
adverse weather or ground conditions or excessive transport time; 56053

(c) Transporting the victim to an adult or pediatric trauma 56054  
center would cause a shortage of local emergency medical service 56055  
resources; 56056

(d) No appropriate adult or pediatric trauma center is able 56057  
to receive and provide adult or pediatric trauma care to the 56058  
trauma victim without undue delay; 56059

(e) Before transport of a patient begins, the patient 56060  
requests to be taken to a particular hospital that is not a trauma 56061  
center or, if the patient is less than eighteen years of age or is 56062  
not able to communicate, such a request is made by an adult member 56063

of the patient's family or a legal representative of the patient. 56064

(3)(a) The state triage protocols adopted under division (A) 56065  
of this section shall require trauma patients to be transported to 56066  
an adult or pediatric trauma center that is able to provide 56067  
appropriate adult or pediatric trauma care, but shall not require 56068  
a trauma patient to be transported to a particular trauma center. 56069  
The state triage protocols shall establish one or more procedures 56070  
for evaluating whether an injury victim requires or would benefit 56071  
from adult or pediatric trauma care, which procedures shall be 56072  
applied by emergency medical service personnel based on the 56073  
patient's medical needs. In developing state trauma triage 56074  
protocols, the board shall consider relevant model triage rules 56075  
and shall consult with the commission on minority health, regional 56076  
directors, regional physician advisory boards, and appropriate 56077  
medical, hospital, and emergency medical service organizations. 56078

(b) Before the joint committee on agency rule review 56079  
considers state triage protocols for trauma victims proposed by 56080  
the state board of emergency medical, fire, and transportation 56081  
services, or amendments thereto, the board shall send a copy of 56082  
the proposal to the Ohio chapter of the American college of 56083  
emergency physicians, the Ohio chapter of the American college of 56084  
surgeons, the Ohio chapter of the American academy of pediatrics, 56085  
OHA: the association for hospitals and health systems, the Ohio 56086  
osteopathic association, and the association of Ohio children's 56087  
hospitals and shall hold a public hearing at which it must 56088  
consider the appropriateness of the protocols to minimize 56089  
overtriage and undertriage of trauma victims. 56090

(c) The board shall provide copies of the state triage 56091  
protocols, and amendments to the protocols, to each emergency 56092  
medical service organization, regional director, regional 56093  
physician advisory board, certified emergency medical service 56094  
instructor, and person who regularly provides medical direction to 56095

emergency medical service personnel in the state; to each medical 56096  
service organization in other jurisdictions that regularly provide 56097  
emergency medical services in this state; and to others upon 56098  
request. 56099

(B)(1) The state board of emergency medical, fire, and 56100  
transportation services shall approve regional protocols for the 56101  
triage of adult and pediatric trauma victims, and amendments to 56102  
such protocols, that are submitted to the board as provided in 56103  
division (B)(2) of this section and provide a level of adult and 56104  
pediatric trauma care comparable to the state triage protocols 56105  
adopted under division (A) of this section. The board shall not 56106  
otherwise approve regional triage protocols for trauma victims. 56107  
The board shall not approve regional triage protocols for regions 56108  
that overlap and shall resolve any such disputes by apportioning 56109  
the overlapping territory among appropriate regions in a manner 56110  
that best serves the medical needs of the residents of that 56111  
territory. The trauma committee of the board shall have reasonable 56112  
opportunity to review and comment on regional triage protocols and 56113  
amendments to such protocols before the board approves or 56114  
disapproves them. 56115

(2) Regional protocols for the triage of adult and pediatric 56116  
trauma victims, and amendments to such protocols, shall be 56117  
submitted in writing to the state board of emergency medical, 56118  
fire, and transportation services by the regional physician 56119  
advisory board or regional director, as appropriate, that serves a 56120  
majority of the population in the region in which the protocols 56121  
apply. Prior to submitting regional triage protocols, or an 56122  
amendment to such protocols, to the state board of emergency 56123  
medical, fire, and transportation services, a regional physician 56124  
advisory board or regional director shall consult with each of the 56125  
following that regularly serves the region in which the protocols 56126  
apply: 56127

(a) Other regional physician advisory boards and regional directors;	56128 56129
(b) Hospitals that operate an emergency facility;	56130
(c) Adult and pediatric trauma centers;	56131
(d) Professional societies of physicians who specialize in adult or pediatric emergency medicine or adult or pediatric trauma surgery;	56132 56133 56134
(e) Professional societies of nurses who specialize in adult or pediatric emergency nursing or adult or pediatric trauma surgery;	56135 56136 56137
(f) Professional associations or labor organizations of emergency medical service personnel;	56138 56139
(g) Emergency medical service organizations and medical directors of such organizations;	56140 56141
(h) Certified emergency medical service instructors.	56142
(3) Regional protocols for the triage of adult and pediatric trauma victims approved under division (B)(2) of this section shall require patients to be transported to a trauma center that is able to provide an appropriate level of adult or pediatric trauma care; shall not discriminate among trauma centers for reasons not related to a patient's medical needs; shall seek to minimize undertriage and overtriage; may include any of the exceptions in division (A)(2) of this section; and supersede the state triage protocols adopted under division (A) of this section in the region in which the regional protocols apply.	56143 56144 56145 56146 56147 56148 56149 56150 56151 56152
(4) Upon approval of regional protocols for the triage of adult and pediatric trauma victims under division (B)(2) of this section, or an amendment to such protocols, the state board of emergency medical, <u>fire, and transportation</u> services shall provide written notice of the approval and a copy of the protocols or	56153 56154 56155 56156 56157

amendment to each entity in the region in which the protocols 56158  
apply to which the board is required to send a copy of the state 56159  
triage protocols adopted under division (A) of this section. 56160

(C)(1) The state board of emergency medical, fire, and 56161  
transportation services shall review the state triage protocols 56162  
adopted under division (A) of this section at least every three 56163  
years to determine if they are causing overtriage or undertriage 56164  
of trauma patients, and shall modify them as necessary to minimize 56165  
overtriage and undertriage. 56166

(2) Each regional physician advisory board or regional 56167  
director that has had regional triage protocols approved under 56168  
division (B)(2) of this section shall review the protocols at 56169  
least every three years to determine if they are causing 56170  
overtriage or undertriage of trauma patients and shall submit an 56171  
appropriate amendment to the state board, as provided in division 56172  
(B) of this section, as necessary to minimize overtriage and 56173  
undertriage. The state board shall approve the amendment if it 56174  
will reduce overtriage or undertriage while complying with 56175  
division (B) of this section, and shall not otherwise approve the 56176  
amendment. 56177

(D) No provider of emergency medical services or person who 56178  
provides medical direction to emergency medical service personnel 56179  
in this state shall fail to comply with the state triage protocols 56180  
adopted under division (A) of this section or applicable regional 56181  
triage protocols approved under division (B)(2) of this section. 56182

(E) The state board of emergency medical, fire, and 56183  
transportation services shall adopt rules under section 4765.11 of 56184  
the Revised Code that provide for enforcement of the state triage 56185  
protocols adopted under division (A) of this section and regional 56186  
triage protocols approved under division (B)(2) of this section, 56187  
and for education regarding those protocols for emergency medical 56188  
service organizations and personnel, regional directors and 56189

regional physician advisory boards, emergency medical service 56190  
instructors, and persons who regularly provide medical direction 56191  
to emergency medical service personnel in this state. 56192

**Sec. 4765.42.** Each emergency medical service organization 56193  
shall give notice of the name of its medical director or the names 56194  
of the members of its cooperating physician advisory board to the 56195  
state board of emergency medical, fire, and transportation 56196  
services. The notice shall be made in writing. 56197

**Sec. 4765.48.** The attorney general, the prosecuting attorney 56198  
of the county, or the city director of law shall, upon complaint 56199  
of the state board of emergency medical, fire, and transportation 56200  
services, prosecute to termination or bring an action for 56201  
injunction against any person violating this chapter or the rules 56202  
adopted under it. The common pleas court in which an action for 56203  
injunction is filed has the jurisdiction to grant injunctive 56204  
relief upon a showing that the respondent named in the complaint 56205  
is in violation of this chapter or the rules adopted under it. 56206

**Sec. 4765.49.** (A) A first responder, emergency medical 56207  
technician-basic, emergency medical technician-intermediate, or 56208  
emergency medical technician-paramedic is not liable in damages in 56209  
a civil action for injury, death, or loss to person or property 56210  
resulting from the individual's administration of emergency 56211  
medical services, unless the services are administered in a manner 56212  
that constitutes willful or wanton misconduct. A physician or 56213  
registered nurse designated by a physician, who is advising or 56214  
assisting in the emergency medical services by means of any 56215  
communication device or telemetering system, is not liable in 56216  
damages in a civil action for injury, death, or loss to person or 56217  
property resulting from the individual's advisory communication or 56218  
assistance, unless the advisory communication or assistance is 56219

provided in a manner that constitutes willful or wanton 56220  
misconduct. Medical directors and members of cooperating physician 56221  
advisory boards of emergency medical service organizations are not 56222  
liable in damages in a civil action for injury, death, or loss to 56223  
person or property resulting from their acts or omissions in the 56224  
performance of their duties, unless the act or omission 56225  
constitutes willful or wanton misconduct. 56226

(B) A political subdivision, joint ambulance district, joint 56227  
emergency medical services district, or other public agency, and 56228  
any officer or employee of a public agency or of a private 56229  
organization operating under contract or in joint agreement with 56230  
one or more political subdivisions, that provides emergency 56231  
medical services, or that enters into a joint agreement or a 56232  
contract with the state, any political subdivision, joint 56233  
ambulance district, or joint emergency medical services district 56234  
for the provision of emergency medical services, is not liable in 56235  
damages in a civil action for injury, death, or loss to person or 56236  
property arising out of any actions taken by a first responder, 56237  
EMT-basic, EMT-I, or paramedic working under the officer's or 56238  
employee's jurisdiction, or for injury, death, or loss to person 56239  
or property arising out of any actions of licensed medical 56240  
personnel advising or assisting the first responder, EMT-basic, 56241  
EMT-I, or paramedic, unless the services are provided in a manner 56242  
that constitutes willful or wanton misconduct. 56243

(C) A student who is enrolled in an emergency medical 56244  
services training program accredited under section 4765.17 of the 56245  
Revised Code or an emergency medical services continuing education 56246  
program approved under that section is not liable in damages in a 56247  
civil action for injury, death, or loss to person or property 56248  
resulting from either of the following: 56249

(1) The student's administration of emergency medical 56250  
services or patient care or treatment, if the services, care, or 56251

treatment is administered while the student is under the direct supervision and in the immediate presence of an EMT-basic, EMT-I, paramedic, registered nurse, or physician and while the student is receiving clinical training that is required by the program, unless the services, care, or treatment is provided in a manner that constitutes willful or wanton misconduct;

(2) The student's training as an ambulance driver, unless the driving is done in a manner that constitutes willful or wanton misconduct.

(D) An EMT-basic, EMT-I, paramedic, or other operator, who holds a valid commercial driver's license issued pursuant to Chapter 4506. of the Revised Code or driver's license issued pursuant to Chapter 4507. of the Revised Code and who is employed by an emergency medical service organization that is not owned or operated by a political subdivision as defined in section 2744.01 of the Revised Code, is not liable in damages in a civil action for injury, death, or loss to person or property that is caused by the operation of an ambulance by the EMT-basic, EMT-I, paramedic, or other operator while responding to or completing a call for emergency medical services, unless the operation constitutes willful or wanton misconduct or does not comply with the precautions of section 4511.03 of the Revised Code. An emergency medical service organization is not liable in damages in a civil action for any injury, death, or loss to person or property that is caused by the operation of an ambulance by its employee or agent, if this division grants the employee or agent immunity from civil liability for the injury, death, or loss.

(E) An employee or agent of an emergency medical service organization who receives requests for emergency medical services that are directed to the organization, dispatches first responders, EMTs-basic, EMTs-I, or paramedics in response to those requests, communicates those requests to those employees or agents



of the organization who are authorized to dispatch first responders, EMTs-basic, EMTs-I, or paramedics, or performs any combination of these functions for the organization, is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the individual's acts or omissions in the performance of those duties for the organization, unless an act or omission constitutes willful or wanton misconduct.

(F) A person who is performing the functions of a first responder, EMT-basic, EMT-I, or paramedic under the authority of the laws of a state that borders this state and who provides emergency medical services to or transportation of a patient in this state is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's administration of emergency medical services, unless the services are administered in a manner that constitutes willful or wanton misconduct. A physician or registered nurse designated by a physician, who is licensed to practice in the adjoining state and who is advising or assisting in the emergency medical services by means of any communication device or telemetering system is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the person's advisory communication or assistance, unless the advisory communication or assistance is provided in a manner that constitutes willful or wanton misconduct.

(G) A person certified under section 4765.23 of the Revised Code to teach in an emergency medical services training program or emergency medical services continuing education program, and a person who teaches at the Ohio fire academy established under section 3737.33 of the Revised Code or in a fire service training program described in division (A) of section 4765.55 of the Revised Code, is not liable in damages in a civil action for injury, death, or loss to person or property resulting from the

person's acts or omissions in the performance of the person's 56316  
duties, unless an act or omission constitutes willful or wanton 56317  
misconduct. 56318

(H) In the accreditation of emergency medical services 56319  
training programs or approval of emergency medical services 56320  
continuing education programs, the state board of emergency 56321  
medical, fire, and transportation services and any person or 56322  
entity authorized by the board to evaluate applications for 56323  
accreditation or approval are not liable in damages in a civil 56324  
action for injury, death, or loss to person or property resulting 56325  
from their acts or omissions in the performance of their duties, 56326  
unless an act or omission constitutes willful or wanton 56327  
misconduct. 56328

(I) A person authorized by an emergency medical service 56329  
organization to review the performance of first responders, 56330  
EMTs-basic, EMTs-I, and paramedics or to administer quality 56331  
assurance programs is not liable in damages in a civil action for 56332  
injury, death, or loss to person or property resulting from the 56333  
person's acts or omissions in the performance of the person's 56334  
duties, unless an act or omission constitutes willful or wanton 56335  
misconduct. 56336

**Sec. 4765.55.** (A) The executive director of the state board 56337  
of emergency medical, fire, and transportation services, with the 56338  
advice and counsel of the firefighter and fire safety inspector 56339  
training committee of the state board of emergency medical, fire, 56340  
and transportation services, shall assist in the establishment and 56341  
maintenance by any state agency, or any county, township, city, 56342  
village, school district, or educational service center of a fire 56343  
service training program for the training of all persons in 56344  
positions of any fire training certification level approved by the 56345  
executive director, including full-time paid firefighters, 56346

part-time paid firefighters, volunteer firefighters, and fire 56347  
safety inspectors in this state. The executive director, with the 56348  
advice and counsel of the committee, shall adopt rules to regulate 56349  
those firefighter and fire safety inspector training programs, and 56350  
other training programs approved by the executive director. The 56351  
rules may include, but need not be limited to, training 56352  
curriculum, certification examinations, training schedules, 56353  
minimum hours of instruction, attendance requirements, required 56354  
equipment and facilities, basic physical requirements, and methods 56355  
of training for all persons in positions of any fire training 56356  
certification level approved by the executive director, including 56357  
full-time paid firefighters, part-time paid firefighters, 56358  
volunteer firefighters, and fire safety inspectors. The rules 56359  
adopted to regulate training programs for volunteer firefighters 56360  
shall not require more than thirty-six hours of training. 56361

The executive director, with the advice and counsel of the 56362  
committee, shall provide for the classification and chartering of 56363  
fire service training programs in accordance with rules adopted 56364  
under division (B) of this section, and may take action against 56365  
any chartered training program or applicant, in accordance with 56366  
rules adopted under divisions (B)(4) and (5) of this section, for 56367  
failure to meet standards set by the adopted rules. 56368

(B) The executive director, with the advice and counsel of 56369  
the firefighter and fire safety inspector training committee of 56370  
the state board of emergency medical, fire, and transportation 56371  
services, shall adopt, and may amend or rescind, rules under 56372  
Chapter 119. of the Revised Code that establish all of the 56373  
following: 56374

(1) Requirements for, and procedures for chartering, the 56375  
training programs regulated by this section; 56376

(2) Requirements for, and requirements and procedures for 56377  
obtaining and renewing, an instructor certificate to teach the 56378

training programs and continuing education classes regulated by this section;	56379 56380
(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;	56381 56382 56383
(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:	56384 56385 56386 56387
(a) Failure to satisfy the education or training requirements of this section;	56388 56389
(b) Conviction of a felony offense;	56390
(c) Conviction of a misdemeanor involving moral turpitude;	56391
(d) Conviction of a misdemeanor committed in the course of practice;	56392 56393
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	56394 56395 56396
(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;	56397 56398 56399 56400 56401 56402
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities;	56403 56404 56405
(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements;	56406 56407
(8) Certification cycles for which the certificates and	56408

charters regulated by this section are valid. 56409

(C) The executive director, with the advice and counsel of 56410  
the firefighter and fire safety inspector training committee of 56411  
the state board of emergency medical, fire, and transportation 56412  
services, shall issue or renew an instructor certificate to teach 56413  
the training programs and continuing education classes regulated 56414  
by this section to any applicant that the executive director 56415  
determines meets the qualifications established in rules adopted 56416  
under division (B) of this section, and may take disciplinary 56417  
action against an instructor certificate holder or applicant in 56418  
accordance with rules adopted under division (B) of this section. 56419  
The executive director, with the advice and counsel of the 56420  
committee, shall charter or renew the charter of any training 56421  
program that the executive director determines meets the 56422  
qualifications established in rules adopted under division (B) of 56423  
this section, and may take disciplinary action against the holder 56424  
of a charter in accordance with rules adopted under division (B) 56425  
of this section. 56426

(D) The executive director shall issue or renew a fire 56427  
training certificate for a firefighter, a fire safety inspector, 56428  
or another position of any fire training certification level 56429  
approved by the executive director, to any applicant that the 56430  
executive director determines meets the qualifications established 56431  
in rules adopted under division (B) of this section and may take 56432  
disciplinary actions against a certificate holder or applicant in 56433  
accordance with rules adopted under division (B) of this section. 56434

(E) Certificates issued under this section shall be on a form 56435  
prescribed by the executive director, with the advice and counsel 56436  
of the firefighter and fire safety inspector training committee of 56437  
the state board of emergency medical, fire, and transportation 56438  
services. 56439

(F)(1) The executive director, with the advice and counsel of 56440

the firefighter and fire safety inspector training committee of 56441  
the state board of emergency medical, fire, and transportation 56442  
services, shall establish criteria for evaluating the standards 56443  
maintained by other states and the branches of the United States 56444  
military for firefighter, fire safety inspector, and fire 56445  
instructor training programs, and other training programs 56446  
recognized by the executive director, to determine whether the 56447  
standards are equivalent to those established under this section 56448  
and shall establish requirements and procedures for issuing a 56449  
certificate to each person who presents proof to the executive 56450  
director of having satisfactorily completed a training program 56451  
that meets those standards. 56452

(2) The executive director, with the committee's advice and 56453  
counsel, shall adopt rules establishing requirements and 56454  
procedures for issuing a fire training certificate in lieu of 56455  
completing a chartered training program. 56456

(G) Nothing in this section invalidates any other section of 56457  
the Revised Code relating to the fire training academy. Section 56458  
4765.11 of the Revised Code does not affect any powers and duties 56459  
granted to the executive director under this section. 56460

**Sec. 4765.56.** On receipt of a notice pursuant to section 56461  
3123.43 of the Revised Code, the state board of emergency medical, 56462  
fire, and transportation services shall comply with sections 56463  
3123.41 to 3123.50 of the Revised Code and any applicable rules 56464  
adopted under section 3123.63 of the Revised Code with respect to 56465  
a certificate to practice issued pursuant to this chapter. 56466

**Sec. 4766.01.** As used in this chapter: 56467

(A) "Advanced life support" means treatment described in 56468  
section 4765.39 of the Revised Code that a paramedic is certified 56469  
to perform. 56470

(B) "Air medical service organization" means an organization 56471  
that furnishes, conducts, maintains, advertises, promotes, or 56472  
otherwise engages in providing medical services with a rotorcraft 56473  
air ambulance or fixed wing air ambulance. 56474

(C) "Air medical transportation" means the transporting of a 56475  
patient by rotorcraft air ambulance or fixed wing air ambulance 56476  
with appropriately licensed and certified medical personnel. 56477

(D) "Ambulance" means any motor vehicle that is specifically 56478  
designed, constructed, or modified and equipped and is intended to 56479  
be used to provide basic life support, intermediate life support, 56480  
advanced life support, or mobile intensive care unit services and 56481  
transportation upon the streets or highways of this state of 56482  
persons who are seriously ill, injured, wounded, or otherwise 56483  
incapacitated or helpless. "Ambulance" does not include air 56484  
medical transportation or a vehicle designed and used solely for 56485  
the transportation of nonstretcher-bound persons, whether 56486  
hospitalized or handicapped or whether ambulatory or confined to a 56487  
wheelchair. 56488

(E) "Ambulette" means a motor vehicle that is specifically 56489  
designed, constructed, or modified and equipped and is intended to 56490  
be used for transportation upon the streets or highways of this 56491  
state of persons who require use of a wheelchair. 56492

(F) "Basic life support" means treatment described in section 56493  
4765.37 of the Revised Code that an ~~EMT-basic~~ EMT is certified to 56494  
perform. 56495

(G) "Disaster situation" means any condition or situation 56496  
described by rule of the ~~Ohio~~ state board of emergency medical, 56497  
fire, and transportation board services as a mass casualty, major 56498  
emergency, natural disaster, or national emergency. 56499

(H) "Emergency medical service organization" means an 56500  
organization that uses ~~EMTs-basic~~ EMTs, ~~EMTs-I~~ advanced EMTs, or 56501

paramedics, or a combination of ~~EMTs basic~~ EMTs, ~~EMTs-I~~ advanced 56502  
EMTs, and paramedics, to provide medical care to victims of 56503  
illness or injury. An emergency medical service organization 56504  
includes, but is not limited to, a commercial ambulance service 56505  
organization, a hospital, and a funeral home. 56506

(I) "~~EMT basic~~ EMT," "~~EMT-I~~ advanced EMT," and "paramedic" 56507  
have the same meanings as in section 4765.01 of the Revised Code. 56508

(J) "Fixed wing air ambulance" means a fixed wing aircraft 56509  
that is specifically designed, constructed, or modified and 56510  
equipped and is intended to be used as a means of air medical 56511  
transportation. 56512

(K) "Intermediate life support" means treatment described in 56513  
section 4765.38 of the Revised Code that an ~~EMT-I~~ advanced EMT is 56514  
certified to perform. 56515

(L) "Major emergency" means any emergency event that cannot 56516  
be resolved through the use of locally available emergency 56517  
resources. 56518

(M) "Mass casualty" means an emergency event that results in 56519  
ten or more persons being injured, incapacitated, made ill, or 56520  
killed. 56521

(N) "Medical emergency" means an unforeseen event affecting 56522  
an individual in such a manner that a need for immediate care is 56523  
created. 56524

(O) "Mobile intensive care unit" means an ambulance used only 56525  
for maintaining specialized or intensive care treatment and used 56526  
primarily for interhospital transports of patients whose 56527  
conditions require care beyond the scope of a paramedic as 56528  
provided in section 4765.39 of the Revised Code. 56529

(P)(1) "Nonemergency medical service organization" means a 56530  
person that does both of the following: 56531



(a) Provides services to the public on a regular basis for 56532  
the purpose of transporting individuals who require the use of a 56533  
wheelchair or are confined to a wheelchair to receive health care 56534  
services at health care facilities or health care practitioners' 56535  
offices in nonemergency circumstances; 56536

(b) Provides the services for a fee, regardless of whether 56537  
the fee is paid by the person being transported, a third party 56538  
payer, as defined in section 3702.51 of the Revised Code, or any 56539  
other person or government entity. 56540

(2) "Nonemergency medical service organization" does not 56541  
include a health care facility, as defined in section 1751.01 of 56542  
the Revised Code, that provides ambulette services only to 56543  
patients of that facility. 56544

(Q) "Nontransport vehicle" means a motor vehicle operated by 56545  
a licensed emergency medical service organization not as an 56546  
ambulance, but as a vehicle for providing services in conjunction 56547  
with the ambulances operated by the organization or other 56548  
emergency medical service organizations. 56549

(R) "Patient" means any individual who as a result of illness 56550  
or injury needs medical attention, whose physical or mental 56551  
condition is such that there is imminent danger of loss of life or 56552  
significant health impairment, who may be otherwise incapacitated 56553  
or helpless as a result of a physical or mental condition, or 56554  
whose physical condition requires the use of a wheelchair. 56555

(S) "Rotorcraft air ambulance" means a helicopter or other 56556  
aircraft capable of vertical takeoffs, vertical landings, and 56557  
hovering that is specifically designed, constructed, or modified 56558  
and equipped and is intended to be used as a means of air medical 56559  
transportation. 56560

**Sec. 4766.03.** (A) The ~~Ohio~~ state board of emergency medical, 56561

fire, and transportation board services shall adopt rules, in 56562  
accordance with Chapter 119. of the Revised Code, implementing the 56563  
requirements of this chapter. The rules shall include provisions 56564  
relating to the following: 56565

(1) Requirements for an emergency medical service 56566  
organization to receive a permit for an ambulance or nontransport 56567  
vehicle; 56568

(2) Requirements for an emergency medical service 56569  
organization to receive a license as a basic life-support, 56570  
intermediate life-support, advanced life-support, or mobile 56571  
intensive care unit organization; 56572

(3) Requirements for a nonemergency medical service 56573  
organization to receive a permit for an ambulette vehicle; 56574

(4) Requirements for a nonemergency medical service 56575  
organization to receive a license for an ambulette service; 56576

(5) Requirements for an air medical service organization to 56577  
receive a permit for a rotorcraft air ambulance or fixed wing air 56578  
ambulance; 56579

(6) Requirements for licensure of air medical service 56580  
organizations; 56581

(7) Forms for applications and renewals of licenses and 56582  
permits; 56583

(8) Requirements for record keeping of service responses made 56584  
by licensed emergency medical service organizations; 56585

(9) Fee amounts for licenses and permits, and their renewals; 56586

(10) Inspection requirements for licensees' vehicles or 56587  
aircraft, records, and physical facilities; 56588

(11) Fee amounts for inspections of ambulances, ambulettes, 56589  
rotorcraft air ambulances, fixed wing air ambulances, and 56590

nontransport vehicles; 56591

(12) Requirements for ambulances and nontransport vehicles 56592  
used by licensed emergency medical service organizations, for 56593  
ambulette vehicles used by licensed nonemergency medical service 56594  
organizations, and for rotorcraft air ambulances or fixed wing air 56595  
ambulances used by licensed air medical service organizations that 56596  
specify for each type of vehicle or aircraft the types of 56597  
equipment that must be carried, the communication systems that 56598  
must be maintained, and the personnel who must staff the vehicle 56599  
or aircraft; 56600

(13) The level of care each type of emergency medical service 56601  
organization, nonemergency medical service organization, and air 56602  
medical service organization is authorized to provide; 56603

(14) Eligibility requirements for employment as an ambulette 56604  
driver, including grounds for disqualification due to the results 56605  
of a motor vehicle law violation check, chemical test, or criminal 56606  
records check. The rule may require that an applicant for 56607  
employment as an ambulette driver provide a set of fingerprints to 56608  
law enforcement authorities if the applicant comes under final 56609  
consideration for employment. 56610

(15) Any other rules that the board determines necessary for 56611  
the implementation and enforcement of this chapter. 56612

(B) In the rules for ambulances and nontransport vehicles 56613  
adopted under division (A)(12) of this section, the board may 56614  
establish requirements that vary according to whether the 56615  
emergency medical service organization using the vehicles is 56616  
licensed as a basic life-support, intermediate life-support, 56617  
advanced life-support, or mobile intensive care unit organization. 56618

(C) A mobile intensive care unit that is not dually certified 56619  
to provide advanced life-support and meets the requirements of the 56620  
rules adopted under this section is not required to carry 56621

immobilization equipment, including board splint kits, traction 56622  
splints, backboards, backboard straps, cervical immobilization 56623  
devices, cervical collars, stair chairs, folding cots, or other 56624  
types of immobilization equipment determined by the board to be 56625  
unnecessary for mobile intensive care units. 56626

A mobile intensive care unit is exempt from the emergency 56627  
medical technician staffing requirements of section 4765.43 of the 56628  
Revised Code when it is staffed by at least one physician or 56629  
registered nurse and another person, designated by a physician, 56630  
who holds a valid license or certificate to practice in a health 56631  
care profession, and when at least one of the persons staffing the 56632  
mobile intensive care unit is a registered nurse whose training 56633  
meets or exceeds the training required for a paramedic. 56634

**Sec. 4766.04.** (A) Except as otherwise provided in this 56635  
chapter, no person shall furnish, operate, conduct, maintain, 56636  
advertise, engage in, or propose or profess to engage in the 56637  
business or service in this state of transporting persons who are 56638  
seriously ill, injured, or otherwise incapacitated or who require 56639  
the use of a wheelchair or are confined to a wheelchair unless the 56640  
person is licensed pursuant to this section. 56641

(B) To qualify for a license as a basic life-support, 56642  
intermediate life-support, advanced life-support, or mobile 56643  
intensive care unit organization, an emergency medical service 56644  
organization shall do all of the following: 56645

(1) Apply for a permit for each ambulance and nontransport 56646  
vehicle owned or leased as provided in section 4766.07 of the 56647  
Revised Code; 56648

(2) Meet all requirements established in rules adopted by the 56649  
~~Ohio~~ state board of emergency medical, fire, and transportation 56650  
~~board services~~ regarding ambulances and nontransport vehicles, 56651  
including requirements pertaining to equipment, communications 56652

systems, staffing, and level of care the particular organization 56653  
is permitted to render; 56654

(3) Maintain the appropriate type and amount of insurance as 56655  
specified in section 4766.06 of the Revised Code; 56656

(4) Meet all other requirements established under rules 56657  
adopted by the board for the particular license. 56658

(C) To qualify for a license to provide ambulette service, a 56659  
nonemergency medical service organization shall do all of the 56660  
following: 56661

(1) Apply for a permit for each ambulette owned or leased as 56662  
provided in section 4766.07 of the Revised Code; 56663

(2) Meet all requirements established in rules adopted by the 56664  
~~Ohio~~ state board of emergency medical, fire, and transportation 56665  
~~board~~ services regarding ambulettes, including requirements 56666  
pertaining to equipment, communication systems, staffing, and 56667  
level of care the organization is permitted to render; 56668

(3) Maintain the appropriate type and amount of insurance as 56669  
specified in section 4766.06 of the Revised Code; 56670

(4) Meet all other requirements established under rules 56671  
adopted by the board for the license. 56672

(D) To qualify for a license to provide air medical 56673  
transportation, an air medical service organization shall do all 56674  
of the following: 56675

(1) Apply for a permit for each rotorcraft air ambulance and 56676  
fixed wing air ambulance owned or leased as provided in section 56677  
4766.07 of the Revised Code; 56678

(2) Meet all requirements established in rules adopted by the 56679  
~~Ohio~~ state board of emergency medical, fire, and transportation 56680  
~~board~~ services regarding rotorcraft air ambulances and fixed wing 56681  
air ambulances, including requirements pertaining to equipment, 56682

communication systems, staffing, and level of care the organization is permitted to render; 56683  
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(3) Maintain the appropriate type and amount of insurance as specified in section 4766.06 of the Revised Code; 56685  
56686

(4) Meet all other requirements established under rules adopted by the board for the license. 56687  
56688

(E) An emergency medical service organization that applies for a license as a basic life-support, intermediate life-support, advanced life-support, or mobile intensive care unit organization; a nonemergency medical service organization that applies for a license to provide ambulance service; or an air medical service organization that applies for a license to provide air medical transportation shall submit a completed application to the board, on a form provided by the board for each particular license, together with the appropriate fees established under section 4766.05 of the Revised Code. The application form shall include all of the following: 56689  
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(1) The name and business address of the operator of the organization for which licensure is sought; 56700  
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(2) The name under which the applicant will operate the organization; 56702  
56703

(3) A list of the names and addresses of all officers and directors of the organization; 56704  
56705

(4) For emergency medical service organizations and nonemergency medical service organizations, a description of each vehicle to be used, including the make, model, year of manufacture, mileage, vehicle identification number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate the applicant's vehicle; 56706  
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(5) For air medical service organizations using fixed wing 56712

air ambulances, a description of each aircraft to be used, 56713  
including the make, model, year of manufacture, and aircraft hours 56714  
on airframe; 56715

(6) For air medical service organizations using rotorcraft 56716  
air ambulances, a description of each aircraft to be used, 56717  
including the make, model, year of manufacture, aircraft hours on 56718  
airframe, aircraft identification number, and the color scheme, 56719  
insignia, name, monogram, or other distinguishing characteristics 56720  
to be used to designate the applicant's rotorcraft air ambulance; 56721

(7) The location and description of each place from which the 56722  
organization will operate; 56723

(8) A description of the geographic area to be served by the 56724  
applicant; 56725

(9) Any other information the board, by rule, determines 56726  
necessary. 56727

(F) Within sixty days after receiving a completed application 56728  
for licensure as a basic life-support, intermediate life-support, 56729  
advanced life-support, or mobile intensive care unit organization; 56730  
an ambulette service; or an air medical service organization, the 56731  
board shall approve or deny the application. The board shall deny 56732  
an application if it determines that the applicant does not meet 56733  
the requirements of this chapter or any rules adopted under it. 56734  
The board shall send notice of the denial of an application by 56735  
certified mail to the applicant. The applicant may request a 56736  
hearing within ten days after receipt of the notice. If the board 56737  
receives a timely request, it shall hold a hearing in accordance 56738  
with Chapter 119. of the Revised Code. 56739

(G) If an applicant or licensee operates or plans to operate 56740  
an organization in more than one location under the same or 56741  
different identities, the applicant or licensee shall apply for 56742  
and meet all requirements for licensure or renewal of a license, 56743

other than payment of a license fee or renewal fee, for operating 56744  
the organization at each separate location. An applicant or 56745  
licensee that operates or plans to operate under the same 56746  
organization identity in separate locations shall pay only a 56747  
single license fee. 56748

(H) An emergency medical service organization that wishes to 56749  
provide ambulance services to the public must apply for a separate 56750  
license under division (C) of this section. 56751

(I) Each license issued under this section and each permit 56752  
issued under section 4766.07 of the Revised Code expires one year 56753  
after the date of issuance and may be renewed in accordance with 56754  
the standard renewal procedures of Chapter 4745. of the Revised 56755  
Code. An application for renewal shall include the license or 56756  
permit renewal fee established under section 4766.05 of the 56757  
Revised Code. An applicant for renewal of a permit also shall 56758  
submit to the board proof of an annual inspection of the vehicle 56759  
or aircraft for which permit renewal is sought. The board shall 56760  
renew a license if the applicant meets the requirements for 56761  
licensure and shall renew a permit if the applicant and vehicle or 56762  
aircraft meet the requirements to maintain a permit for that 56763  
vehicle or aircraft. 56764

(J) Each licensee shall maintain accurate records of all 56765  
service responses conducted. The records shall be maintained on 56766  
forms prescribed by the board and shall contain information as 56767  
specified by rule by the board. 56768

**Sec. 4766.05.** (A) ~~The Ohio state board of emergency medical,~~ 56769  
fire, and transportation board services shall establish by rule a 56770  
license fee, a permit fee for each ambulance, ambulance, 56771  
rotorcraft air ambulance, fixed wing air ambulance, and 56772  
nontransport vehicle owned or leased by the licensee that is or 56773  
will be used as provided in section 4766.07 of the Revised Code, 56774



and fees for renewals of licenses and permits, taking into 56775  
consideration the actual costs incurred by the board in carrying 56776  
out its duties under this chapter. However, the fee for each 56777  
license and each renewal of a license shall not exceed one hundred 56778  
dollars, and the fee for each permit and each renewal of a permit 56779  
shall not exceed one hundred dollars for each ambulance, 56780  
rotorcraft air ambulance, fixed wing air ambulance, and 56781  
nontransport vehicle. ~~The fee for each permit and each renewal of~~ 56782  
~~a permit shall be twenty five dollars for each ambulette for one~~ 56783  
~~year after March 9, 2004. Thereafter, the board shall determine by~~ 56784  
rule the fee, which shall not exceed fifty dollars, for each 56785  
permit and each renewal of a permit for each ambulette. For 56786  
purposes of establishing fees, "actual costs" includes the costs 56787  
of salaries, expenses, inspection equipment, supervision, and 56788  
program administration. 56789

(B) The board shall deposit all fees and other moneys 56790  
collected pursuant to sections 4766.04, 4766.07, and 4766.08 of 56791  
the Revised Code in the state treasury to the credit of the 56792  
~~occupational licensing trauma and regulatory emergency medical~~ 56793  
~~services~~ fund, which is created by section ~~4743.05~~ 4513.263 of the 56794  
Revised Code. ~~All moneys from the fund shall be used solely for~~ 56795  
~~the salaries and expenses of the board incurred in implementing~~ 56796  
~~and enforcing this chapter.~~ 56797

(C) The board, subject to the approval of the controlling 56798  
board, may establish fees in excess of the maximum amounts allowed 56799  
under division (A) of this section, but such fees shall not exceed 56800  
those maximum amounts by more than fifty per cent. 56801

**Sec. 4766.07.** (A) Except as otherwise provided by rule of the 56802  
~~Ohio state board of emergency medical, fire, and transportation~~ 56803  
~~board services~~, each emergency medical service organization, 56804  
nonemergency medical service organization, and air medical service 56805

organization subject to licensure under this chapter shall possess 56806  
a valid permit for each ambulance, ambulette, rotorcraft air 56807  
ambulance, fixed wing air ambulance, and nontransport vehicle it 56808  
owns or leases that is or will be used by the licensee to perform 56809  
the services permitted by the license. Each licensee and license 56810  
applicant shall submit the appropriate fee and an application for 56811  
a permit for each ambulance, ambulette, rotorcraft air ambulance, 56812  
fixed wing air ambulance, and nontransport vehicle to the ~~Ohio~~ 56813  
state board of emergency medical, fire, and transportation board 56814  
services on forms provided by the board. The application shall 56815  
include documentation that the vehicle or aircraft meets the 56816  
appropriate standards set by the board, that the vehicle or 56817  
aircraft has been inspected pursuant to division (C) of this 56818  
section, that the permit applicant maintains insurance as provided 56819  
in section 4766.06 of the Revised Code, and that the vehicle or 56820  
aircraft and permit applicant meet any other requirements 56821  
established under rules adopted by the board. 56822

The ~~Ohio~~ state board of emergency medical, fire, and 56823  
transportation ~~board~~ services may adopt rules in accordance with 56824  
Chapter 119. of the Revised Code to authorize the temporary use of 56825  
a vehicle or aircraft for which a permit is not possessed under 56826  
this section in back-up or disaster situations. 56827

(B)(1) Within sixty days after receiving a completed 56828  
application for a permit, the board shall issue or deny the 56829  
permit. The board shall deny an application if it determines that 56830  
the permit applicant, vehicle, or aircraft does not meet the 56831  
requirements of this chapter and the rules adopted under it that 56832  
apply to permits for ambulances, ambulettes, rotorcraft air 56833  
ambulances, fixed wing air ambulances, and nontransport vehicles. 56834  
The board shall send notice of the denial of an application by 56835  
certified mail to the permit applicant. The permit applicant may 56836  
request a hearing within ten days after receipt of the notice. If 56837

the board receives a timely request, it shall hold a hearing in 56838  
accordance with Chapter 119. of the Revised Code. 56839

(2) If the board issues the vehicle permit for an ambulance, 56840  
ambulette, or nontransport vehicle, it also shall issue a decal, 56841  
in a form prescribed by rule, to be displayed on the rear window 56842  
of the vehicle. The board shall not issue a decal until all of the 56843  
requirements for licensure and permit issuance have been met. 56844

(3) If the board issues the aircraft permit for a rotorcraft 56845  
air ambulance or fixed wing air ambulance, it also shall issue a 56846  
decal, in a form prescribed by rule, to be displayed on the left 56847  
fuselage aircraft window in a manner that complies with all 56848  
applicable federal aviation regulations. The board shall not issue 56849  
a decal until all of the requirements for licensure and permit 56850  
issuance have been met. 56851

(C) In addition to any other requirements that the board 56852  
establishes by rule, a licensee or license applicant applying for 56853  
an initial vehicle or aircraft permit under division (A) of this 56854  
section shall submit to the board the vehicle or aircraft for 56855  
which the permit is sought. Thereafter, a licensee shall annually 56856  
submit to the board each vehicle or aircraft for which a permit 56857  
has been issued. 56858

(1) The board shall conduct a physical inspection of an 56859  
ambulance, ambulette, or nontransport vehicle to determine its 56860  
roadworthiness and compliance with standard motor vehicle 56861  
requirements. 56862

(2) The board shall conduct a physical inspection of the 56863  
medical equipment, communication system, and interior of an 56864  
ambulance to determine the operational condition and safety of the 56865  
equipment and the ambulance's interior and to determine whether 56866  
the ambulance is in compliance with the federal requirements for 56867  
ambulance construction that were in effect at the time the 56868

ambulance was manufactured, as specified by the general services 56869  
administration in the various versions of its publication titled 56870  
"federal specification for the star-of-life ambulance, 56871  
KKK-A-1822." 56872

(3) The board shall conduct a physical inspection of the 56873  
equipment, communication system, and interior of an ambulette to 56874  
determine the operational condition and safety of the equipment 56875  
and the ambulette's interior and to determine whether the 56876  
ambulette is in compliance with state requirements for ambulette 56877  
construction. The board shall determine by rule requirements for 56878  
the equipment, communication system, interior, and construction of 56879  
an ambulette. 56880

(4) The board shall conduct a physical inspection of the 56881  
medical equipment, communication system, and interior of a 56882  
rotorcraft air ambulance or fixed wing air ambulance to determine 56883  
the operational condition and safety of the equipment and the 56884  
aircraft's interior. 56885

(5) The board shall issue a certificate to the applicant for 56886  
each vehicle or aircraft that passes the inspection and may assess 56887  
a fee for each inspection, as established by the board. 56888

(6) The board shall adopt rules regarding the implementation 56889  
and coordination of inspections. The rules may permit the board to 56890  
contract with a third party to conduct the inspections required of 56891  
the board under this section. 56892

**Sec. 4766.08.** (A) The ~~Ohio~~ state board of emergency medical, 56893  
fire, and transportation board may services, pursuant to an 56894  
adjudication conducted in accordance with Chapter 119. of the 56895  
Revised Code, may suspend or revoke any license or permit or 56896  
renewal thereof issued under this chapter for any one or 56897  
combination of the following causes: 56898

(1) Violation of this chapter or any rule adopted thereunder;	56899
(2) Refusal to permit the board to inspect a vehicle or aircraft used under the terms of a permit or to inspect the records or physical facilities of a licensee;	56900 56901 56902
(3) Failure to meet the ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle requirements specified in this chapter or the rules adopted thereunder;	56903 56904 56905 56906
(4) Violation of an order issued by the board;	56907
(5) Failure to comply with any of the terms of an agreement entered into with the board regarding the suspension or revocation of a license or permit or the imposition of a penalty under this section.	56908 56909 56910 56911
(B) If the board determines that the records, record-keeping procedures, or physical facilities of a licensee, or an ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, or nontransport vehicle for which a valid permit has been issued, do not meet the standards specified in this chapter and the rules adopted thereunder, the board shall notify the licensee of any deficiencies within thirty days of finding the deficiencies. If the board determines that the deficiencies exist and they remain uncorrected after thirty days, the board may suspend the license, vehicle permit, or aircraft permit. The licensee, notwithstanding the suspension under this division, may operate until all appeals have been exhausted.	56912 56913 56914 56915 56916 56917 56918 56919 56920 56921 56922 56923
(C) At the discretion of the board, a licensee whose license has been suspended or revoked under this section may be ineligible to be licensed under this chapter for a period of not more than three years from the date of the violation, provided that the board shall make no determination on a period of ineligibility until all the licensee's appeals relating to the suspension or	56924 56925 56926 56927 56928 56929

revocation have been exhausted. 56930

(D) The board may, in addition to any other action taken 56931  
under this section and after a hearing conducted pursuant to 56932  
Chapter 119. of the Revised Code, impose a penalty of not more 56933  
than fifteen hundred dollars for any violation specified in this 56934  
section. The attorney general shall institute a civil action for 56935  
the collection of any such penalty imposed. 56936

**Sec. 4766.09.** This chapter does not apply to any of the 56937  
following: 56938

(A) A person rendering services with an ambulance in the 56939  
event of a disaster situation when licensees' vehicles based in 56940  
the locality of the disaster situation are incapacitated or 56941  
insufficient in number to render the services needed; 56942

(B) Any person operating an ambulance, ambulette, rotorcraft 56943  
air ambulance, or fixed wing air ambulance outside this state 56944  
unless receiving a person within this state for transport to a 56945  
location within this state; 56946

(C) A publicly owned or operated emergency medical service 56947  
organization and the vehicles it owns or leases and operates, 56948  
except as provided in section 307.051, division (G) of section 56949  
307.055, division (F) of section 505.37, division (B) of section 56950  
505.375, and division (B)(3) of section 505.72 of the Revised 56951  
Code; 56952

(D) An ambulance, ambulette, rotorcraft air ambulance, fixed 56953  
wing air ambulance, or nontransport vehicle owned or leased and 56954  
operated by the federal government; 56955

(E) A publicly owned and operated fire department vehicle; 56956

(F) Emergency vehicles owned by a corporation and operating 56957  
only on the corporation's premises, for the sole use by that 56958  
corporation; 56959

(G) An ambulance, nontransport vehicle, or other emergency medical service organization vehicle owned and operated by a municipal corporation;	56960 56961 56962
(H) A motor vehicle titled in the name of a volunteer rescue service organization, as defined in section 4503.172 of the Revised Code;	56963 56964 56965
(I) A public emergency medical service organization;	56966
(J) A fire department, rescue squad, or life squad comprised of volunteers who provide services without expectation of remuneration and do not receive payment for services other than reimbursement for expenses;	56967 56968 56969 56970
(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;	56971 56972 56973
(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;	56974 56975 56976
(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:	56977 56978 56979 56980
(1) A public nonemergency medical service organization;	56981
(2) An urban or rural public transit system;	56982
(3) A private nonprofit organization that receives grants under section 5501.07 of the Revised Code.	56983 56984
(N)(1) An entity, to the extent it provides ambulette services, if the entity meets all of the following conditions:	56985 56986
(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	56987 56988 56989

the department or the department's designee in accordance with 56990  
section 173.392 of the Revised Code. 56991

(b) The entity meets the requirements of section 4766.14 of 56992  
the Revised Code. 56993

(c) The entity does not provide ambulance services that are 56994  
reimbursed under the state medicaid plan. 56995

(2) A vehicle, to the extent it is used to provide ambulance 56996  
services, if the vehicle meets both of the following conditions: 56997

(a) The vehicle is owned by an entity that meets the 56998  
conditions specified in division (N)(1) of this section. 56999

(b) The vehicle does not provide ambulance services that are 57000  
reimbursed under the state medicaid plan. 57001

(O) A vehicle that meets both of the following criteria, 57002  
unless the vehicle provides services that are reimbursed under the 57003  
state medicaid plan: 57004

(1) The vehicle was purchased with funds from a grant made by 57005  
the United States secretary of transportation under 49 U.S.C. 57006  
5310; 57007

(2) The department of transportation holds a lien on the 57008  
vehicle. 57009

**Sec. 4766.10.** This chapter does not invalidate any ordinance 57010  
or resolution adopted by a municipal corporation that establishes 57011  
standards for the licensure of emergency medical service 57012  
organizations as basic life-support, intermediate life-support, or 57013  
advanced life-support service organizations that have their 57014  
principal places of business located within the limits of the 57015  
municipal corporation, as long as the licensure standards meet or 57016  
exceed the standards established in this chapter and the rules 57017  
adopted thereunder. 57018



Emergency medical service organizations licensed by a 57019  
municipal corporation are subject to the jurisdiction of the ~~Ohio~~ 57020  
state board of emergency medical, fire, and transportation board 57021  
services, but the fees they pay to the board for licenses, 57022  
permits, and renewals thereof shall not exceed fifty per cent of 57023  
the fee amounts established by the board pursuant to section 57024  
4766.03 of the Revised Code. The board may choose to waive the 57025  
vehicle inspection requirements and inspection fees, but not the 57026  
permit fees, for the vehicles of organizations licensed by a 57027  
municipal corporation. 57028

**Sec. 4766.11.** (A) The ~~Ohio~~ state board of emergency medical, 57029  
fire, and transportation board services may investigate alleged 57030  
violations of this chapter or the rules adopted under it and may 57031  
investigate any complaints received regarding alleged violations. 57032

In addition to any other remedies available and regardless of 57033  
whether an adequate remedy at law exists, the board may apply to 57034  
the court of common pleas in the county where a violation of any 57035  
provision of this chapter or any rule adopted pursuant thereto is 57036  
occurring for a temporary or permanent injunction restraining a 57037  
person from continuing to commit that violation. On a showing that 57038  
a person has committed a violation, the court shall grant the 57039  
injunction. 57040

In conducting an investigation under this section, the board 57041  
may issue subpoenas compelling the attendance and testimony of 57042  
witnesses and the production of books, records, and other 57043  
documents pertaining to the investigation. If a person fails to 57044  
obey a subpoena from the board, the board may apply to the court 57045  
of common pleas in the county where the investigation is being 57046  
conducted for an order compelling the person to comply with the 57047  
subpoena. On application by the board, the court shall compel 57048  
obedience by attachment proceedings for contempt, as in the case 57049

of disobedience of the requirements of a subpoena from the court 57050  
or a refusal to testify therein. 57051

(B) The ~~medical-transportation~~ board may suspend a license 57052  
issued under this chapter without a prior hearing if it determines 57053  
that there is evidence that the license holder is subject to 57054  
action under this section and that there is clear and convincing 57055  
evidence that continued operation by the license holder presents a 57056  
danger of immediate and serious harm to the public. The 57057  
chairperson and executive director of the board shall make a 57058  
preliminary determination and describe the evidence on which they 57059  
made their determination to the board members. The board by 57060  
resolution may designate another board member to act in place of 57061  
the chairperson or another employee to act in place of the 57062  
executive director in the event that the chairperson or executive 57063  
director is unavailable or unable to act. Upon review of the 57064  
allegations, the board, by the affirmative vote of ~~at least four a~~ 57065  
majority of its members, may suspend the license without a 57066  
hearing. 57067

~~Any method of communication, including a telephone conference 57068  
call, may be utilized for describing the evidence to the board 57069  
members, for reviewing the allegations, and for voting on the 57070  
suspension.~~ 57071

Immediately following the decision by the board to suspend a 57072  
license under this division, the board shall issue a written order 57073  
of suspension and cause it to be delivered in accordance with 57074  
section 119.07 of the Revised Code. If the license holder subject 57075  
to the suspension requests an adjudication hearing by the board, 57076  
the date set for the adjudication shall be within fifteen days but 57077  
not earlier than seven days after the request unless another date 57078  
is agreed to by the license holder and the board. 57079

Any summary suspension imposed under this division remains in 57080  
effect, unless reversed by the board, until a final adjudicative 57081

order issued by the board pursuant to this section and Chapter 57082  
119. of the Revised Code becomes effective. The board shall issue 57083  
its final adjudicative order not less than ninety days after 57084  
completion of its adjudication hearing. Failure to issue the order 57085  
by that day shall cause the summary suspension order to end, but 57086  
such failure shall not affect the validity of any subsequent final 57087  
adjudication order. 57088

**Sec. 4766.12.** If a county, township, joint ambulance 57089  
district, or joint emergency medical services district chooses to 57090  
have the ~~Ohio~~ state board of emergency medical, fire, and 57091  
transportation ~~board~~ services license its emergency medical 57092  
service organizations and issue permits for its vehicles pursuant 57093  
to this chapter, except as may be otherwise provided, all 57094  
provisions of this chapter and all rules adopted by the board 57095  
thereunder are fully applicable. However, a county, township, 57096  
joint ambulance district, or joint emergency medical services 57097  
district is not required to obtain any type of permit from the 57098  
board for any of its nontransport vehicles. 57099

**Sec. 4766.13.** The ~~Ohio~~ state board of emergency medical, 57100  
fire, and transportation ~~board~~ services, by endorsement, may 57101  
license and issue vehicle permits to an emergency medical service 57102  
organization or a nonemergency medical service organization that 57103  
is regulated by another state. To qualify for a license and 57104  
vehicle permits by endorsement, an organization must submit 57105  
evidence satisfactory to the board that it has met standards in 57106  
another state that are equal to or more stringent than the 57107  
standards established by this chapter and the rules adopted under 57108  
it. 57109

**Sec. 4766.15.** (A) An applicant for employment as an ambulette 57110  
driver with an organization licensed pursuant to this chapter 57111

shall submit proof to the organization of, or give consent to the employer to obtain, all of the following:

(1)(a) A valid driver's license issued pursuant to Chapter 4506. or 4507. of the Revised Code, or its equivalent, if the applicant is a resident of another state;

(b) A recent certified abstract of the applicant's record of convictions for violations of motor vehicle laws provided by the registrar of motor vehicles pursuant to section 4509.05 of the Revised Code, or its equivalent, if the applicant is a resident of another state.

(2)(a) A certificate of completion of a course in first aid techniques offered by the American red cross or an equivalent organization;

(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.

(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;

(4) The result of a criminal records check conducted by the bureau of criminal identification and investigation.

(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.

(C) An organization licensed pursuant to this chapter shall

use information received pursuant to this section to determine in 57142  
accordance with rules adopted by the ~~Ohio~~ state board of emergency 57143  
medical, fire, and transportation ~~board~~ services under section 57144  
4766.03 of the Revised Code whether an applicant is disqualified 57145  
for employment. 57146

No applicant shall be accepted for permanent employment as an 57147  
ambulette driver by an organization licensed pursuant to this 57148  
chapter until all of the requirements of division (A) of this 57149  
section have been met. 57150

**Sec. 4766.22.** (A) Not later than forty-five days after the 57151  
end of each fiscal year, the ~~Ohio~~ state board of emergency 57152  
medical, fire, and transportation ~~board~~ services shall submit a 57153  
report to the governor and general assembly that provides all of 57154  
the following information for that fiscal year: 57155

(1) The number of each of the following the board issued: 57156

(a) Basic life-support organization licenses; 57157

(b) Intermediate life-support organization licenses; 57158

(c) Advanced life-support organization licenses; 57159

(d) Mobile intensive care unit organization licenses; 57160

(e) Ambulette service licenses; 57161

(f) Air medical service organization licenses; 57162

(g) Ambulance permits; 57163

(h) Nontransport vehicle permits; 57164

(i) Ambulette vehicle permits; 57165

(j) Rotorcraft air ambulance permits; 57166

(k) Fixed wing air ambulance permits. 57167

(2) The amount of fees the board collected for issuing and 57168  
renewing each type of license and permit specified in division 57169

(A)(1) of this section;	57170
(3) The number of inspections the board or a third party on the board's behalf conducted in connection with each type of license and permit specified in division (A)(1) of this section and the amount of fees the board collected for the inspections;	57171 57172 57173 57174
(4) The number of complaints that were submitted to the board;	57175 57176
(5) The number of investigations the board conducted under section 4766.11 of the Revised Code;	57177 57178
(6) The number of adjudication hearings the board held and the outcomes of the adjudications;	57179 57180
(7) The amount of penalties the board imposed and collected under section 4766.08 of the Revised Code;	57181 57182
(8) Other information the board determines reflects the board's operations.	57183 57184
(B) The board shall post the annual report required by this section on its web site and make it available to the public on request.	57185 57186 57187
<b>Sec. 4773.08.</b> The <del>public</del> <u>director of health</u> <del>council</del> shall adopt rules to implement and administer this chapter. In adopting the rules, the <del>council</del> <u>director</u> shall consider any recommendations made by the radiation advisory council created under section 3701.93 of the Revised Code. The rules shall be adopted in accordance with Chapter 119. of the Revised Code and shall not be less stringent than any applicable standards specified in 42 C.F.R. 75. The rules shall establish all of the following:	57188 57189 57190 57191 57192 57193 57194 57195
(A) Standards for licensing general x-ray machine operators, radiographers, radiation therapy technologists, and nuclear medicine technologists;	57196 57197 57198

(B) Application and renewal fees for licenses issued under this chapter that do not exceed the cost incurred in issuing and renewing the licenses;	57199 57200 57201
(C) Standards for accreditation of educational programs and approval of continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology;	57202 57203 57204 57205
(D) Fees for accrediting educational programs and approving continuing education programs in general x-ray machine operation, radiography, radiation therapy technology, and nuclear medicine technology that do not exceed the cost incurred in accrediting the educational programs;	57206 57207 57208 57209 57210
(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;	57211 57212 57213
(F) Continuing education requirements that must be met to have a license renewed under section 4773.03 of the Revised Code;	57214 57215
(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;	57216 57217 57218
(H) Any other rules necessary for the implementation or administration of this chapter.	57219 57220
<b>Sec. 4781.01.</b> As used in this chapter:	57221
(A) "Industrialized unit" has the same meaning as in division (C)(3) of section 3781.06 of the Revised Code.	57222 57223
(B) "Installation" means any of the following:	57224
(1) The temporary or permanent construction of stabilization, support, and anchoring systems for manufactured housing;	57225 57226
(2) The placement and erection of a manufactured housing unit	57227

or components of a unit on a structural support system; 57228

(3) The supporting, blocking, leveling, securing, anchoring, 57229  
underpinning, or adjusting of any section or component of a 57230  
manufactured housing unit; 57231

(4) The joining or connecting of all sections or components 57232  
of a manufactured housing unit. 57233

(C) "Manufactured home" has the same meaning as in division 57234  
(C)(4) of section 3781.06 of the Revised Code. 57235

(D) "Manufactured home park" ~~has the same meaning as in~~ 57236  
~~division (A) of section 3733.01 of the Revised Code~~ means any 57237  
tract of land upon which three or more manufactured or mobile 57238  
homes used for habitation are parked, either free of charge or for 57239  
revenue purposes, and includes any roadway, building, structure, 57240  
vehicle, or enclosure used or intended for use as a part of the 57241  
facilities of the park. "Manufactured home park" does not include 57242  
any of the following: 57243

(1) A tract of land used solely for the storage or display 57244  
for sale of manufactured or mobile homes or solely as a temporary 57245  
park-camp as defined in section 3729.01 of the Revised Code; 57246

(2) A tract of land that is subdivided and the individual 57247  
lots are for sale or sold for the purpose of installation of 57248  
manufactured or mobile homes used for habitation and the roadways 57249  
are dedicated to the local government authority; 57250

(3) A tract of land within an area that is subject to local 57251  
zoning authority and subdivision requirements and is subdivided, 57252  
and the individual lots are for sale or sold for the purpose of 57253  
installation of manufactured or mobile homes for habitation. 57254

(E) "Manufactured housing" means manufactured homes and 57255  
mobile homes. 57256

(F) "Manufactured housing installer" means an individual who 57257



installs manufactured housing. 57258

(G) "Mobile home" has the same meaning as in division (O) of section 4501.01 of the Revised Code. 57259  
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(H) "Model standards" means the federal manufactured home installation standards established pursuant to 42 U.S.C. 5404. 57261  
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(I) "Permanent foundation" has the same meaning as in division (C)(5) of section 3781.06 of the Revised Code. 57263  
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(J) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect. 57265  
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(K) "Casual sale" means any transfer of a manufactured home or mobile home by a person other than a manufactured housing dealer, manufactured housing salesperson, or manufacturer to an ultimate consumer or a person who purchases the home for use as a residence. 57268  
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(L) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business. 57273  
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(M) "Manufactured home park operator" ~~has the same meaning as "operator" in section 3733.01 of the Revised Code or "park operator" means the person who has responsible charge of a manufactured home park and who is licensed under sections 4781.26 to 4781.35 of the Revised Code.~~ 57280  
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(N) "Manufactured housing broker" means any person acting as a selling agent on behalf of an owner of a manufactured home or mobile home that is subject to taxation under section 4503.06 of 57285  
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the Revised Code. 57288

(O) "Manufactured housing dealer" means any person engaged in 57289  
the business of selling at retail, displaying, offering for sale, 57290  
or dealing in manufactured homes or mobile homes. 57291

(P) "Manufacturer" means a person who manufactures, 57292  
assembles, or imports manufactured homes or mobile homes. 57293

(Q) "Retail sale" or "sale at retail" means the act or 57294  
attempted act of selling, bartering, exchanging, or otherwise 57295  
disposing of a manufactured home or mobile home to an ultimate 57296  
purchaser for use as a residence. 57297

(R) "Salesperson" means any individual employed by a 57298  
manufactured housing dealer or manufactured housing broker to 57299  
sell, display, and offer for sale, or deal in manufactured homes 57300  
or mobile homes for a commission, compensation, or other valuable 57301  
consideration, but does not mean any public officer performing 57302  
official duties. 57303

(S) "Ultimate purchaser" means, with respect to any new 57304  
manufactured home, the first person, other than a manufactured 57305  
housing dealer purchasing in the capacity of a manufactured 57306  
housing dealer, who purchases such new manufactured home for 57307  
purposes other than resale. 57308

(T) "Tenant" means a person who is entitled under a rental 57309  
agreement with a manufactured home park operator to occupy a 57310  
manufactured home park lot and who does not own the home occupying 57311  
the lot. 57312

(U) "Owner" means a person who is entitled under a rental 57313  
agreement with a manufactured home park operator to occupy a 57314  
manufactured home park lot and who owns the home occupying the 57315  
lot. 57316

(V) "Resident" means a person entitled under a rental 57317

agreement to the use and occupancy of residential premises to the 57318  
exclusion of others. "Resident" includes both tenants and owners. 57319

(W) "Residential premises" means a lot located within a 57320  
manufactured home park and the grounds, areas, and facilities 57321  
contained within the manufactured home park for the use of 57322  
residents generally or the use of which is promised to a resident. 57323

(X) "Rental agreement" means any agreement or lease, written 57324  
or oral, that establishes or modifies the terms, conditions, 57325  
rules, or any other provisions concerning the use and occupancy of 57326  
residential premises by one of the parties. 57327

(Y) "Security deposit" means any deposit of money or property 57328  
to secure performance by the resident under a rental agreement. 57329

(Z) "Development" means any artificial change to improved or 57330  
unimproved real estate, including, without limitation, buildings 57331  
or structures, dredging, filling, grading, paving, excavation or 57332  
drilling operations, or storage of equipment or materials, and the 57333  
construction, expansion, or substantial alteration of a 57334  
manufactured home park, for which plan review is required under 57335  
division (A) of section 4781.31 of the Revised Code. "Development" 57336  
does not include the building, construction, erection, or 57337  
manufacture of any building to which section 3781.06 of the 57338  
Revised Code is applicable. 57339

(AA) "Flood" or "flooding" means either of the following: 57340

(1) A general and temporary condition of partial or complete 57341  
inundation of normally dry land areas from any of the following: 57342

(a) The overflow of inland or tidal waters; 57343

(b) The unusual and rapid accumulation or runoff of surface 57344  
waters from any source; 57345

(c) Mudslides that are proximately caused by flooding as 57346  
defined in division (AA)(1)(b) of this section and that are akin 57347

to a river of liquid and flowing mud on the surface of normally 57348  
dry land areas, as when earth is carried by a current of water and 57349  
deposited along the path of the current. 57350

(2) The collapse or subsidence of land along the shore of a 57351  
lake or other body of water as a result of erosion or undermining 57352  
that is caused by waves or currents of water exceeding anticipated 57353  
cyclical levels or that is suddenly caused by an unusually high 57354  
water level in a natural body of water, and that is accompanied by 57355  
a severe storm, by an unanticipated force of nature, such as a 57356  
flash flood, by an abnormal tidal surge, or by some similarly 57357  
unusual and unforeseeable event, that results in flooding as 57358  
defined in division (AA)(1)(a) of this section. 57359

(BB) "Flood plain" means the area adjoining any river, 57360  
stream, watercourse, or lake that has been or may be covered by 57361  
flood water. 57362

(CC) "One-hundred-year flood" means a flood having a one per 57363  
cent chance of being equaled or exceeded in any given year. 57364

(DD) "One-hundred-year flood plain" means that portion of a 57365  
flood plain inundated by a one-hundred-year flood. 57366

(EE) "Person" has the same meaning as in section 1.59 of the 57367  
Revised Code and also includes this state, any political 57368  
subdivision of this state, and any other state or local body of 57369  
this state. 57370

(FF) "Substantial damage" means damage of any origin 57371  
sustained by a manufactured or mobile home that is situated in a 57372  
manufactured home park located in a flood plain when the cost of 57373  
restoring the home to its condition before the damage occurred 57374  
will equal or exceed fifty per cent of the market value of the 57375  
home before the damage occurred. 57376

(GG) "Substantially alter" means a change in the layout or 57377  
design of a manufactured home park, including, without limitation, 57378

the movement of utilities or changes in established streets, lots, or sites or in other facilities. In the case of manufactured home parks located within a one-hundred-year flood plain, 57379  
"substantially alter" also includes changes in elevation resulting from the addition of fill, grading, or excavation that may affect flood plain management. 57380  
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(HH) "Tract" means a contiguous area of land that consists of one or more parcels, lots, or sites that have been separately surveyed regardless of whether the individual parcels, lots, or sites have been recorded and regardless of whether the one or more parcels, lots, or sites are under common or different ownership. 57385  
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**Sec. 4781.02.** (A) There is hereby created the manufactured homes commission which consists of nine members, with three members appointed by the governor, three members appointed by the president of the senate, and three members appointed by the speaker of the house of representatives. 57390  
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(B)(1) Commission members shall be residents of this state, except for members appointed pursuant to divisions (B)(3)(b) and (B)(4)(a) of this section. Members shall be selected from a list of persons the Ohio manufactured homes association, or any successor entity, recommends, except for appointments made pursuant to division (B)(2) of this section. 57395  
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(2) The governor shall appoint the following members: 57401

(a) One member to represent the board of building standards, who may be a member of the board or a board employee not in the classified civil service, with an initial term ending December 31, 2007; 57402  
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~~(b) One member to represent the department of health, who may be a department employee not in the classified civil service, with an initial term ending December 31, 2005~~ who is registered as a 57406  
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sanitarian in accordance with Chapter 4736. of the Revised Code, 57409  
has experience with the regulation of manufactured homes, and is 57410  
an employee of a health district described in section 3709.01 of 57411  
the Revised Code; 57412

(c) One member whose primary residence is a manufactured 57413  
home, with an initial term ending December 31, 2006. 57414

(3) The president of the senate shall appoint the following 57415  
members: 57416

(a) Two members who are manufactured housing installers who 57417  
have been actively engaged in the installation of manufactured 57418  
housing for the five years immediately prior to appointment, with 57419  
the initial term of one installer ending December 31, 2007, and 57420  
the initial term of the other installer ending December 31, 2005. 57421

(b) One member who manufactures manufactured homes in this 57422  
state or who manufactures manufactured homes in another state and 57423  
ships homes into this state, to represent manufactured home 57424  
manufacturers, with an initial term ending December 31, 2006. 57425

(4) The speaker of the house of representatives shall appoint 57426  
the following members: 57427

(a) One member who operates a manufactured or mobile home 57428  
retail business in this state to represent manufactured housing 57429  
dealers, with an initial term ending December 31, 2007; 57430

(b) One member who is a manufactured home park operator or is 57431  
employed by an operator, with an initial term ending December 31, 57432  
2005; 57433

(c) One member to represent the Ohio manufactured home 57434  
association, or any successor entity, who may be the president or 57435  
executive director of the association or the successor entity, 57436  
with an initial term ending December 31, 2006. 57437

(C)(1) After the initial term, each term of office is for 57438

four years ending on the thirty-first day of December. A member 57439  
holds office from the date of appointment until the end of the 57440  
term. No member may serve more than two consecutive four-year 57441  
terms. 57442

(2) Any member appointed to fill a vacancy that occurs prior 57443  
to the expiration of a term continues in office for the remainder 57444  
of that term. Any member continues in office subsequent to the 57445  
expiration date of the term until the member's successor takes 57446  
office or until sixty days have elapsed, which ever occurs first. 57447

(3) A vacancy on the commission does not impair the authority 57448  
of the remaining members to exercise all of the commission's 57449  
powers. 57450

(D)(1) The governor may remove any member from office for 57451  
incompetence, neglect of duty, misfeasance, nonfeasance, 57452  
malfeasance, or unprofessional conduct in office. 57453

(2) Vacancies shall be filled in the manner of the original 57454  
appointment. 57455

**Sec. 4781.04.** (A) The manufactured homes commission shall 57456  
adopt rules pursuant to Chapter 119. of the Revised Code to do all 57457  
of the following: 57458

(1) Establish uniform standards that govern the installation 57459  
of manufactured housing. Not later than one hundred eighty days 57460  
after the secretary of the United States department of housing and 57461  
urban development adopts model standards for the installation of 57462  
manufactured housing or amends those standards, the commission 57463  
shall amend its standards as necessary to be consistent with, and 57464  
not less stringent than, the model standards for the design and 57465  
installation of manufactured housing the secretary adopts or any 57466  
manufacturers' standards that the secretary determines are equal 57467  
to or not less stringent than the model standards. 57468

(2) Govern the inspection of the installation of manufactured housing. The rules shall specify that the commission, any building department or personnel of any department, ~~any licenser or personnel of any licenser~~, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards the commission establishes pursuant to this section.

~~As used in division (A)(2) of this section, "licenser" has the same meaning as in section 3733.01 of the Revised Code.~~

(3) Govern the design, construction, installation, approval, and inspection of foundations and the base support systems for manufactured housing. The rules shall specify that the commission, any building department or personnel of any department, ~~any licenser or personnel of any licenser~~, or any private third party, certified pursuant to section 4781.07 of the Revised Code shall conduct all inspections of the installation, foundations, and base support systems of manufactured housing located in manufactured home parks to determine compliance with the uniform installation standards and foundation and base support system design the commission establishes pursuant to this section.

~~As used in division (A)(3) of this section, "licenser" has the same meaning as in section 3733.01 of the Revised Code.~~

(4) Govern the training, experience, and education requirements for manufactured housing installers, manufactured housing dealers, manufactured housing brokers, and manufactured housing salespersons;

(5) Establish a code of ethics for manufactured housing installers;

(6) Govern the issuance, revocation, and suspension of



licenses to manufactured housing installers; 57500

(7) Establish fees for the issuance and renewal of licenses, 57501  
for conducting inspections to determine an applicant's compliance 57502  
with this chapter and the rules adopted pursuant to it, and for 57503  
the commission's expenses incurred in implementing this chapter; 57504

(8) Establish conditions under which a licensee may enter 57505  
into contracts to fulfill the licensee's responsibilities; 57506

(9) Govern the investigation of complaints concerning any 57507  
violation of this chapter or the rules adopted pursuant to it or 57508  
complaints involving the conduct of any licensed manufactured 57509  
housing installer or person installing manufactured housing 57510  
without a license, licensed manufactured housing dealer, licensed 57511  
manufactured housing broker, or manufactured housing salesperson; 57512

(10) Establish a dispute resolution program for the timely 57513  
resolution of warranty issues involving new manufactured homes, 57514  
disputes regarding responsibility for the correction or repair of 57515  
defects in manufactured housing, and the installation of 57516  
manufactured housing. The rules shall provide for the timely 57517  
resolution of disputes between manufacturers, manufactured housing 57518  
dealers, and installers regarding the correction or repair of 57519  
defects in manufactured housing that are reported by the purchaser 57520  
of the home during the one-year period beginning on the date of 57521  
installation of the home. The rules also shall provide that 57522  
decisions made regarding the dispute under the program are not 57523  
binding upon the purchaser of the home or the other parties 57524  
involved in the dispute unless the purchaser so agrees in a 57525  
written acknowledgement that the purchaser signs and delivers to 57526  
the program within ten business days after the decision is issued. 57527

(11) Establish the requirements and procedures for the 57528  
certification of building departments and building department 57529  
personnel pursuant to section 4781.07 of the Revised Code; 57530

(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 installation and other aspects of installation the commission determines appropriate;

(2) Select, provide, or procure appropriate examination questions and answers for the licensure examination and establish the criteria for successful completion of the examination;

(3) Prepare and distribute any application form this chapter requires;

(4) Receive applications for licenses and renewal of licenses and issue licenses to qualified applicants;

(5) Establish procedures for processing, approving, and disapproving applications for licensure;

(6) Retain records of applications for licensure, including all application materials submitted and a written record of the action taken on each application;

(7) Review the design and plans for manufactured housing installations, foundations, and support systems;

(8) Inspect a sample of homes at a percentage the commission  
determines to evaluate the construction and installation of  
manufactured housing installations, foundations, and support  
systems to determine compliance with the standards the commission  
adopts;

(9) Investigate complaints concerning violations of this  
chapter or the rules adopted pursuant to it, or the conduct of any  
manufactured housing installer, manufactured housing dealer,  
manufactured housing broker, or manufactured housing salesperson;

(10) Determine appropriate disciplinary actions for  
violations of this chapter;

(11) Conduct audits and inquiries of manufactured housing  
installers, manufactured housing dealers, and manufactured housing  
brokers as appropriate for the enforcement of this chapter. The  
commission, or any person the commission employs for the purpose,  
may review and audit the business records of any manufactured  
housing installer, dealer, or broker during normal business hours.

(12) Approve an installation training course, which may be  
offered by the Ohio manufactured homes association or other  
entity;

(13) Perform any function or duty necessary to administer  
this chapter and the rules adopted pursuant to it.

(C) Nothing in this section shall be construed to limit the  
authority of a board of health to enforce section 3701.344 or  
Chapters 3703., 3718., and 3781. of the Revised Code.

**Sec. 4781.07.** (A) Pursuant to rules the manufactured homes  
commission adopts, the commission may certify municipal, township,  
and county building departments and the personnel of those  
departments, ~~licensors as defined in section 3733.01 of the~~  
~~Revised Code and the personnel of those licensors,~~ or any private

third party, to exercise the commission's enforcement authority, 57591  
accept and approve plans and specifications for foundations, 57592  
support systems and installations, and inspect manufactured 57593  
housing foundations, support systems, and manufactured housing 57594  
installations. Any certification is effective for three years. 57595

(B) Following an investigation and finding of facts that 57596  
support its action, the commission may revoke or suspend 57597  
certification. The commission may initiate an investigation on its 57598  
own motion or the petition of a person affected by the enforcement 57599  
or approval of plans. 57600

**Sec. 4781.09.** (A) The manufactured homes commission may deny, 57601  
suspend, revoke, or refuse to renew the license of any 57602  
manufactured home installer for any of the following reasons: 57603

(1) Failure to satisfy the requirements of section 4781.08 or 57604  
4781.10 of the Revised Code; 57605

(2) Violation of this chapter or any rule adopted pursuant to 57606  
it; 57607

(3) Making a material misstatement in an application for a 57608  
license; 57609

(4) Installing manufactured housing without a license or 57610  
without being under the supervision of a licensed manufactured 57611  
housing installer; 57612

(5) Failure to appear for a hearing before the commission or 57613  
to comply with any final adjudication order of the commission 57614  
issued pursuant to this chapter; 57615

(6) Conviction of a felony or a crime involving moral 57616  
turpitude; 57617

(7) Having had a license revoked, suspended, or denied by the 57618  
commission during the preceding two years; 57619

(8) Having had a license revoked, suspended, or denied by another state or jurisdiction during the preceding two years; 57620  
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(9) Engaging in conduct in another state or jurisdiction that would violate this chapter if committed in this state. 57622  
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(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. 57624  
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(B)(1) Any person whose license or license application is revoked, suspended, denied, or not renewed or upon whom a civil penalty is imposed ~~pursuant to division (C) of this section~~ 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. 57627  
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(2) Any licensee or applicant may appeal an order made pursuant to an adjudication hearing in the manner provided in section 119.12 of the Revised Code. 57633  
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~~(C) As an alternative to suspending, revoking, or refusing to renew a manufactured housing installer's license, the commission may impose a civil penalty of not less than one hundred dollars or more than five hundred dollars per violation of this chapter or any rule adopted pursuant to it. The commission shall deposit penalties in the occupational licensing and regulatory fund pursuant to section 4743.05 of the Revised Code.~~ 57636  
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~~(D)~~ A person whose license is suspended, revoked, or not renewed may apply for a new license two years after the date on which the license was suspended, revoked, or not renewed. 57643  
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**Sec. 4781.121.** (A) The manufactured homes commission, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the commission determines that reasonable evidence 57646  
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exists that a person has committed a violation, within seven days 57650  
after that determination, the commission shall send a written 57651  
notice to that person in the same manner as prescribed in section 57652  
119.07 of the Revised Code for licensees, except that the notice 57653  
shall specify that a hearing will be held and specify the date, 57654  
time, and place of the hearing. 57655

(B) The commission shall hold a hearing regarding the alleged 57656  
violation in the same manner prescribed for an adjudication 57657  
hearing under section 119.09 of the Revised Code. If the 57658  
commission, after the hearing, determines that a violation has 57659  
occurred, the commission, upon an affirmative vote of five of its 57660  
members, may impose a fine not exceeding one thousand dollars per 57661  
violation per day. The commission's determination is an order that 57662  
the person may appeal in accordance with section 119.12 of the 57663  
Revised Code. 57664

(C) If the person who allegedly committed a violation fails 57665  
to appear for a hearing, the commission may request the court of 57666  
common pleas of the county where the alleged violation occurred to 57667  
compel the person to appear before the commission for a hearing. 57668

(D) If the commission assesses a person a civil penalty for a 57669  
violation and the person fails to pay that civil penalty within 57670  
the time period prescribed by the commission pursuant to section 57671  
131.02 of the Revised Code, the commission shall forward to the 57672  
attorney general the name of the person and the amount of the 57673  
civil penalty for the purpose of collecting that civil penalty. In 57674  
addition to the civil penalty assessed pursuant to this section, 57675  
the person also shall pay any fee assessed by the attorney general 57676  
for collection of the civil penalty. 57677

(E) The authority provided to the commission pursuant to this 57678  
section, and any fine imposed under this section, shall be in 57679  
addition to, and not in lieu of, all penalties and other remedies 57680  
provided in this chapter. Any fines collected pursuant to this 57681

section shall be used solely to administer and enforce this 57682  
chapter and rules adopted under it. Any fees collected pursuant to 57683  
this section shall be transmitted to the treasurer of state and 57684  
shall be credited to the manufactured homes commission regulatory 57685  
fund created in section 4781.54 of the Revised Code and the rules 57686  
adopted thereunder. The fees shall be used only for the purpose of 57687  
administering and enforcing sections 4781.26 to 4781.35 of the 57688  
Revised Code and the rules adopted thereunder. 57689

(F) As used in this section, "violation" means a violation of 57690  
section 4781.11, 4781.16, or 4781.27, or any rule adopted pursuant 57691  
to section 4781.04, of the Revised Code. 57692

**Sec. 4781.14.** ~~(A) Except as provided in division (A)(3) of~~ 57693  
~~section 3733.02 of the Revised Code, the state, through the~~ The 57694  
manufactured homes commission, has exclusive authority to regulate 57695  
manufactured home installers, the installation of manufactured 57696  
housing, and manufactured housing foundations and support systems 57697  
in ~~the~~ this state. By enacting this chapter, it is the intent of 57698  
the general assembly to preempt municipal corporations and other 57699  
political subdivisions from regulating and licensing manufactured 57700  
housing installers and regulating and inspecting the installation 57701  
of manufactured housing and manufactured housing foundations and 57702  
support systems. 57703

~~(B) Except as provided in division (A)(3) of section 3733.02~~ 57704  
~~of the Revised Code, the~~ The manufactured homes commission has 57705  
exclusive power to adopt rules of uniform application throughout 57706  
the state governing installation of manufactured housing, the 57707  
inspection of manufactured housing foundations and support 57708  
systems, the inspection of the installation of manufactured 57709  
housing, the training and licensing of manufactured housing 57710  
installers, and the investigation of complaints concerning 57711  
manufactured housing installers. 57712

(C) ~~Except as provided in division (A)(3) of section 3733.02~~ 57713  
~~of the Revised Code, the~~ The rules the commission adopts pursuant 57714  
to this chapter are the exclusive rules governing the installation 57715  
of manufactured housing, the design, construction, and approval of 57716  
foundations for manufactured housing, the licensure of 57717  
manufactured home installers, and the fees charged for licensure 57718  
of manufactured home installers. No political subdivision of the 57719  
state or any department or agency of the state may establish any 57720  
other standards governing the installation of manufactured 57721  
housing, manufactured housing foundations and support systems, the 57722  
licensure of manufactured housing installers, or fees charged for 57723  
the licensure of manufactured housing installers. 57724

(D) Nothing in this section limits the authority of the 57725  
attorney general to enforce Chapter 1345. of the Revised Code or 57726  
to take any action permitted by the Revised Code against 57727  
manufactured housing installers, retailers, or manufacturers. 57728

**Sec. 4781.15.** The remedies provided in ~~sections 4781.01 to~~ 57729  
~~4781.14 of the Revised Code~~ this chapter are in addition to 57730  
remedies otherwise available for the same conduct under state or 57731  
local law. 57732

**Sec. 4781.16.** (A) Except as provided in division (E) of this 57733  
section, no person shall do any of the following: 57734

(1) Engage in the business of displaying or selling at retail 57735  
manufactured homes or mobile homes or assume to engage in that 57736  
business, unless the person is licensed as a manufactured housing 57737  
dealer under this chapter, or is a salesperson licensed under this 57738  
chapter and employed by a licensed manufactured housing dealer; 57739

(2) Make more than five casual sales of manufactured homes or 57740  
mobile homes in a twelve-month period without obtaining a license 57741  
as a manufactured housing dealer under this chapter; 57742



(3) Purchase a manufactured home directly from the manufacturer without obtaining a license as a manufactured housing dealer under this chapter; 57743  
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(4) Engage in the business of brokering manufactured homes unless that person is licensed as a manufactured housing broker under this chapter or licensed as a real estate broker or salesperson pursuant to Chapter 4735. of the Revised Code. 57746  
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(B)(1) Except as provided in this division, no manufactured housing dealer shall sell, display, offer for sale, or deal in manufactured homes or mobile homes at any place except an established place of business that is used exclusively for the purpose of selling, displaying, offering for sale, or dealing in manufactured homes or mobile homes. 57750  
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(2) No manufactured housing broker shall engage in the business of brokering manufactured or mobile homes at any place except an established place of business that is used exclusively for the purpose of brokering manufactured and mobile homes. 57756  
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(3) A place of business used for the brokering or sale of manufactured homes or mobile homes is considered to be used exclusively for brokering, selling, displaying, offering for sale, or dealing in manufactured or mobile homes even though industrialized units, as defined by section 3781.06 of the Revised Code, are brokered, sold, displayed, offered for sale, or dealt at the same place of business. 57760  
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(4) If the licensed manufactured housing dealer is a manufactured home park operator, then all of the following apply: 57767  
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(a) An established place of business that is located in the operator's manufactured home park and that is used for selling, leasing, and renting manufactured homes and mobile homes in that manufactured home park is considered to be used exclusively for that purpose even though rent and other activities related to the 57769  
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operation of the manufactured home park take place at the same 57774  
location or office. 57775

(b) The dealer's established place of business in the 57776  
manufactured home park shall be staffed by someone licensed and 57777  
regulated under this chapter who could reasonably assist any 57778  
retail customer with or without an appointment, but such 57779  
established place of business need not satisfy office size, 57780  
display lot size, and physical barrier requirements applicable to 57781  
other used motor vehicle dealers. 57782

(c) The manufactured and mobile homes being offered for sale, 57783  
lease, or rental by the dealer may be located on individual rental 57784  
lots inside the operator's manufactured home park. 57785

(C) Nothing in this chapter shall be construed as prohibiting 57786  
the sale of a new or used manufactured or mobile home located in a 57787  
manufactured home park by a licensed manufactured housing dealer. 57788

(D) Nothing in this section shall be construed to prohibit 57789  
persons licensed under this chapter from making sales calls. 57790

(E)(1) This chapter does not apply to mortgagees selling at 57791  
retail only those manufactured homes or mobile homes that have 57792  
come into their possession by a default in the terms of a mortgage 57793  
contract. 57794

(2) When a partnership licensed under this chapter is 57795  
dissolved by death, the surviving partners may operate under the 57796  
manufactured housing dealer license for a period of sixty days, 57797  
and the heirs or representatives of deceased persons and receivers 57798  
or trustees in bankruptcy appointed by any competent authority may 57799  
operate under the license of the person succeeded in possession by 57800  
that heir, representative, receiver, or trustee in bankruptcy. 57801

**Sec. ~~3733.02~~ 4781.26.** (A)(1) The ~~public health council~~ 57802  
manufactured homes commission, subject to Chapter 119. of the 57803

Revised Code, shall adopt, and has the exclusive power to adopt, 57804  
rules of uniform application throughout the state governing the 57805  
review of plans, issuance of flood plain management permits, and 57806  
issuance of licenses for manufactured home parks; the location, 57807  
layout, density, construction, drainage, sanitation, safety, and 57808  
operation of those parks; and notices of flood events concerning, 57809  
and flood protection at, those parks. The rules pertaining to 57810  
flood plain management shall be consistent with and not less 57811  
stringent than the flood plain management criteria of the national 57812  
flood insurance program adopted under the "National Flood 57813  
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 57814  
amended. The rules shall not apply to the construction, erection, 57815  
or manufacture of any building to which section 3781.06 of the 57816  
Revised Code is applicable. 57817

~~(2)~~(B) The rules pertaining to manufactured home parks 57818  
constructed after June 30, 1971, shall specify that each home must 57819  
be placed on its lot to provide not less than fifteen feet between 57820  
the side of one home and the side of another home, ten feet 57821  
between the end of one home and the side of another home, and five 57822  
feet between the ends of two homes placed end to end. 57823

~~(3)~~(C) The manufactured homes commission shall determine 57824  
compliance with the installation, blocking, tiedown, foundation, 57825  
and base support system standards for manufactured housing located 57826  
in manufactured home parks adopted by the commission pursuant to 57827  
section 4781.04 of the Revised Code. All inspections of the 57828  
installation, blocking, tiedown, foundation, and base support 57829  
systems of manufactured housing in a manufactured home park that 57830  
the ~~department of health or a licenser~~ commission conducts shall 57831  
be conducted by a person ~~who has completed an installation~~ 57832  
~~training course approved by~~ the manufactured homes commission 57833  
certifies pursuant to ~~division (B)(12) of section 4781.04~~ 4781.07 57834  
of the Revised Code. 57835

~~As used in division (A)(3) of this section, "manufactured housing" has the same meaning as in section 4781.01 of the Revised Code.~~ 57836  
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~~(B) The public health council, in accordance with Chapter 119. of the Revised Code, shall adopt rules of uniform application throughout the state establishing requirements and procedures in accordance with which the director of health may authorize licensors for the purposes of sections 3733.022 and 3733.025 of the Revised Code. The rules shall include at least provisions under which a licensor may enter into contracts for the purpose of fulfilling the licensor's responsibilities under either or both of those sections.~~ 57839  
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(D) The manufactured homes commission may enter into contracts for the purpose of fulfilling the commission's annual inspection responsibilities for manufactured home parks under this chapter. Boards of health of city or general health districts shall have the right of first refusal for those contracts. 57848  
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**Sec. ~~3733.03~~ 4781.27.** (A)(1) On or after the first day of December, but before the first day of January of the next year, every person who intends to operate a manufactured home park shall procure a license to operate the park for the next year from the ~~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. 57853  
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(2) No manufactured home park shall be maintained or operated 57866

in this state without a license. 57867

(3) No person who has received a license, upon the sale or 57868  
disposition of the manufactured home park, may have the license 57869  
transferred to the new operator. A person shall obtain a separate 57870  
license to operate each manufactured home park. 57871

(B) Before a license is initially issued and annually 57872  
thereafter, or more often if necessary, the ~~licensor~~ commission 57873  
shall cause each manufactured home park to be inspected ~~relative~~ 57874  
~~to~~ for compliance with sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 57875  
of the Revised Code and the rules adopted under those sections. A 57876  
record shall be made of each inspection on a form prescribed by 57877  
the ~~director of health~~ commission. 57878

(C) Each person applying for an initial license to operate a 57879  
manufactured home park shall provide acceptable proof to the 57880  
~~director~~ commission that adequate fire protection will be provided 57881  
and that applicable fire codes will be adhered to in the 57882  
construction and operation of the park. 57883

**Sec. ~~3733.04~~ 4781.28.** The ~~licensor of a manufactured home~~ 57884  
~~park~~ manufactured homes commission may charge a fee for an annual 57885  
license to operate ~~such~~ a manufactured home park. The fee for a 57886  
license shall be determined in accordance with section ~~3709.09~~ 57887  
4781.26 of the Revised Code and shall include the cost of 57888  
licensing and all inspections. 57889

~~The fee also shall include any additional amount determined~~ 57890  
~~by rule of the public health council, which shall be collected and~~ 57891  
~~transmitted by the board of health to the director of health~~ 57892  
~~pursuant to section 3709.092 of the Revised Code and used only for~~ 57893  
~~the purpose of administering and enforcing sections 3733.01 to~~ 57894  
~~3733.08 of the Revised Code and the rules adopted under those~~ 57895  
~~sections. The portion of any fee retained by the board of health~~ 57896  
Any fees collected shall be paid into a special fund transmitted 57897

to the treasurer of state and shall be credited to the 57898  
manufactured homes commission regulatory fund created in section 57899  
4781.54 of the Revised Code and used only for the purpose of 57900  
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 57901  
4781.35 of the Revised Code and the rules adopted thereunder. 57902

**Sec. ~~3733.05~~ 4781.29.** ~~The licensor of the health district in~~ 57903  
~~which a manufactured home park is or is to be located, in~~ 57904  
~~accordance with Chapter 119. of the Revised Code,~~ manufactured 57905  
homes commission may refuse to grant, may suspend, or may revoke 57906  
any license granted to any person for failure to comply with 57907  
sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or 57908  
with any rule adopted ~~by the public health council~~ under section 57909  
~~3733.02~~ 4781.26 of the Revised Code. 57910

**Sec. ~~3733.06~~ 4781.30.** (A) Upon a license being issued under 57911  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code, 57912  
any operator shall have the right to rent or use each lot for the 57913  
parking or placement of a manufactured home or mobile home to be 57914  
used for human habitation without interruption for any period 57915  
coextensive with any license or consecutive licenses issued under 57916  
sections ~~3733.03~~ 4781.27 to ~~3733.05~~ 4781.29 of the Revised Code. 57917

(B) No operator of a manufactured home park shall sell 57918  
individual lots in a park for eight years following the issuance 57919  
of the initial license for the park unless, at the time of sale, 57920  
the park fulfills all platting and subdivision requirements 57921  
established by the political subdivision in which the park is 57922  
located, or the political subdivision has entered into an 57923  
agreement with the operator regarding platting and subdivision 57924  
requirements and the operator has fulfilled the terms of that 57925  
agreement. 57926

**Sec. ~~3733.07~~ 4781.301.** Fees authorized or charged under 57927

sections ~~3733.021, 3733.022~~ 4781.31, 4781.32, and ~~3733.04~~ 4781.28 57928  
of the Revised Code are in lieu of all license and inspection fees 57929  
on or with respect to the operation or ownership of manufactured 57930  
home parks within this state, except that the licensor may charge 57931  
additional reasonable fees for the collection and bacteriological 57932  
examination of any necessary water samples taken from any such 57933  
park. 57934

**Sec. ~~3733.021~~ 4781.31.** (A) No person shall cause development 57935  
to occur within any portion of a manufactured home park until the 57936  
plans for the development have been submitted to and reviewed and 57937  
approved by the ~~director of health~~ manufactured homes commission. 57938  
This division does not require that plans be submitted to the 57939  
~~director~~ commission for approval for the replacement of 57940  
manufactured or mobile homes on previously approved lots in a 57941  
manufactured home park when no development is to occur in 57942  
connection with the replacement. Within thirty days after receipt 57943  
of the plans, all supporting documents and materials required to 57944  
complete the review, and the applicable plan review fee 57945  
established under division (D) of this section, the ~~director~~ 57946  
commission shall approve or disapprove the plans. 57947

(B) Any person aggrieved by the ~~director's~~ commission's 57948  
disapproval of a set of plans under division (A) of this section 57949  
may request a hearing on the matter within thirty days after 57950  
receipt of the ~~director's~~ commission's notice of the disapproval. 57951  
The hearing shall be held in accordance with Chapter 119. of the 57952  
Revised Code. Thereafter, the disapproval may be appealed in the 57953  
manner provided in section 119.12 of the Revised Code. 57954

(C) The ~~director~~ commission shall establish a system by which 57955  
development occurring within a manufactured home park is inspected 57956  
or verified in accordance with rules adopted under ~~division (A) of~~ 57957  
section ~~3733.02~~ 4781.26 of the Revised Code to ensure that the 57958

development complies with the plans approved under division (A) of 57959  
this section. 57960

(D) The ~~public health council~~ commission shall establish fees 57961  
for reviewing plans under division (A) of this section and 57962  
conducting inspections under division (C) of this section. 57963

(E) The ~~director~~ commission shall charge the appropriate fees 57964  
established under division (D) of this section for reviewing plans 57965  
under division (A) of this section and conducting inspections 57966  
under division (C) of this section. All such plan review and 57967  
inspection fees received by the ~~director~~ commission shall be 57968  
transmitted to the treasurer of state and shall be credited to the 57969  
~~general operations~~ occupational licensing and regulatory fund 57970  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 57971  
credited to the fund shall be used only for the purpose of 57972  
administering and enforcing sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 57973  
4781.35 of the Revised Code and rules adopted under those 57974  
sections. 57975

(F) Plan approvals issued under this section do not 57976  
constitute an exemption from the land use and building 57977  
requirements of the political subdivision in which the 57978  
manufactured home park is or is to be located. 57979

**Sec. ~~3733.022~~ 4781.32.** (A) No person shall cause development 57980  
to occur or cause the replacement of a mobile or manufactured home 57981  
within any portion of a manufactured home park that is located 57982  
within a one-hundred-year flood plain unless the person first 57983  
obtains a permit from the ~~director of health or a licenser~~ 57984  
~~authorized by the director~~ manufactured homes commission. If the 57985  
development for which a permit is required under this division is 57986  
to occur on a lot where a mobile or manufactured home is or is to 57987  
be located, the owner of the home and the operator of the 57988  
manufactured home park shall jointly obtain the permit. Each of 57989



the persons to whom a permit is jointly issued is responsible for 57990  
compliance with the provisions of the approved permit that are 57991  
applicable to that person. 57992

The ~~director or a licenser authorized by the director~~ 57993  
commission shall disapprove an application for a permit required 57994  
under this division unless the ~~director or the licenser~~ commission 57995  
finds that the proposed development or replacement of a mobile or 57996  
manufactured home complies with the rules adopted under ~~division~~ 57997  
(A) of section ~~3733.02~~ 4781.26 of the Revised Code. No permit is 57998  
required under this division for the construction, erection, or 57999  
manufacture of any building to which section 3781.06 of the 58000  
Revised Code applies. 58001

The ~~director or a licenser authorized by the director~~ 58002  
commission may suspend or revoke a permit issued under this 58003  
division for failure to comply with the rules adopted under 58004  
~~division (A) of section 3733.02~~ 4781.26 of the Revised Code 58005  
pertaining to flood plain management or for failure to comply with 58006  
the approved permit. 58007

Any person aggrieved by the disapproval, suspension, or 58008  
revocation of a permit under this division by the ~~director or by a~~ 58009  
~~licenser authorized by the director~~ commission may request a 58010  
hearing on the matter within thirty days after receipt of the 58011  
notice of the disapproval, suspension, or revocation. The hearing 58012  
shall be held in accordance with Chapter 119. of the Revised Code. 58013  
Thereafter, an appeal of the disapproval, suspension, or 58014  
revocation may be taken in the manner provided in section 119.12 58015  
of the Revised Code. 58016

(B) The ~~public health council~~ commission shall establish fees 58017  
for the issuance of permits under division (A) of this section and 58018  
for necessary inspections conducted to determine compliance with 58019  
those permits. 58020

(C) ~~The director or a licensor authorized by the director~~ 58021  
commission shall charge the appropriate fee established under 58022  
division (B) of this section for the issuance of a permit under 58023  
division (A) of this section or for conducting any necessary 58024  
inspection to determine compliance with the permit. If the 58025  
~~director~~ commission issues such a permit or conducts such an 58026  
inspection, the fee for the permit or inspection shall be 58027  
transmitted to the treasurer of state and shall be credited to the 58028  
~~general operations~~ occupational licensing and regulatory fund 58029  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 58030  
credited to the fund shall be used ~~by the director~~ only for the 58031  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 58032  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 58033  
sections. ~~If the licensor is a board of health, the permit or~~ 58034  
~~inspection fee shall be deposited to the credit of the special~~ 58035  
~~fund of the health district created in section 3733.04 of the~~ 58036  
~~Revised Code and shall be used only for the purpose set forth in~~ 58037  
~~that section.~~ 58038

**Sec. ~~3733.024~~ 4781.33.** (A) When a flood event affects a 58039  
manufactured home park, the operator of the manufactured home 58040  
park, in accordance with rules adopted under ~~division (A) of~~ 58041  
section ~~3733.02~~ 4781.26 of the Revised Code, shall notify the 58042  
~~licensor having jurisdiction of the occurrence of~~ manufactured 58043  
homes commission and the board of health having jurisdiction where 58044  
the flood event occurred within forty-eight hours after the end of 58045  
the flood event. The commission, after receiving notification, 58046  
shall immediately notify the board of health. 58047

~~No person shall fail to comply with this division.~~ 58048

(B) ~~The licensor having jurisdiction where a flood event~~ 58049  
~~occurred that affected a manufactured home park shall notify the~~ 58050  
~~director of health of the occurrence of the flood event within~~ 58051

~~twenty four hours after being notified of the flood event under~~ 58052  
~~division (A) of this section. Within forty eight hours after~~ 58053  
~~being notified of such a flood event by a licenser, the director~~ 58054  
~~board of health shall cause an inspection to be made of the~~ 58055  
~~manufactured home park named in the notice. The board of health~~ 58056  
~~shall issue a report of the inspection to the commission within~~ 58057  
~~ten days after the inspection is completed.~~ 58058

**Sec. ~~3733-025~~ 4781.34.** (A) If a mobile or manufactured home 58059  
that is located in a flood plain is substantially damaged, the 58060  
owner of the home shall make all alterations, repairs, or changes 58061  
to the home, and the operator of the manufactured home park shall 58062  
make all alterations, repairs, or changes to the lot on which the 58063  
home is located, that are necessary to ensure compliance with the 58064  
flood plain management rules adopted under ~~division (A) of~~ section 58065  
~~3733-02~~ 4781.26 of the Revised Code. Such alterations, repairs, or 58066  
changes may include, without limitation, removal of the home or 58067  
other structures. 58068

No person shall fail to comply with this division. 58069

(B) No person shall cause to be performed any alteration, 58070  
repair, or change required by division (A) of this section unless 58071  
the person first obtains a permit from the ~~director of health or a~~ 58072  
~~licenser authorized by the director~~ manufactured homes commission. 58073  
~~The owner of the home and the operator of the manufactured home~~ 58074  
~~park shall jointly obtain the permit required by this division.~~ 58075  
~~Each of the persons to whom a permit is jointly issued is~~ 58076  
~~responsible for compliance with the provisions of the approved~~ 58077  
~~permit that are applicable to that person.~~ 58078

~~The director or a licenser authorized by the director~~ 58079  
commission shall disapprove an application for a permit required 58080  
under this division unless the ~~director or the licenser~~ commission 58081  
finds that the proposed alteration, repair, or change complies 58082

with the rules adopted under ~~division (A) of~~ section 3733.02 58083  
4781.26 of the Revised Code. No permit is required under this 58084  
division for the construction, erection, or manufacture of any 58085  
building to which section 3781.06 of the Revised Code applies. 58086

~~The director or a licensor authorized by the director~~ 58087  
commission may suspend or revoke a permit issued under this 58088  
division for failure to comply with the rules adopted under 58089  
~~division (A) of~~ section 3733.02 4781.26 of the Revised Code 58090  
pertaining to flood plain management or for failure to comply with 58091  
the approved permit for making alterations, repairs, or changes to 58092  
the lot on which the manufactured home is located. 58093

Any person aggrieved by the disapproval, suspension, or 58094  
revocation of a permit under this division by the ~~director or by a~~ 58095  
~~licensor authorized by the director~~ commission may request a 58096  
hearing on the matter within thirty days after receipt of the 58097  
notice of the disapproval, suspension, or revocation. The hearing 58098  
shall be held in accordance with Chapter 119. of the Revised Code. 58099  
Thereafter, an appeal of the disapproval, suspension, or 58100  
revocation may be taken in the manner provided in section 119.12 58101  
of the Revised Code and for necessary inspections conducted to 58102  
determine compliance with those permits. 58103

(C) The ~~public health council~~ commission shall establish fees 58104  
for the issuance of permits under division (B) of this section and 58105  
for necessary inspections conducted to determine compliance with 58106  
those permits for making alterations, repairs, or changes to the 58107  
lot on which the manufactured home is located. 58108

(D) The ~~director or a licensor authorized by the director~~ 58109  
commission shall charge the appropriate fee established under 58110  
division (C) of this section for the issuance of a permit under 58111  
division (B) of this section or for conducting any necessary 58112  
inspection to determine compliance with the permit. If the 58113  
~~director~~ commission issues such a permit or conducts such an 58114

inspection, the fee for the permit or inspection shall be 58115  
transmitted to the treasurer of state and shall be credited to the 58116  
~~general operations~~ occupational licensing and regulatory fund 58117  
created in section ~~3701.83~~ 4743.05 of the Revised Code. Moneys so 58118  
credited to the fund shall be used ~~by the director~~ only for the 58119  
purpose of administering and enforcing sections ~~3733.01~~ 4781.26 to 58120  
~~3733.08~~ 4781.35 of the Revised Code and rules adopted under those 58121  
sections. ~~If the licensor is a board of health, the permit or~~ 58122  
~~inspection fee shall be deposited to the credit of the special~~ 58123  
~~fund of the health district created in section 3733.04 of the~~ 58124  
~~Revised Code and shall be used only for the purpose set forth in~~ 58125  
~~that section.~~ 58126

**Sec. ~~3733.08~~ 4781.35.** (A) No person shall violate sections 58127  
~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 of the Revised Code or the 58128  
rules adopted thereunder. 58129

(B) The prosecuting attorney of the county, the city director 58130  
of law, or the attorney general, upon complaint of the ~~licensor or~~ 58131  
~~the director of health~~ manufactured homes commission, shall 58132  
prosecute to termination or bring an action for injunction against 58133  
any person violating sections ~~3733.01~~ 4781.26 to ~~3733.08~~ 4781.35 58134  
of the Revised Code or the rules adopted thereunder. 58135

**Sec. ~~3733.09~~ 4781.36.** (A) Subject to section ~~3733.091~~ 4781.37 58136  
of the Revised Code, a park operator shall not retaliate against a 58137  
resident by increasing the resident's rent, decreasing services 58138  
that are due to the resident, refusing to renew or threatening to 58139  
refuse to renew the rental agreement with the resident, or 58140  
bringing or threatening to bring an action for possession of the 58141  
resident's premises because: 58142

(1) The resident has complained to an appropriate 58143  
governmental agency of a violation of a building, housing, health, 58144

or safety code that is applicable to the premises, and the 58145  
violation materially affects health and safety; 58146

(2) The resident has complained to the park operator of any 58147  
violation of section ~~3733.10~~ 4781.38 of the Revised Code; 58148

(3) The resident joined with other residents for the purpose 58149  
of negotiating or dealing collectively with the park operator on 58150  
any of the terms and conditions of a rental agreement. 58151

(B) If a park operator acts in violation of division (A) of 58152  
this section, the resident may: 58153

(1) Use the retaliatory action of the park operator as a 58154  
defense to an action by the park operator to recover possession of 58155  
the premises; 58156

(2) Recover possession of the premises; 58157

(3) Terminate the rental agreement. 58158

In addition, the resident may recover from the park operator 58159  
any actual damages together with reasonable attorneys fees. 58160

(C) Nothing in division (A) of this section prohibits a park 58161  
operator from increasing the rent to reflect the cost of 58162  
improvements installed by the park operator in or about the 58163  
premises or to reflect an increase in other costs of operation of 58164  
the premises. 58165

**Sec. ~~3733.091~~ 4781.37.** (A) Notwithstanding section ~~3733.09~~ 58166  
4781.36 of the Revised Code, a park operator may bring an action 58167  
under Chapter 1923. of the Revised Code for possession of the 58168  
premises if any of the following applies: 58169

(1) The resident is in default in the payment of rent. 58170

(2) The violation of the applicable building, housing, 58171  
health, or safety code that the resident complained of was 58172  
primarily caused by any act or lack of reasonable care by the 58173

resident, by any other person in the resident's household, or by anyone on the premises with the consent of the resident.

(3) The resident is holding over the resident's term.

(4) The resident is in violation of rules of the ~~public health council~~ manufactured homes commission adopted pursuant to section ~~3733.02~~ 4781.26 of the Revised Code or rules of the manufactured home park adopted pursuant to the rules of the ~~public health council~~ commission.

(5) The resident has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of the action, and the resident's manufactured home, mobile home, or recreational vehicle parked in the manufactured home park has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement.

(B) The maintenance of an action by the park operator under this section does not prevent the resident from recovering damages for any violation by the park operator of the rental agreement or of section ~~3733.10~~ 4781.38 of the Revised Code.

**Sec. ~~3733.10~~ 4781.38.** (A) A park operator who is a party to a rental agreement shall:

(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 58204  
systems, sanitary and storm sewers, refuse receptacles, and well 58205  
and water systems that are supplied or required to be supplied by 58206  
~~him~~ the park operator; 58207

(5) Not abuse the right of access conferred by division (B) 58208  
of section ~~3733.101~~ 4781.39 of the Revised Code; 58209

(6) Except in the case of emergency or if it is impracticable 58210  
to do so, give the resident reasonable notice of ~~his~~ the park 58211  
operator's intent to enter onto the residential premises and enter 58212  
only at reasonable times. Twenty-four hours\_ notice shall be 58213  
presumed to be a reasonable notice in the absence of evidence to 58214  
the contrary. 58215

(B) If the park operator violates any provision of this 58216  
section, makes a lawful entry onto the residential premises in an 58217  
unreasonable manner, or makes repeated demands for entry otherwise 58218  
lawful which demands have the effect of harassing the resident, 58219  
the resident may recover actual damages resulting from the 58220  
violation, entry, or demands and injunctive relief to prevent the 58221  
recurrence of the conduct, and if ~~he~~ the resident obtains a 58222  
judgment, reasonable attorneys' fees, or terminate the rental 58223  
agreement. 58224

**Sec. ~~3733.101~~ 4781.39.** (A) A resident who is a party to a 58225  
rental agreement shall: 58226

(1) Keep that part of the premises that the resident occupies 58227  
and uses safe and sanitary; 58228

(2) Dispose of all rubbish, garbage, and other waste in a 58229  
clean, safe, and sanitary manner; 58230

(3) Comply with the requirements imposed on residents by all 58231  
applicable state and local housing, health, and safety codes, 58232  
rules of the ~~public health council~~ manufactured homes commission, 58233



and rules of the manufactured home park; 58234

(4) Personally refrain, and forbid any other person who is on 58235  
the premises with the resident's permission, from intentionally or 58236  
negligently destroying, defacing, damaging, or removing any 58237  
fixture, appliance, or other part of the residential premises; 58238

(5) Conduct self and require other persons on the premises 58239  
with the resident's consent to conduct themselves in a manner that 58240  
will not disturb the resident's neighbors' peaceful enjoyment of 58241  
the manufactured home park. 58242

(B) The resident shall not unreasonably withhold consent for 58243  
the park operator to enter the home to inspect utility 58244  
connections, or enter onto the premises in order to inspect the 58245  
premises, make ordinary, necessary, or agreed repairs, 58246  
decorations, alterations, or improvements, deliver parcels which 58247  
are too large for the resident's mail facilities, or supply 58248  
necessary or agreed services. 58249

(C) If the resident violates any provision of this section, 58250  
the park operator may recover any actual damages which result from 58251  
the violation and reasonable attorneys' fees. This remedy is in 58252  
addition to any right of the park operator to terminate the rental 58253  
agreement, to maintain an action for the possession of the 58254  
premises, or injunctive relief to compel access under division (B) 58255  
of this section. 58256

**Sec. ~~3733.11~~ 4781.40.** (A)(1) The park operator shall offer 58257  
each home owner a written rental agreement for a manufactured home 58258  
park lot for a term of one year or more that contains terms 58259  
essentially the same as any alternative month-to-month rental 58260  
agreement offered to current and prospective tenants and owners. 58261  
The park operator shall offer the minimum one-year rental 58262  
agreement to the owner prior to installation of the home in the 58263  
manufactured home park or, if the home is in the manufactured home 58264

park, prior to the expiration of the owner's existing rental 58265  
agreement. 58266

(2) The park operator shall deliver the offer to the owner by 58267  
certified mail, return receipt requested, or in person. If the 58268  
park operator delivers the offer to the owner in person, the owner 58269  
shall complete a return showing receipt of the offer. If the owner 58270  
does not accept the offer, the park operator is discharged from 58271  
any obligation to make any further such offers. If the owner 58272  
accepts the offer, the park operator shall, at the expiration of 58273  
each successive rental agreement, offer the owner another rental 58274  
agreement, for a term that is mutually agreed upon, and that 58275  
contains terms essentially the same as the alternative 58276  
month-to-month agreement. The park operator shall deliver 58277  
subsequent rental offers by ordinary mail or personal delivery. If 58278  
the park operator sells the manufactured home park to another 58279  
manufactured home park operator, the purchaser is bound by the 58280  
rental agreements entered into by the purchaser's predecessor. 58281

(3) If the park operator sells the manufactured home park for 58282  
a use other than as a manufactured home park, the park operator 58283  
shall give each tenant and owner a written notification by 58284  
certified mail, return receipt requested, or by handing it to the 58285  
tenant or owner in person. If the park operator delivers the 58286  
notification in person, the recipient shall complete a return 58287  
showing receipt of the notification. This notification shall 58288  
contain notice of the sale of the manufactured home park, and 58289  
notice of the date by which the tenant or owner shall vacate. The 58290  
date by which the tenant shall vacate shall be at least one 58291  
hundred twenty days after receipt of the written notification, and 58292  
the date by which the owner shall vacate shall be at least one 58293  
hundred eighty days after receipt of the written notification. 58294

(B) A park operator shall fully disclose in writing all fees, 58295  
charges, assessments, including rental fees, and rules prior to a 58296

tenant or owner executing a rental agreement and assuming 58297  
occupancy in the manufactured home park. No fees, charges, 58298  
assessments, or rental fees so disclosed may be increased nor 58299  
rules changed by a park operator without specifying the date of 58300  
implementation of the changed fees, charges, assessments, rental 58301  
fees, or rules, which date shall be not less than thirty days 58302  
after written notice of the change and its effective date to all 58303  
tenants or owners in the manufactured home park, and no fee, 58304  
charge, assessment, or rental fee shall be increased during the 58305  
term of any tenant's or owner's rental agreement. Failure on the 58306  
part of the park operator to fully disclose all fees, charges, or 58307  
assessments shall prevent the park operator from collecting the 58308  
undisclosed fees, charges, or assessments. If a tenant or owner 58309  
refuses to pay any undisclosed fees, charges, or assessments, the 58310  
refusal shall not be used by the park operator as a cause for 58311  
eviction in any court. 58312

(C) A park operator shall promulgate rules governing the 58313  
rental or occupancy of a lot in the manufactured home park. The 58314  
rules shall not be unreasonable, arbitrary, or capricious. A copy 58315  
of the rules and any amendments to them shall be delivered by the 58316  
park operator to the tenant or owner prior to signing the rental 58317  
agreement. A copy of the rules and any amendments to them shall be 58318  
posted in a conspicuous place upon the manufactured home park 58319  
grounds. 58320

(D) No park operator shall require an owner to purchase from 58321  
the park operator any personal property. The park operator may 58322  
determine by rule the style or quality of skirting, equipment for 58323  
tying down homes, manufactured or mobile home accessories, or 58324  
other equipment to be purchased by an owner from a vendor of the 58325  
owner's choosing, provided that the equipment is readily available 58326  
to the owner. Any such equipment shall be installed in accordance 58327  
with the manufactured home park rules. 58328

(E) No park operator shall charge any owner who chooses to 58329  
install an electric or gas appliance in a home an additional fee 58330  
solely on the basis of the installation, unless the installation 58331  
is performed by the park operator at the request of the owner, nor 58332  
shall the park operator restrict the installation, service, or 58333  
maintenance of the appliance, restrict the ingress or egress of 58334  
repairpersons to the manufactured home park for the purpose of 58335  
installation, service, or maintenance of the appliance, nor 58336  
restrict the making of any interior improvement in a home, if the 58337  
installation or improvement is in compliance with applicable 58338  
building codes and other provisions of law and if adequate utility 58339  
services are available for the installation or improvement. 58340

(F) No park operator shall require a tenant to lease or an 58341  
owner to purchase a manufactured or mobile home from the park 58342  
operator or any specific person as a condition of or prerequisite 58343  
to entering into a rental agreement. 58344

(G) No park operator shall require an owner to use the 58345  
services of the park operator or any other specific person for 58346  
installation of the manufactured or mobile home on the residential 58347  
premises or for the performance of any service. 58348

(H) No park operator shall: 58349

(1) Deny any owner the right to sell the owner's manufactured 58350  
home within the manufactured home park if the owner gives the park 58351  
operator ten days' notice of the intention to sell the home; 58352

(2) Require the owner to remove the home from the 58353  
manufactured home park solely on the basis of the sale of the 58354  
home; 58355

(3) Unreasonably refuse to enter into a rental agreement with 58356  
a purchaser of a home located within the operator's manufactured 58357  
home park; 58358

(4) Charge any tenant or owner any fee, charge, or 58359

assessment, including a rental fee, that is not set forth in the 58360  
rental agreement or, if the rental agreement is oral, is not set 58361  
forth in a written disclosure given to the tenant or owner prior 58362  
to the tenant or owner entering into a rental agreement; 58363

(5) Charge any owner any fee, charge, or assessment because 58364  
of the transfer of ownership of a home or because a home is moved 58365  
out of or into the manufactured home park, except a charge for the 58366  
actual costs and expenses that are incurred by the park operator 58367  
in moving the home out of or into the manufactured home park, or 58368  
in installing the home in the manufactured home park and that have 58369  
not been reimbursed by another tenant or owner. 58370

(I) If the park operator violates any provision of divisions 58371  
(A) to (H) of this section, the tenant or owner may recover actual 58372  
damages resulting from the violation, and, if the tenant or owner 58373  
obtains a judgment, reasonable attorneys' fees, or terminate the 58374  
rental agreement. 58375

(J) No rental agreement shall require a tenant or owner to 58376  
sell, lease, or sublet the tenant's or owner's interest in the 58377  
rental agreement or the manufactured or mobile home that is or 58378  
will be located on the lot that is the subject of the rental 58379  
agreement to any specific person or through any specific person as 58380  
the person's agent. 58381

(K) No park operator shall enter into a rental agreement with 58382  
the owner of a manufactured or mobile home for the use of 58383  
residential premises, if the rental agreement requires the owner 58384  
of the home, as a condition to the owner's renting, occupying, or 58385  
remaining on the residential premises, to pay the park operator or 58386  
any other person specified in the rental agreement a fee or any 58387  
sum of money based on the sale of the home, unless the owner of 58388  
the home uses the park operator or other person as the owner's 58389  
agent in the sale of the home. 58390

(L) A park operator and a tenant or owner may include in a rental agreement any terms and conditions, including any term relating to rent, the duration of an agreement, and any other provisions governing the rights and obligations of the parties that are not inconsistent with or prohibited by sections 3733.09 to 3733.20 of the Revised Code or any other rule of law.

(M) Notwithstanding any other provision of the Revised Code, the owner of a manufactured or mobile home ~~that was previously titled by a dealer~~ may utilize the services of a manufactured home housing dealer or broker licensed under Chapter 4517. of the Revised Code or a person properly licensed under Chapter ~~4735-~~ 4781. of the Revised Code to sell or lease the home.

**Sec. ~~3733.12~~ 4781.41.** (A) If a park operator fails to fulfill any obligation imposed upon ~~him~~ the park operator by section ~~3733.10~~ 4781.38 of the Revised Code or by the rental agreement, or the conditions of the premises are such that the resident reasonably believes that a park operator has failed to fulfill any such obligations, or a governmental agency has found that the premises are not in compliance with building, housing, health, or safety codes which apply to any condition of the residential premises that could materially affect the health and safety of an occupant, the resident may give notice in writing to the park operator specifying the acts, omissions, or code violations that constitute noncompliance with such provisions. The notice shall be sent to the person or place where rent is normally paid.

(B) If a park operator receives the notice described in division (A) of this section and after receipt of the notice fails to remedy the condition within a reasonable time, considering the severity of the condition and the time necessary to remedy such condition, or within thirty days, whichever is sooner, and if the

resident is current in rent payments due under the rental 58422  
agreement, the resident may do one of the following: 58423

(1) Deposit all rent that is due and thereafter becomes due 58424  
the park operator with the clerk of court of the municipal or 58425  
county court having jurisdiction in the territory in which the 58426  
residential premises are located; 58427

(2) Apply to the court for an order directing the park 58428  
operator to remedy the condition. As part thereof, the resident 58429  
may deposit rent pursuant to division (B)(1) of this section, and 58430  
may apply for an order reducing the periodic rent due the park 58431  
operator until such time as the park operator does remedy the 58432  
condition, and may apply for an order to use the rent deposited to 58433  
remedy the condition. In any order issued pursuant to this 58434  
division, the court may require the resident to deposit rent with 58435  
the clerk of court as provided in division (B)(1) of this section. 58436

**Sec. ~~3733.121~~ 4781.42.** (A) Whenever a resident deposits rent 58437  
with the clerk of a court as provided in section ~~3733.12~~ 4781.41 58438  
of the Revised Code, the clerk shall give written notice of this 58439  
fact to the park operator and to ~~his~~ the park operator's agent, if 58440  
any. 58441

(B) The clerk shall place all rent deposited with ~~him~~ the 58442  
clerk in a separate rent escrow account in the name of the clerk 58443  
in a bank or building and loan association domiciled in this 58444  
state. 58445

(C) The clerk shall keep in a separate docket an account of 58446  
each deposit, with the name and address of the resident, and the 58447  
name and address of the park operator and of ~~his~~ the park 58448  
operator's agent, if any. 58449

(D) For ~~his~~ the clerk's costs, the clerk may charge a fee of 58450  
one per cent of the amount of the rent deposited, which shall be 58451

assessed as court costs. 58452

(E) All interest that has accrued on the rent deposited by 58453  
the clerk of a county court under division (B) of this section 58454  
shall be paid into the treasury of the political subdivision for 58455  
which the clerk performs ~~his~~ the clerk's duties. All interest that 58456  
has accrued on the rent deposited by the clerk of a municipal 58457  
court under division (B) of this section shall be paid into the 58458  
city treasury as defined in division (B) of section 1901.03 of the 58459  
Revised Code. 58460

**Sec. ~~3733.122~~ 4781.43.** (A) A park operator who receives 58461  
notice that rent due ~~him~~ the park operator has been deposited with 58462  
a clerk of court pursuant to section ~~3733.12~~ 4781.41 of the 58463  
Revised Code, may: 58464

(1) Apply to the clerk of court for release of the rent on 58465  
the ground that the condition contained in the notice given 58466  
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 58467  
Code has been remedied. The clerk shall forthwith release the 58468  
rent, less costs, to the park operator if the resident gives 58469  
written notice to the clerk that the condition has been remedied. 58470

(2) Apply to the court for release of the rent on the grounds 58471  
that the resident did not comply with the notice requirement of 58472  
division (A) of section ~~3733.12~~ 4781.41 of the Revised Code, or 58473  
that the resident was not current in rent payments due under the 58474  
rental agreement at the time the resident initiated rent deposits 58475  
with the clerk of courts under division (B)(1) of section ~~3733.12~~ 58476  
4781.41 of the Revised Code; 58477

(3) Apply to the court for release of the rent on the grounds 58478  
that there was no violation of any obligation imposed upon the 58479  
park operator by section ~~3733.10~~ 4781.38 of the Revised Code or by 58480  
the rental agreement, or by any building, housing, health, or 58481  
safety code, or that the condition contained in the notice given 58482



pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised Code has been remedied. 58483  
58484

(B) The resident shall be named as a party to any action 58485  
filed by the park operator under this section, and shall have the 58486  
right to file an answer and counterclaim, as in other civil cases. 58487  
A trial shall be held within sixty days of the date of filing of 58488  
the park operator's complaint, unless for good cause shown the 58489  
court grants a continuance. 58490

(C) If the court finds that there was no violation of any 58491  
obligation imposed upon the park operator by section ~~3733.10~~ 58492  
4781.38 of the Revised Code or by the rental agreement, or by any 58493  
building, housing, health, or safety code, or that the condition 58494  
contained in the notice given pursuant to division (A) of section 58495  
~~3733.12~~ 4781.41 of the Revised Code has been remedied, or that the 58496  
resident did not comply with the notice requirement of division 58497  
(A) of section ~~3733.12~~ 4781.41 of the Revised Code, or that the 58498  
resident was not current in rent payments at the time the resident 58499  
initiated rent deposits with the clerk of court under division 58500  
(B)(1) of section ~~3733.12~~ 4781.41 of the Revised Code, the court 58501  
shall order the release to the park operator of rent on deposit 58502  
with the clerk, less costs. 58503

(D) If the court finds that the condition contained in the 58504  
notice given pursuant to division (A) of section ~~3733.12~~ 4781.41 58505  
of the Revised Code was the result of an act or omission of the 58506  
resident, or that the resident intentionally acted in bad faith in 58507  
proceeding under section ~~3733.12~~ 4781.41 of the Revised Code, the 58508  
resident shall be liable for damages caused to the park operator, 58509  
and for costs, together with reasonable attorneys' fees if the 58510  
resident intentionally acted in bad faith. 58511

**Sec. ~~3733.123~~ 4781.44.** (A) If a park operator brings an 58512  
action for the release of rent deposited with a clerk of court, 58513

the court may, during the pendency of the action, upon application 58514  
of the park operator, release part of the rent on deposit for 58515  
payment of the periodic interest on a mortgage on the premises, 58516  
the periodic principal payments on a mortgage on the premises, the 58517  
insurance premiums for the premises, real estate taxes on the 58518  
premises, utility services, repairs, and other customary and usual 58519  
costs of operating the premises. 58520

(B) In determining whether to release rent for the payments 58521  
described in division (A) of this section, the court shall 58522  
consider the amount of rent the park operator receives from other 58523  
lots, the cost of operating these lots, and the costs which may be 58524  
required to remedy the condition contained in the notice given 58525  
pursuant to division (A) of section ~~3733.12~~ 4781.41 of the Revised 58526  
Code. 58527

**Sec. ~~3733.13~~ 4781.45.** If a resident commits a material 58528  
violation of the rules of the manufactured home park, of the 58529  
~~public health council~~ manufactured homes commission, or of 58530  
applicable state and local health and safety codes, the park 58531  
operator may deliver a written notification of the violation to 58532  
the resident. The notification shall contain all of the following: 58533

(A) A description of the violation; 58534

(B) A statement that the rental agreement will terminate upon 58535  
a date specified in the written notice not less than thirty days 58536  
after receipt of the notice unless the resident remedies the 58537  
violation; 58538

(C) A statement that the violation was material and that if a 58539  
second material violation of any park or ~~public health council~~ 58540  
commission rule, or any health and safety code, occurs within six 58541  
months after the date of this notice, the rental agreement will 58542  
terminate immediately; 58543

(D) A statement that a defense available to termination of 58544  
the rental agreement for two material violations of park or ~~public~~ 58545  
~~health council~~ commission rules, or of health and safety codes, is 58546  
that the park rule is unreasonable, or that the park or ~~public~~ 58547  
~~health council~~ commission rule, or health or safety code, is not 58548  
being enforced against other manufactured home park residents, or 58549  
that the two violations were not willful and not committed in bad 58550  
faith. 58551

If the resident remedies the condition described in the 58552  
notice, whether by repair, the payment of damages, or otherwise, 58553  
the rental agreement shall not terminate. The park operator may 58554  
terminate the rental agreement immediately if the resident commits 58555  
a second material violation of the park or ~~public health council~~ 58556  
commission rules, or of applicable state and local health and 58557  
safety codes, subject to the defense that the park rule is 58558  
unreasonable, that the park or ~~public health council~~ commission 58559  
rule, or health or safety code, is not being enforced against 58560  
other manufactured home park residents, or that the two violations 58561  
were not willful and not committed in bad faith. 58562

**Sec. ~~3733.14~~ 4781.46.** In any action under sections ~~3733.09~~ 58563  
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code, any party may 58564  
recover damages for the breach of contract or the breach of any 58565  
duty that is imposed by law. 58566

**Sec. ~~3733.15~~ 4781.47.** (A) No provision of sections ~~3733.09~~ 58567  
~~4781.36~~ to ~~3733.20~~ 4781.52 of the Revised Code may be modified or 58568  
waived by any oral or written agreement except as provided in 58569  
division (F) of this section. 58570

(B) No warrant of attorney to confess judgment shall be 58571  
recognized in any rental agreement or in any other agreement 58572  
between a park operator and resident for the recovery of rent or 58573

damages to the residential premises. 58574

(C) No agreement to pay the park operator's or resident's 58575  
attorney fees shall be recognized in any rental agreement for 58576  
residential premises or in any other agreement between a park 58577  
operator and resident. 58578

(D) No agreement by a resident to the exculpation or 58579  
limitation of any liability of the park operator arising under law 58580  
or to indemnify the park operator for that liability or its 58581  
related costs shall be recognized in any rental agreement or in 58582  
any other agreement between a park operator and resident. 58583

(E) A rental agreement, or the assignment, conveyance, trust 58584  
deed, or security instrument of the park operator's interest in 58585  
the rental agreement may not permit the receipt of rent free of 58586  
the obligation to comply with section ~~3733.10~~ 4781.38 of the 58587  
Revised Code. 58588

(F) The park operator may agree to assume responsibility for 58589  
fulfilling any duty or obligation imposed on a resident by section 58590  
~~3733.101~~ 4781.39 of the Revised Code. 58591

**Sec. ~~3733.16~~ 4781.48.** (A) If the court as a matter of law 58592  
finds a rental agreement, or any clause of it, to have been 58593  
unconscionable at the time it was made, it may refuse to enforce 58594  
the rental agreement or it may enforce the remainder of the rental 58595  
agreement without the unconscionable clause, or it may so limit 58596  
the application of any unconscionable clause as to avoid any 58597  
unconscionable result. 58598

(B) When it is claimed or appears to the court that the 58599  
rental agreement, or any clause of it, may be unconscionable, the 58600  
parties shall be afforded a reasonable opportunity to present 58601  
evidence as to its setting, purpose, and effect to aid the court 58602  
in making the determination. 58603

**Sec. ~~3733.17~~ 4781.49.** (A) No park operator of residential 58604  
premises shall initiate any act, including termination of 58605  
utilities or services, exclusion from the premises, or threat of 58606  
any unlawful act, against a resident, or a resident whose right to 58607  
possession has terminated, for the purpose of recovering 58608  
possession of residential premises, other than as provided in 58609  
Chapters 1923., ~~3733.~~ 4781., and 5303. of the Revised Code. 58610

(B) No park operator of residential premises shall seize the 58611  
furnishings or possessions of a resident, or of a resident whose 58612  
right to possession was terminated, for the purpose of recovering 58613  
rent payments, other than in accordance with an order issued by a 58614  
court of competent jurisdiction. 58615

(C) A park operator who violates this section is liable in a 58616  
civil action for all damages caused to a resident, or to a 58617  
resident whose right to possession has terminated, together with 58618  
reasonable attorneys' fees. 58619

**Sec. ~~3733.18~~ 4781.50.** (A) Any security deposit in excess of 58620  
fifty dollars or one month's periodic rent, whichever is greater, 58621  
shall bear interest on the excess at the rate of five per cent per 58622  
annum if the resident remains in possession of the premises for 58623  
six months or more, and shall be computed and paid annually by the 58624  
park operator to the resident. 58625

(B) Upon termination of the rental agreement any property or 58626  
money held by the park operator as a security deposit may be 58627  
applied to the payment of past due rent and to the payment of the 58628  
amount of damages that the park operator has suffered by reason of 58629  
the resident's noncompliance with section ~~3733.101~~ 4781.39 of the 58630  
Revised Code or the rental agreement. Any deduction from the 58631  
security deposit shall be itemized and identified by the park 58632  
operator in a written notice delivered to the resident together 58633

with the amount due, within thirty days after termination of the 58634  
rental agreement and delivery of possession. The resident shall 58635  
provide the park operator in writing with a forwarding address or 58636  
new address to which the written notice and amount due from the 58637  
park operator may be sent. If the resident fails to provide the 58638  
park operator with the forwarding or new address as required, the 58639  
resident shall not be entitled to damages or attorneys' fees under 58640  
division (C) of this section. 58641

(C) If the park operator fails to comply with division (B) of 58642  
this section, the resident may recover the property and money due 58643  
~~him~~ the resident, together with damages in an amount equal to the 58644  
amount wrongfully withheld, and reasonable attorneys' fees. 58645

**Sec. ~~3733.19~~ 4781.51.** (A) Every written rental agreement for 58646  
residential premises shall contain the name and address of the 58647  
owner of the residential premises and the name and address of the 58648  
owner's agent, if any. If the owner or the owner's agent is a 58649  
corporation, partnership, limited partnership, association, trust, 58650  
or other entity, the address shall be the principal place of 58651  
business in the county in which the residential premises are 58652  
situated or if there is no place of business in such county then 58653  
its principal place of business in this state, and shall include 58654  
the name of the person in charge thereof. 58655

(B) If the rental agreement is oral, the park operator, at 58656  
the commencement of the term of occupancy, shall deliver to the 58657  
resident a written notice containing the information required in 58658  
division (A) of this section. 58659

(C) If the park operator fails to provide the notice of the 58660  
name and address of the owner and owner's agent, if any, as 58661  
required under division (A) or (B) of this section, the notices to 58662  
the park operator required under division (A) of sections ~~3733.12~~ 58663  
4781.41 and ~~3733.121~~ 4781.42 of the Revised Code are waived by the 58664

park operator and the operator's agent. 58665

(D) Every written rental agreement for residential premises 58666  
shall contain the following notice in ten-point boldface type: 58667

"YOUR RIGHTS AS A RESIDENT AND YOUR MANUFACTURED HOME PARK 58668  
OPERATOR'S RIGHTS ARE PROTECTED BY SECTIONS ~~3733.09~~ 4781.36 TO 58669  
~~3733.20~~ 4781.52 OF THE REVISED CODE, WHICH REGULATE RENTAL 58670  
AGREEMENTS IN MANUFACTURED HOME PARKS." 58671

If the rental agreement is oral, the park operator, at the 58672  
commencement of the term of occupancy, shall deliver the notice to 58673  
the resident in writing. 58674

**Sec. ~~3733.20~~ 4781.52.** No municipal corporation may adopt or 58675  
continue in existence any ordinance and no township may adopt or 58676  
continue in existence any resolution that is in conflict with 58677  
sections ~~3733.09~~ 4781.36 to ~~3733.20~~ 4781.52 of the Revised Code, 58678  
or that regulates those rights and obligations of parties to a 58679  
rental agreement that are regulated by sections ~~3733.09~~ 4781.36 to 58680  
~~3733.20~~ 4781.52 of the Revised Code. Sections ~~3733.09~~ 4781.36 to 58681  
~~3733.20~~ 4781.52 of the Revised Code do not preempt any housing, 58682  
building, health, or safety codes of any municipal corporation or 58683  
township. 58684

**Sec. 4781.54.** There is hereby created in the state treasury 58685  
the manufactured homes commission regulatory fund. The fund shall 58686  
consist of fees collected under section 4781.121 of the Revised 58687  
Code and fees paid under section 4781.28 of the Revised Code and 58688  
shall be used for the purposes described in those sections. 58689

**Sec. 4781.99.** (A) Whoever violates division (A) of section 58690  
4781.16 of the Revised Code is guilty of a minor misdemeanor on a 58691  
first offense and shall be subject to a mandatory fine of one 58692  
hundred dollars. On a second offense, the person is guilty of a 58693

misdemeanor of the first degree and shall be subject to a 58694  
mandatory fine of one thousand dollars. 58695

(B) Whoever violates section 4781.20 of the Revised Code is 58696  
guilty of a minor misdemeanor. 58697

(C) Whoever violates any of the following is guilty of a 58698  
misdemeanor of the fourth degree: 58699

(1) Division (B) or (C) of section 4781.16 of the Revised 58700  
Code; 58701

(2) Section 4781.22 of the Revised Code; 58702

(3) Section 4781.23 of the Revised Code; 58703

(4) Division (A) of section 4781.24 of the Revised Code; 58704

(5) Section 4781.25 of the Revised Code; 58705

(6) Division (A) of section 4781.35 of the Revised Code. 58706

**Sec. 4905.01.** As used in this chapter: 58707

(A) "Railroad" has the same meaning as in section 4907.02 of 58708  
the Revised Code. 58709

(B) "Motor ~~transportation company~~ carrier" has the same 58710  
meaning as in ~~sections 4905.03 and 4921.02~~ section 4923.01 of the 58711  
Revised Code. 58712

(C) "~~Trailer~~ Motor vehicle" and "public highway" have the 58713  
same meanings as in section ~~4921.02~~ 4921.01 of the Revised Code. 58714

(D) "~~Private motor carrier~~" and "~~motor vehicle~~" have the same 58715  
meanings as in ~~section 4923.02~~ of the Revised Code. 58716

~~(E)~~ "Ohio coal research and development costs" means all 58717  
reasonable costs associated with a facility or project undertaken 58718  
by a public utility for which a recommendation to allow the 58719  
recovery of costs associated therewith has been made under 58720



division (B)(7) of section 1551.33 of the Revised Code, including, 58721  
but not limited to, capital costs, such as costs of debt and 58722  
equity; construction and operation costs; termination and 58723  
retirement costs; costs of feasibility and marketing studies 58724  
associated with the project; and the acquisition and delivery 58725  
costs of Ohio coal used in the project, less any expenditures of 58726  
grant moneys. 58727

**Sec. 4905.02.** (A) As used in this chapter, "public utility" 58728  
includes every corporation, company, copartnership, person, or 58729  
association, the lessees, trustees, or receivers of the foregoing, 58730  
defined in section 4905.03 of the Revised Code, including any 58731  
public utility that operates its utility not for profit, except 58732  
the following: 58733

~~(A)~~(1) An electric light company that operates its utility 58734  
not for profit; 58735

~~(B)~~(2) A public utility, other than a telephone company, that 58736  
is owned and operated exclusively by and solely for the utility's 58737  
customers, including any consumer or group of consumers 58738  
purchasing, delivering, storing, or transporting, or seeking to 58739  
purchase, deliver, store, or transport, natural gas exclusively by 58740  
and solely for the consumer's or consumers' own intended use as 58741  
the end user or end users and not for profit; 58742

~~(C)~~(3) A public utility that is owned or operated by any 58743  
municipal corporation; 58744

~~(D)~~(4) A railroad as defined in sections 4907.02 and 4907.03 58745  
of the Revised Code; 58746

~~(E)~~(5) Any provider, including a telephone company, with 58747  
respect to its provision of any of the following: 58748

~~(1)~~(a) Advanced services as defined in 47 C.F.R. 51.5; 58749

~~(2)~~(b) Broadband service, however defined or classified by 58750

the federal communications commission; 58751

~~(3)~~(c) Information service as defined in the 58752  
"Telecommunications Act of 1996," 110 Stat. 59, 47 U.S.C. 153(20); 58753

~~(4)~~(d) Subject to division (A) of section 4927.03 of the 58754  
Revised Code, internet protocol-enabled services as defined in 58755  
section 4927.01 of the Revised Code; 58756

~~(5)~~(e) Subject to division (A) of section 4927.03 of the 58757  
Revised Code, any telecommunications service as defined in section 58758  
4927.01 of the Revised Code to which both of the following apply: 58759

~~(a)~~(i) The service was not commercially available on 58760  
September 13, 2010, the effective date of the amendment of this 58761  
section by S.B. 162 of the 128th general assembly. 58762

~~(b)~~(ii) The service employs technology that became available 58763  
for commercial use only after September 13, 2010, the effective 58764  
date of the amendment of this section by S.B. 162 of the 128th 58765  
general assembly. 58766

(B)(1) "Public utility" includes a for-hire motor carrier 58767  
even if the carrier is operated in connection with an entity 58768  
described in division (A)(1), (2), (4), or (5) of this section. 58769

(2) Division (A) of this section shall not be construed to 58770  
relieve a private motor carrier, operated in connection with an 58771  
entity described in division (A)(1), (2), (4), or (5) of this 58772  
section, from compliance with any of the following: 58773

(a) Chapter 4923. of the Revised Code; 58774

(b) Hazardous-material regulation under section 4921.15 of 58775  
the Revised Code and division (H) of section 4921.19 of the 58776  
Revised Code, or rules adopted thereunder; 58777

(c) Rules governing unified carrier registration adopted 58778  
under section 4921.11 of the Revised Code. 58779

Sec. 4905.03. As used in this chapter+ 58780

~~(A) Any, any~~ person, firm, copartnership, voluntary 58781  
association, joint-stock association, company, or corporation, 58782  
wherever organized or incorporated, is: 58783

~~(1)(A)~~ A telephone company, when engaged in the business of 58784  
transmitting telephonic messages to, from, through, or in this 58785  
state; 58786

~~(2)(B)~~ A for-hire motor transportation company carrier, when 58787  
engaged in the business of ~~carrying and~~ transporting persons or 58788  
property ~~or the business of providing or furnishing such~~ 58789  
~~transportation service, for hire, in or by motor propelled~~ 58790  
~~vehicles of any kind, including trailers, for the public in~~ 58791  
~~general, over any public street, road, or highway in this state~~ 58792  
vehicle for compensation, except as provided when engaged in any 58793  
of the operations in intrastate commerce described in divisions 58794  
(B)(1) to (9) of section 4921.02 4921.01 of the Revised Code, but 58795  
including the carrier's agents, officers, and representatives, as 58796  
well as employees responsible for hiring, supervising, training, 58797  
assigning, or dispatching drivers and employees concerned with the 58798  
installation, inspection, and maintenance of motor-vehicle 58799  
equipment and accessories; 58800

~~(3)(C)~~ An electric light company, when engaged in the 58801  
business of supplying electricity for light, heat, or power 58802  
purposes to consumers within this state, including supplying 58803  
electric transmission service for electricity delivered to 58804  
consumers in this state, but excluding a regional transmission 58805  
organization approved by the federal energy regulatory commission; 58806

~~(4)(D)~~ A gas company, when engaged in the business of 58807  
supplying artificial gas for lighting, power, or heating purposes 58808  
to consumers within this state or when engaged in the business of 58809  
supplying artificial gas to gas companies or to natural gas 58810

companies within this state, but a producer engaged in supplying 58811  
to one or more gas or natural gas companies, only such artificial 58812  
gas as is manufactured by that producer as a by-product of some 58813  
other process in which the producer is primarily engaged within 58814  
this state is not thereby a gas company. All rates, rentals, 58815  
tolls, schedules, charges of any kind, or agreements between any 58816  
gas company and any other gas company or any natural gas company 58817  
providing for the supplying of artificial gas and for compensation 58818  
for the same are subject to the jurisdiction of the public 58819  
utilities commission. 58820

~~(5)~~(E) A natural gas company, when engaged in the business of 58821  
supplying natural gas for lighting, power, or heating purposes to 58822  
consumers within this state. Notwithstanding the above, neither 58823  
the delivery nor sale of Ohio-produced natural gas by a producer 58824  
or gatherer under a public utilities commission-ordered exemption, 58825  
adopted before, as to producers, or after, as to producers or 58826  
gatherers, January 1, 1996, or the delivery or sale of 58827  
Ohio-produced natural gas by a producer or gatherer of 58828  
Ohio-produced natural gas, either to a lessor under an oil and gas 58829  
lease of the land on which the producer's drilling unit is 58830  
located, or the grantor incident to a right-of-way or easement to 58831  
the producer or gatherer, shall cause the producer or gatherer to 58832  
be a natural gas company for the purposes of this section. 58833

All rates, rentals, tolls, schedules, charges of any kind, or 58834  
agreements between a natural gas company and other natural gas 58835  
companies or gas companies providing for the supply of natural gas 58836  
and for compensation for the same are subject to the jurisdiction 58837  
of the public utilities commission. The commission, upon 58838  
application made to it, may relieve any producer or gatherer of 58839  
natural gas, defined in this section as a gas company or a natural 58840  
gas company, of compliance with the obligations imposed by this 58841  
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 58842

of the Revised Code, so long as the producer or gatherer is not 58843  
affiliated with or under the control of a gas company or a natural 58844  
gas company engaged in the transportation or distribution of 58845  
natural gas, or so long as the producer or gatherer does not 58846  
engage in the distribution of natural gas to consumers. 58847

Nothing in division ~~(A)(5)~~(E) of this section limits the 58848  
authority of the commission to enforce sections 4905.90 to 4905.96 58849  
of the Revised Code. 58850

~~(6)~~(F) A pipe-line company, when engaged in the business of 58851  
transporting natural gas, oil, or coal or its derivatives through 58852  
pipes or tubing, either wholly or partly within this state; 58853

~~(7)~~(G) A water-works company, when engaged in the business of 58854  
supplying water through pipes or tubing, or in a similar manner, 58855  
to consumers within this state; 58856

~~(8)~~(H) A heating or cooling company, when engaged in the 58857  
business of supplying water, steam, or air through pipes or tubing 58858  
to consumers within this state for heating or cooling purposes; 58859

~~(9)~~(I) A messenger company, when engaged in the business of 58860  
supplying messengers for any purpose; 58861

~~(10)~~(J) A street railway company, when engaged in the 58862  
business of operating as a common carrier, a railway, wholly or 58863  
partly within this state, with one or more tracks upon, along, 58864  
above, or below any public road, street, alleyway, or ground, 58865  
within any municipal corporation, operated by any motive power 58866  
other than steam and not a part of an interurban railroad, whether 58867  
the railway is termed street, inclined-plane, elevated, or 58868  
underground railway; 58869

~~(11)~~(K) A suburban railroad company, when engaged in the 58870  
business of operating as a common carrier, whether wholly or 58871  
partially within this state, a part of a street railway 58872  
constructed or extended beyond the limits of a municipal 58873

corporation, and not a part of an interurban railroad; 58874

~~(12)~~(L) An interurban railroad company, when engaged in the 58875  
business of operating a railroad, wholly or partially within this 58876  
state, with one or more tracks from one municipal corporation or 58877  
point in this state to another municipal corporation or point in 58878  
this state, whether constructed upon the public highways or upon 58879  
private rights-of-way, outside of municipal corporations, using 58880  
electricity or other motive power than steam power for the 58881  
transportation of passengers, packages, express matter, United 58882  
States mail, baggage, and freight. Such an interurban railroad 58883  
company is included in the term "railroad" as used in section 58884  
4907.02 of the Revised Code. 58885

~~(13)~~(M) A sewage disposal system company, when engaged in the 58886  
business of sewage disposal services through pipes or tubing, and 58887  
treatment works, or in a similar manner, within this state. 58888

~~(B) "Motor propelled vehicle" means any automobile, 58889  
automobile truck, motor bus, or any other self-propelled vehicle 58890  
not operated or driven upon fixed rails or tracks. 58891~~

**Sec. 4905.05.** The jurisdiction, supervision, powers, and 58892  
duties of the public utilities commission extend to every public 58893  
utility and railroad, the plant or property of which lies wholly 58894  
within this state and when the property of a public utility or 58895  
railroad lies partly within and partly without this state to that 58896  
part of such plant or property which lies within this state; to 58897  
the persons or companies owning, leasing, or operating such public 58898  
utilities and railroads; to the records and accounts of the 58899  
business thereof done within this state; and to the records and 58900  
accounts of any companies which are part of an electric utility 58901  
holding company system exempt under section 3(a)(1) or (2) of the 58902  
"Public Utility Holding Company Act of 1935," 49 Stat. 803, 15 58903  
U.S.C. 79c, and the rules and regulations promulgated thereunder, 58904

insofar as such records and accounts may in any way affect or 58905  
relate to the costs associated with the provision of electric 58906  
utility service by any public utility operating in this state and 58907  
part of such holding company system. 58908

Nothing in this section, or section 4905.06 or 4905.46 of the 58909  
Revised Code pertaining to regulation of holding companies, grants 58910  
the public utilities commission authority to regulate a holding 58911  
company or its subsidiaries which are organized under the laws of 58912  
another state, render no public utility service in the state of 58913  
Ohio, and are regulated as a public utility by the public 58914  
utilities commission of another state or primarily by a federal 58915  
regulatory commission, nor do these grants of authority apply to 58916  
public utilities that are excepted from the definition of "public 58917  
utility" under divisions (A)(1) to ~~(C)(3)~~ of section 4905.02 of 58918  
the Revised Code. 58919

**Sec. 4905.06.** The public utilities commission has general 58920  
supervision over all public utilities within its jurisdiction as 58921  
defined in section 4905.05 of the Revised Code, and may examine 58922  
such public utilities and keep informed as to their general 58923  
condition, capitalization, and franchises, and as to the manner in 58924  
which their properties are leased, operated, managed, and 58925  
conducted with respect to the adequacy or accommodation afforded 58926  
by their service, the safety and security of the public and their 58927  
employees, and their compliance with all laws, orders of the 58928  
commission, franchises, and charter requirements. The commission 58929  
has general supervision over all other companies referred to in 58930  
section 4905.05 of the Revised Code to the extent of its 58931  
jurisdiction as defined in that section, and may examine such 58932  
companies and keep informed as to their general condition and 58933  
capitalization, and as to the manner in which their properties are 58934  
leased, operated, managed, and conducted with respect to the 58935  
adequacy or accommodation afforded by their service, and their 58936

compliance with all laws and orders of the commission, insofar as 58937  
any of such matters may relate to the costs associated with the 58938  
provision of electric utility service by public utilities in this 58939  
state which are affiliated or associated with such companies. The 58940  
commission, through the public utilities commissioners or 58941  
inspectors or employees of the commission authorized by it, may 58942  
enter in or upon, for purposes of inspection, any property, 58943  
equipment, building, plant, factory, office, apparatus, machinery, 58944  
device, and lines of any public utility. The power to inspect 58945  
includes the power to prescribe any rule or order that the 58946  
commission finds necessary for protection of the public safety. In 58947  
order to assist the commission in the performance of its duties 58948  
under this chapter, authorized employees of the motor carrier 58949  
enforcement unit, created under section 5503.34 of the Revised 58950  
Code in the division of state highway patrol, of the department of 58951  
public safety may enter in or upon, for inspection purposes, any 58952  
motor vehicle of any ~~motor transportation company or private~~ motor 58953  
carrier ~~as defined in section 4923.02 of the Revised Code.~~ 58954

In order to inspect motor vehicles owned or operated by a 58955  
motor ~~transportation company~~ carrier engaged in the transportation 58956  
of persons, authorized employees of the motor carrier enforcement 58957  
unit, division of state highway patrol, of the department of 58958  
public safety may enter in or upon any property of any motor 58959  
~~transportation company, as defined in section 4921.02 of the~~ 58960  
~~Revised Code,~~ carrier engaged in the intrastate transportation of 58961  
persons. 58962

**Sec. 4905.402.** (A) As used in this section: 58963

(1) "Control" means the possession of the power to direct the 58964  
management and policies of a domestic telephone company or a 58965  
holding company of a domestic telephone company, or the management 58966  
and policies of a domestic electric utility or a holding company 58967



of a domestic electric utility, through the ownership of voting securities, by contract, or otherwise, but does not include the power that results from holding an official position or the possession of corporate office with the domestic company or utility or the holding company. Control is presumed to exist if any person, directly or indirectly, owns, controls, holds the power to vote, or holds with the power to vote proxies that constitute, twenty per cent or more of the total voting power of the domestic company or utility or the holding company.

(2) "Electric utility" has the same meaning as in section 4928.07 of the Revised Code.

(3) "Holding company" excludes any securities broker performing the usual and customary broker's function.

(4) "Telephone company" means any 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 and provides basic local exchange service, as defined in section 4927.01 of the Revised Code.

(B) No person shall acquire control, directly or indirectly, of a domestic telephone company or a holding company controlling a domestic telephone company or of a domestic electric utility or a holding company controlling a domestic electric utility unless that person obtains the prior approval of the public utilities commission under this section. To obtain approval the person shall file an application with the commission demonstrating that the acquisition will promote public convenience and result in the provision of adequate service for a reasonable rate, rental, toll, or charge. The application shall contain such information as the commission may require. If the commission considers a hearing necessary, it may fix a time and place for hearing. If, after review of the application and after any necessary hearing, the commission is satisfied that approval of the application will

promote public convenience and result in the provision of adequate 59000  
service for a reasonable rate, rental, toll, or charge, the 59001  
commission shall approve the application and make such order as it 59002  
considers proper. If the commission fails to issue an order within 59003  
thirty days of the filing of the application, or within twenty 59004  
days of the conclusion of a hearing, if one is held, the 59005  
application shall be deemed approved by operation of law. 59006

(C) No domestic telephone company shall merge with another 59007  
domestic telephone company unless the merging companies obtain the 59008  
prior approval of the commission. An application seeking such 59009  
approval shall be filed, processed, and decided in the manner 59010  
provided for an application under division (B) of this section. 59011

(D) The commission shall adopt such rules as it finds 59012  
necessary to carry out the provisions of this section. 59013

(E) If it appears to the commission or to any person that may 59014  
be adversely affected that any person is engaged in or about to 59015  
engage in any acts or practices that would violate division (B) or 59016  
(C) of this section or any provision of a rule adopted under this 59017  
section, the attorney general, when directed to do so by the 59018  
commission, or the person claiming to be adversely affected may 59019  
bring an action in any court of common pleas that has jurisdiction 59020  
and venue to enjoin such acts or practices and enforce compliance. 59021  
Upon a proper showing, the court shall grant, without bond, a 59022  
restraining order or temporary or permanent injunction. 59023

(F) The courts of this state have jurisdiction over every 59024  
person not a resident of or domiciled or authorized to do business 59025  
in this state that files, or is prohibited from acting without 59026  
first filing, an application under division (B) or (C) of this 59027  
section, and over all actions involving such person arising out of 59028  
violations of any provision of this section or of a rule adopted 59029  
under this section. The secretary of state shall be the agent for 59030  
service of process for any such person in any action, suit, or 59031

proceeding arising out of such violations. Copies of all such 59032  
lawful process shall be served upon the secretary of state and 59033  
transmitted by certified mail, with return receipt requested, by 59034  
the secretary of state to such person at the person's last known 59035  
address. 59036

**Sec. 4905.54.** Every public utility or railroad and every 59037  
officer of a public utility or railroad shall comply with every 59038  
order, direction, and requirement of the public utilities 59039  
commission made under authority of this chapter and Chapters 59040  
4901., 4903., 4907., and 4909., ~~4921., and 4923.~~ of the Revised 59041  
Code, so long as they remain in force. Except as otherwise 59042  
specifically provided in ~~sections 4905.83,~~ section 4905.95, 59043  
~~4919.99, 4921.99, and 4923.99~~ of the Revised Code, the public 59044  
utilities commission may assess a forfeiture of not more than ten 59045  
thousand dollars for each violation or failure against a public 59046  
utility or railroad that violates a provision of those chapters or 59047  
that after due notice fails to comply with an order, direction, or 59048  
requirement of the commission that was officially promulgated. 59049  
Each day's continuance of the violation or failure is a separate 59050  
offense. All forfeitures collected under this section shall be 59051  
credited to the general revenue fund. 59052

**Sec. 4905.57.** Except as otherwise specifically provided in 59053  
sections ~~4905.83,~~ 4905.96, ~~4919.99, 4921.99,~~ and 4923.99 of the 59054  
Revised Code, actions to recover forfeitures provided for in this 59055  
chapter and Chapters 4901., 4903., 4907., 4909., ~~4921.,~~ and 4923. 59056  
of the Revised Code shall be prosecuted in the name of the state 59057  
and may be brought in the court of common pleas of any county in 59058  
which the public utility ~~or,~~ railroad, or motor carrier is 59059  
located. Such actions shall be commenced and prosecuted by the 59060  
attorney general when ~~he~~ the attorney general is directed to do so 59061  
by the public utilities commission. Moneys recovered by such 59062

actions shall be deposited in the state treasury to the credit of 59063  
the general revenue fund. 59064

**Sec. 4905.58.** All prosecutions against a railroad or an 59065  
officer, agent, or employee thereof, under Chapters 4901., 4903., 59066  
4905., 4907., and 4909., 4921., and 4923. and other sections of 59067  
the Revised Code for penalties involving imprisonment shall be by 59068  
indictment. 59069

**Sec. 4905.80.** The policy of this state is to: 59070

(A) Regulate transportation by motor carriers so as to 59071  
recognize and preserve the inherent advantages of, and foster safe 59072  
conditions in, that transportation and among those carriers in the 59073  
public interest; 59074

(B) Promote safe and secure service by motor carriers, 59075  
without unjust discriminations, undue preferences or advantages, 59076  
and unfair or destructive competitive practices; 59077

(C) Improve the relations between, and coordinate 59078  
transportation by and regulation of, motor carriers and other 59079  
carriers; 59080

(D) Develop and preserve a highway transportation system 59081  
properly adapted to the needs of commerce and the state; 59082

(E) Cooperate with the federal government and the several 59083  
states, and the authorized officials thereof, and with any 59084  
organization of motor carriers in the administration and 59085  
enforcement of this chapter and Chapters 4901., 4903., 4907., 59086  
4909., 4921., and 4923. of the Revised Code. 59087

**Sec. 4905.81.** The public utilities commission shall: 59088

(A) Supervise and regulate each motor carrier; 59089

(B) Regulate the safety of operation of each motor carrier; 59090

(C) Adopt reasonable safety rules applicable to the highway transportation of persons or property in interstate and intrastate commerce by motor carriers; 59091  
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(D) Adopt safety rules applicable to the transportation and offering for transportation of hazardous materials in interstate and intrastate commerce by motor carriers. The rules shall not be incompatible with the requirements of the United States department of transportation. 59094  
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(E) Require the filing of reports and other data by motor carriers; 59099  
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(F) Adopt reasonable rules for the administration and enforcement of this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code applying to each motor carrier in this state; 59101  
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(G) Supervise and regulate motor carriers in all other matters affecting the relationship between those carriers and the public to the exclusion of all local authorities, except as provided in this section. The commission, in the exercise of the jurisdiction conferred upon it by this chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. of the Revised Code, may adopt rules affecting motor carriers, notwithstanding the provisions of any ordinance, resolution, license, or permit enacted, adopted, or granted by any township, municipal corporation, municipal corporation and county, or county. In case of conflict between any such ordinance, resolution, license, or permit, the order or rule of the commission shall prevail. Local subdivisions may adopt reasonable local police rules within their respective boundaries not inconsistent with those chapters and rules adopted under them. 59105  
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The commission has jurisdiction to receive, hear, and determine as a question of fact, upon complaint of any party or 59120  
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upon its own motion, and upon not less than fifteen days' notice 59122  
of the time and place of the hearing and the matter to be heard, 59123  
whether any corporation, company, association, joint-stock 59124  
association, person, firm, or copartnership, or their lessees, 59125  
legal or personal representatives, trustees, or receivers or 59126  
trustees appointed by any court, is engaged as a motor carrier. 59127  
The finding of the commission on such a question is a final order 59128  
that may be reviewed as provided in section 4923.15 of the Revised 59129  
Code. 59130

**Sec. 4905.84.** (A) As used in this section: 59131

(1) "Telecommunications relay service" means intrastate 59132  
transmission services that provide the ability for an individual 59133  
who has a hearing or speech impairment to engage in a 59134  
communication by wire or radio with a hearing individual in a 59135  
manner that is functionally equivalent to the ability of an 59136  
individual who does not have a hearing or speech impairment to 59137  
communicate using voice communication services by wire or radio. 59138  
"Telecommunications relay service" includes services that enable 59139  
two-way communication between an individual who uses a 59140  
telecommunications device for the deaf or other nonvoice terminal 59141  
device and an individual who does not use such a device. 59142

(2) "TRS provider" means an entity selected by the public 59143  
utilities commission as the provider of telecommunications relay 59144  
service for this state as part of the commission's intrastate 59145  
telecommunications relay service program certified pursuant to 59146  
federal law. 59147

(B) For the sole purpose of funding telecommunications relay 59148  
service, the commission shall, not earlier than January 1, 2009, 59149  
impose on and collect from each service provider that is required 59150  
under federal law to provide its customers access to 59151  
telecommunications relay service an annual assessment to pay for 59152

costs incurred by the TRS provider for providing such service in 59153  
Ohio. The commission shall determine the appropriate service 59154  
providers to be assessed the telecommunications relay service 59155  
costs, including telephone companies as defined in division (A)~~(1)~~ 59156  
of section 4905.03 of the Revised Code, commercial mobile radio 59157  
service providers, and providers of advanced services or internet 59158  
protocol-enabled services that are competitive with or 59159  
functionally equivalent to basic local exchange service as defined 59160  
in section 4927.01 of the Revised Code. 59161

(C) The assessment shall be allocated proportionately among 59162  
the appropriate service providers using a competitively neutral 59163  
formula established by the commission based on the number of 59164  
retail intrastate customer access lines or their equivalent. The 59165  
commission shall annually reconcile the funds collected with the 59166  
actual costs of providing telecommunications relay service when it 59167  
issues the assessment and shall either proportionately charge the 59168  
service providers for any amounts not sufficient to cover the 59169  
actual costs or proportionately credit amounts collected in excess 59170  
of the actual costs. The total amount assessed from all service 59171  
providers shall not exceed the total telecommunications relay 59172  
service costs. 59173

Each service provider that pays the assessment shall be 59174  
permitted to recover the cost of the assessment. The method of 59175  
recovery may include, but is not limited to, a customer billing 59176  
surcharge. 59177

The commission shall deposit the money collected in the 59178  
telecommunications relay service fund, which is hereby created in 59179  
the state treasury, and shall use the money in that fund solely to 59180  
compensate the TRS provider. 59181

(D) The commission shall take such measures as it considers 59182  
necessary to protect the confidentiality of information provided 59183  
to the commission pursuant to this section by service providers 59184

required to pay the assessment. 59185

(E) The commission may assess a forfeiture of not more than 59186  
one thousand dollars on any service provider failing to comply 59187  
with this section. Each day's continuance of such failure is a 59188  
separate offense. The forfeiture shall be recovered in accordance 59189  
with sections 4905.55 to 4905.60 of the Revised Code. 59190

(F) The jurisdiction and authority granted to the commission 59191  
by this section is limited to the administration and enforcement 59192  
of this section. The commission may adopt such rules as it finds 59193  
necessary to carry out this section. The commission shall adopt 59194  
rules under section 111.15 of the Revised Code to establish the 59195  
assessment amounts and procedures. 59196

**Sec. 4905.90.** As used in sections 4905.90 to 4905.96 of the 59197  
Revised Code: 59198

(A) "Contiguous property" includes, but is not limited to, a 59199  
manufactured home park as defined in section ~~3733.01~~ 4781.01 of 59200  
the Revised Code; a public or publicly subsidized housing project; 59201  
an apartment complex; a condominium complex; a college or 59202  
university; an office complex; a shopping center; a hotel; an 59203  
industrial park; and a race track. 59204

(B) "Gas" means natural gas, flammable gas, or gas which is 59205  
toxic or corrosive. 59206

(C) "Gathering lines" and the "gathering of gas" have the 59207  
same meaning as in the Natural Gas Pipeline Safety Act and the 59208  
rules adopted by the United States department of transportation 59209  
pursuant to the Natural Gas Pipeline Safety Act, including 49 59210  
C.F.R. part 192, as amended. 59211

(D) "Intrastate pipe-line transportation" has the same 59212  
meaning as in 82 Stat. 720 (1968), 49 U.S.C.A. App. 1671, as 59213  
amended, but excludes the gathering of gas exempted by the Natural 59214



Gas Pipeline Safety Act. 59215

(E) "Master-meter system" means a pipe-line system that 59216  
distributes gas within a contiguous property for which the system 59217  
operator purchases gas for resale to consumers, including tenants. 59218  
Such pipe-line system supplies consumers who purchase the gas 59219  
directly through a meter, or by paying rent, or by other means. 59220  
The term includes a master-meter system as defined in 49 C.F.R. 59221  
191.3, as amended. The term excludes a pipeline within a 59222  
manufactured home, mobile home, or a building. 59223

(F) "Natural Gas Pipeline Safety Act" means the "Natural Gas 59224  
Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C.A. App. 1671 59225  
et seq., as amended. 59226

(G) "Operator" means any of the following: 59227

(1) A gas company or natural gas company as defined in 59228  
section 4905.03 of the Revised Code, except that division 59229  
~~(A)(5)(E)~~ of that section does not authorize the public utilities 59230  
commission to relieve any producer of gas, as a gas company or 59231  
natural gas company, of compliance with sections 4905.90 to 59232  
4905.96 of the Revised Code or the pipe-line safety code created 59233  
under section 4905.91 of the Revised Code; 59234

(2) A pipe-line company, as defined in section 4905.03 of the 59235  
Revised Code, when engaged in the business of transporting gas by 59236  
pipeline; 59237

(3) A public utility that is excepted from the definition of 59238  
"public utility" under division ~~(B)(A)(2)~~ or ~~(C)(3)~~ of section 59239  
4905.02 of the Revised Code, when engaged in supplying or 59240  
transporting gas by pipeline within this state; 59241

(4) Any person that owns, operates, manages, controls, or 59242  
leases any of the following: 59243

(a) Intrastate pipe-line transportation facilities within 59244

this state; 59245

(b) Gas gathering lines within this state which are not 59246  
exempted by the Natural Gas Pipeline Safety Act; 59247

(c) A master-meter system within this state. 59248

"Operator" does not include an ultimate consumer who owns a 59249  
service line, as defined in 49 C.F.R. 192.3, as amended, on the 59250  
real property of that ultimate consumer. 59251

(H) "Operator of a master-meter system" means a person 59252  
described under division ~~(F)~~(G)(4)(c) of this section. An operator 59253  
of a master-meter system is not a public utility under section 59254  
4905.02 or a gas or natural gas company under section 4905.03 of 59255  
the Revised Code. 59256

(I) "Person" means: 59257

(1) In addition to those defined in division (C) of section 59258  
1.59 of the Revised Code, a joint venture or a municipal 59259  
corporation; 59260

(2) Any trustee, receiver, assignee, or personal 59261  
representative of persons defined in division ~~(H)~~(I)(1) of this 59262  
section. 59263

(J) "Safety audit" means the public utilities commission's 59264  
audit of the premises, pipe-line facilities, and the records, 59265  
maps, and other relevant documents of a master-meter system to 59266  
determine the operator's compliance with sections 4905.90 to 59267  
4905.96 of the Revised Code and the pipe-line safety code. 59268

(K) "Safety inspection" means any inspection, survey, or 59269  
testing of a master-meter system which is authorized or required 59270  
by sections 4905.90 to 4905.96 of the Revised Code and the 59271  
pipe-line safety code. The term includes, but is not limited to, 59272  
leak surveys, inspection of regulators and critical valves, and 59273  
monitoring of cathodic protection systems, where applicable. 59274

(L) "Safety-related condition" means any safety-related condition defined in 49 C.F.R. 191.23, as amended.	59275 59276
(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:	59277 59278 59279
(1) Residential sales;	59280
(2) Commercial and industrial sales;	59281
(3) Other sales to public authorities;	59282
(4) Interdepartmental sales;	59283
(5) Sales for resale;	59284
(6) Transportation of gas.	59285
<b>Sec. 4907.01.</b> As used in sections 4907.01 to 4907.63 of the Revised Code:	59286 59287
(A) "Public utility" has the same meaning as in section 4905.02 of the Revised Code.	59288 59289
(B) "Telephone company," "street railway company," and "interurban railroad company" have the same meanings as in section 4905.03 of the Revised Code.	59290 59291 59292
(C) "Railroad" has the same meaning as in section 4907.02 of the Revised Code.	59293 59294
(D) "Public highway" has the same meaning as in <del>sections 4905.03 and 4921.02</del> <u>section 4921.01</u> of the Revised Code.	59295 59296
<b>Sec. 4907.02.</b> As used in Chapters 4901., 4903., 4905., 4907., 4909., <del>4921., 4923.,</del> and 4959. of the Revised Code, "railroad" includes any corporation, company, individual, or association of individuals, or its lessees, trustees, or receivers appointed by a court, which owns, operates, manages, or controls a railroad or part of a railroad as a common carrier in this state, or which	59297 59298 59299 59300 59301 59302

owns, operates, manages, or controls any cars or other equipment 59303  
used on such a railroad, or which owns, operates, manages, or 59304  
controls any bridges, terminals, union depots, sidetracks, docks, 59305  
wharves, or storage elevators used in connection with such a 59306  
railroad, whether owned by such railroad or otherwise, and means 59307  
and includes express companies, water transportation companies, 59308  
freight-line companies, sleeping car companies, and interurban 59309  
railroad companies, and all persons and associations of persons, 59310  
whether incorporated or not, operating such agencies for public 59311  
use in the conveyance of persons or property within this state. 59312  
All duties required of, and penalties imposed upon, a railroad or 59313  
an officer or agent thereof insofar as they are applicable, are 59314  
required and imposed upon express companies, water transportation 59315  
companies, and interurban railroad companies, and upon their 59316  
officers and agents. 59317

The public utilities commission has the power of supervision 59318  
and control of express companies, water transportation companies, 59319  
and interurban railroad companies to the same extent as railroads. 59320

**Sec. 4907.04.** Chapters 4901., 4903., 4905., 4907., and 4909. 59321  
~~4921., 4923., and 4925.~~ of the Revised Code do not apply to street 59322  
and electric railways engaged solely in the transportation of 59323  
passengers within the limits of cities, or to other private 59324  
railroads not doing business as common carriers. 59325

**Sec. 4907.08.** The public utilities commission shall inquire 59326  
into any neglect or violation of the laws of this state by a 59327  
railroad doing business in this state, by its officers, agents, or 59328  
employees, or by any person operating a railroad. The commission 59329  
shall enforce Chapters 4901., 4903., 4905., 4907., 4909., ~~4921.,~~ 59330  
~~4923.,~~ and 4959. of the Revised Code, as well as all other laws 59331  
relating to railroads, and report violations thereof to the 59332  
attorney general. 59333

If, upon complaint or otherwise, the commission has reason to believe that a railroad or any officer, agent, or employee of a railroad has violated or is violating any law of this state, or if it has reason to believe that differences have arisen between citizens of the state and any railroad operating as a common carrier within this state, it shall examine into the matter.

**Sec. 4907.19.** The public utilities commission shall cause blank forms to be prepared suitable for the purposes designated in Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code which shall conform as nearly as practicable to the forms prescribed by the interstate commerce commission, and, when necessary, furnish such blank forms to each railroad.

**Sec. 4907.28.** No railroad shall charge, demand, collect, or receive a greater or less compensation for the transportation of passengers or property, or for any service in connection therewith, than is specified in the printed schedules referred to in sections 4907.25 to 4907.27, ~~inclusive,~~ of the Revised Code, including schedules of joint rates, as being then in force. The rates, fares, and charges named in such schedules shall be the lawful rates, fares, and charges until they are changed as provided in Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code.

**Sec. 4907.35.** If a railroad, or an agent or officer of a railroad, by special rate, rebate, drawback, or by means of false billing, false classification, false weighing, or other device, charges, demands, collects, or receives, either directly or indirectly, from any person, firm, or corporation, a greater or less compensation for service rendered or to be rendered by such railroad for the transportation of persons or property or any

service in connection therewith, than that prescribed in the 59364  
published tariffs then in force, or established as provided in 59365  
Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., 4923., and~~ 59366  
~~4925.~~ of the Revised Code, or a greater or less compensation than 59367  
it charges, demands, collects, or receives from any other person, 59368  
firm, or corporation for a like and contemporaneous service in the 59369  
transportation of a like kind of traffic, under substantially 59370  
similar circumstances and conditions, the railroad is guilty of 59371  
unjust discrimination, which is hereby prohibited. Upon conviction 59372  
of unjust discrimination, such railroad shall forfeit and pay into 59373  
the state treasury not less than one hundred nor more than five 59374  
thousand dollars for each offense. 59375

No agent or officer of a railroad shall violate this section. 59376

**Sec. 4907.37.** No common carrier subject to Chapters 4901., 59377  
4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the 59378  
Revised Code shall make or give undue or unreasonable preference 59379  
or advantage to a particular person, company, firm, corporation, 59380  
or locality, or to any particular description of traffic, or 59381  
subject any particular person, company, firm, corporation, or 59382  
locality, or any particular description of traffic, to any undue 59383  
or unreasonable prejudice or disadvantage in any respect. 59384

**Sec. 4907.43.** When the tracks of a railroad and the tracks of 59385  
an interurban or suburban railway cross, connect, or intersect, 59386  
and such tracks are of the same gauge, the companies owning such 59387  
railroads may connect such tracks so as to admit the passage of 59388  
cars from one to the other with facility. 59389

If any such railroads fail to make such connection, upon 59390  
complaint of any party authorized by Chapters 4901., 4903., 4905., 59391  
4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code to 59392  
file complaint, the public utilities commission shall proceed to 59393

hear and determine the same in a manner provided for making 59394  
investigations upon complaint. 59395

If upon such hearing the commission finds that it is 59396  
practicable and reasonably necessary to ~~accomodate~~ accommodate the 59397  
public, to connect such tracks and that when so connected it will 59398  
be practicable to transport cars over such railroad without 59399  
endangering the equipment, tracks, or appliances of either 59400  
company, the commission shall make an order requiring such 59401  
railroads to make connection. Such order shall describe the terms 59402  
and conditions and shall apportion the cost of making such 59403  
connection between the railroads. 59404

When such connection is made, the railroads parties to it, 59405  
according to their respective powers, shall afford all reasonable 59406  
and proper facilities for the interchange of traffic between their 59407  
respective lines for forwarding and delivering passengers and 59408  
property, and without unreasonable delay or discrimination shall 59409  
transfer, switch, and deliver freight or passenger cars destine to 59410  
a point on its own or connecting lines. Precedence may be given to 59411  
livestock and perishable freight over other freight. Whenever a 59412  
derailing device is required at the intersection of any railroads 59413  
mentioned in this section, it shall be installed, maintained, and 59414  
operated as required by the commission, which may prescribe the 59415  
necessary rules and regulations for such operation, and designate 59416  
the companies that shall be responsible for the operation of such 59417  
derailing device. 59418

**Sec. 4907.49.** When two or more railroads cross a public 59419  
highway or street at a dangerous crossing, the expenses incurred 59420  
in the erection and maintenance of gates, bells, or other devices, 59421  
and of necessary gatekeepers or ~~flagmen~~ flaggers, and apportioned 59422  
by the public utilities commission as railroad expense, shall be 59423  
shared equally by the railroads. 59424

Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and~~ 59425  
~~4923.~~ of the Revised Code do not prevent the use of automatic 59426  
bells or other mechanical devices by a railroad at a public 59427  
crossing not declared dangerous by the public utilities 59428  
commission, nor do they prevent state, county, township, or 59429  
municipal officials from entering into an agreement with a 59430  
railroad to pay all or part of the expense of erecting a warning 59431  
device. Any funds levied and made available for highways or street 59432  
purposes may be used to pay the public share of the cost under 59433  
such an agreement. If a gate is erected or a ~~flagman~~ flagger is 59434  
stationed and maintained by a railroad, either alone or pursuant 59435  
to such an agreement, the gate or ~~flagman~~ flagger shall not be 59436  
abandoned nor an automatic bell or other mechanical device 59437  
substituted for the gate or ~~flagman~~ flagger, unless the commission 59438  
consents to the abandonment or substitution. 59439

**Sec. 4907.57.** All claims, charges, or demands against a 59440  
railroad for loss of or damage to property occurring while in the 59441  
custody of such railroad and unreasonable delay in transportation 59442  
and delivery, for overcharges upon a shipment, or for any other 59443  
service in violation of Chapters 4901., 4903., 4905., 4907., and 59444  
4909., ~~4921., 4923., and 4925.~~ of the Revised Code, if not paid 59445  
within sixty days from the date of the filing thereof with such 59446  
railroad, may be submitted to the public utilities commission by a 59447  
formal complaint. Such complaint shall be made upon blank forms 59448  
which the commission shall provide upon demand of the claimant. 59449

Such complaint shall be verified as petitions in civil 59450  
actions and may be accompanied by the sworn statements of any 59451  
witnesses who have knowledge of any fact material to the inquiry. 59452  
Upon the filing of such complaint the commission shall forthwith 59453  
cite the railroad to answer the complaint, and the citation shall 59454  
be accompanied with a brief statement of the claim. The answer of 59455  
the railroad shall be filed within three weeks from the service of 59456



the citation and shall be verified as answers in civil cases, and 59457  
may be accompanied with the affidavits of any witnesses having 59458  
knowledge of facts material to the inquiry. 59459

The burden of proof shall be upon the railroad to show that 59460  
loss or damage to property was not due to its negligence. The 59461  
railroad to which property is delivered for shipment shall prima 59462  
facie be liable for loss or damage occurring to such property in 59463  
transit notwithstanding such property may be delivered to other 59464  
railroads before reaching its destination. The claim referred to 59465  
in this section for loss of or damage to property may be made to 59466  
any carrier over whose lines the lost or damaged property was 59467  
consigned, and such claimant may at ~~his~~ the claimant's option join 59468  
all of such railroads as parties defendant in ~~his~~ the complaint 59469  
before said commission. The railroad shall furnish the claimant 59470  
with a copy of its answer and affidavits, and within two weeks 59471  
from the filing of such answers the claimant may file ~~his~~ a reply, 59472  
with affidavits in support thereof, verified as replies in civil 59473  
cases. At the expiration of said period of two weeks the 59474  
commission shall proceed summarily to examine the complaint, 59475  
answer, reply, and affidavits, and shall determine the existence 59476  
and validity of the claim presented. If the commission finds in 59477  
favor of the claimant it shall certify its findings to the clerk 59478  
of the court of common pleas of the county in which the claimant 59479  
resides or where the railroad or any of its offices is maintained. 59480

**Sec. 4907.59.** Upon request of the public utilities 59481  
commission, the attorney general or the prosecuting attorney of 59482  
the proper county shall aid in an investigation, prosecution, 59483  
hearing, or trial had under Chapters 4901., 4903., 4905., 4907., 59484  
and 4909., ~~4921., 4923., and 4925.~~ of the Revised Code, and shall 59485  
institute and prosecute necessary actions or proceedings for the 59486  
enforcement of such chapters and of other laws of this state 59487  
relating to railroads, and for the punishment of all violations of 59488

such chapters and such other laws. 59489

**Sec. 4907.60.** If a railroad fails to perform a duty enjoined 59490  
upon it by Chapter 4901., 4903., 4905., 4907., 4909., ~~4921.7~~ 59491  
~~4923.7~~ or 4959. of the Revised Code, or does any act prohibited by 59492  
any of those chapters, for which failure or act no penalty or 59493  
forfeiture has been provided by law, or fails to obey a lawful 59494  
requirement or order made by the public utilities commission or 59495  
order of any court upon application of the commission, the 59496  
railroad, except as otherwise specifically provided in ~~sections~~ 59497  
~~4905.83,~~ section 4905.95, ~~4919.99,~~ ~~4921.99,~~ and ~~4923.99~~ of the 59498  
Revised Code, shall forfeit into the state treasury not less than 59499  
one hundred nor more than ten thousand dollars for each violation 59500  
or failure. In construing and enforcing this section, the act, 59501  
omission, or failure of any officer, agent, or other person acting 59502  
for or employed by a railroad, while acting within the scope of 59503  
the officer's, agent's, or other person's employment, is the act, 59504  
omission, or failure of the railroad. 59505

**Sec. 4907.61.** Except as otherwise specifically provided in 59506  
sections ~~4905.83,~~ 4905.96, ~~4919.99,~~ ~~4921.99,~~ and 4923.99 of the 59507  
Revised Code, when the attorney general prosecutes an action for 59508  
the recovery of a forfeiture provided for in Chapter 4901., 4903., 59509  
4905., 4907., 4909., 4921., 4923., or 4959. of the Revised Code, 59510  
the attorney general may bring the action in the court of common 59511  
pleas of Franklin county or of any county having jurisdiction of 59512  
the defendant. 59513

**Sec. 4907.62.** If a railroad does, causes, or permits anything 59514  
prohibited by Chapters 4901., 4903., 4905., 4907., and 4909.7 59515  
~~4921., 4923., and 4925.~~ of the Revised Code to be done, or omits 59516  
doing anything required to be done by such chapters, such railroad 59517  
is liable to the person, firm, or corporation injured thereby in 59518

treble the amount of damages sustained in consequence of such 59519  
violation or omission. A recovery provided by this section shall 59520  
not affect a recovery by the state of the penalty prescribed for 59521  
such violation. 59522

**Sec. 4909.01.** As used in this chapter: 59523

(A) "Public utility" has the same meaning as in section 59524  
4905.02 of the Revised Code. 59525

(B) "Electric light company," "gas company," "natural gas 59526  
company," "pipeline company," "water-works company," "sewage 59527  
disposal system company," and "street railway company" have the 59528  
same meanings as in section 4905.03 of the Revised Code. 59529

(C) "Railroad" has the same meaning as in section 4907.02 of 59530  
the Revised Code. 59531

(D) "~~Motor transportation company~~ For-hire motor carrier" has 59532  
the same meaning as in ~~sections 4905.03 and 4921.02~~ section 59533  
4921.01 of the Revised Code. 59534

**Sec. 4909.02.** All regulations, practices, and service of 59535  
railroad companies prescribed by the public utilities commission 59536  
shall be in force and be prima-facie reasonable, unless suspended 59537  
or found otherwise in an action brought for that purpose pursuant 59538  
to Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and~~ 59539  
~~4923.~~ of the Revised Code, or until changed or modified by the 59540  
commission. 59541

**Sec. 4909.03.** All rates, fares, charges, classifications, and 59542  
joint rates of railroad companies fixed by the public utilities 59543  
commission shall be in force and be prima-facie lawful for two 59544  
years from the day they take effect, or until changed or modified 59545  
by the commission or by an order of a competent court in an action 59546  
under Chapters 4901., 4903., 4905., 4907., and 4909., ~~4921., and~~ 59547

~~4923.~~ of the Revised Code. 59548

**Sec. 4909.17.** No rate, joint rate, toll, classification, 59549  
charge, or rental, no change in any rate, joint rate, toll, 59550  
classification, charge, or rental, and no regulation or practice 59551  
affecting any rate, joint rate, toll, classification, charge, or 59552  
rental of a public utility shall become effective until the public 59553  
utilities commission, by order, determines it to be just and 59554  
reasonable, except as provided in this section and sections 59555  
4909.18, 4909.19, and 4909.191 of the Revised Code. Such sections 59556  
do not apply to any rate, joint rate, toll, classification, 59557  
charge, or rental, or any regulation or practice affecting the 59558  
same, of railroads, street and electric railways, for-hire motor 59559  
~~transportation companies~~ carriers, and pipe line companies. 59560

**Sec. 4909.22.** When passengers or property are transported 59561  
over two or more connecting railroads between points in this 59562  
state, and the railroad companies have made joint rates for the 59563  
transportation of such passengers or property, such rates and all 59564  
charges in connection therewith shall be just and reasonable. 59565  
Every unjust and unreasonable charge is prohibited. A less charge 59566  
by each of such railroads for its proportion of such joint rates 59567  
than is made locally between the same points on their respective 59568  
lines is not for that reason a violation of Chapters 4901., 4903., 59569  
4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the Revised 59570  
Code and does not render such railroads liable to any of the 59571  
penalties in such chapters. 59572

**Sec. 4909.24.** Upon complaint of a person, firm, corporation, 59573  
or association, of a mercantile, agricultural, or manufacturing 59574  
society, or of a body politic or municipal organization, that any 59575  
of the rates, fares, charges, or classifications, or any joint 59576  
rates are in any respect unreasonable or unjustly discriminatory, 59577

or that any regulation or practice, affecting the transportation 59578  
of persons or property, or any service in connection therewith, 59579  
are in any respect unreasonable or unjustly discriminatory, or 59580  
that any service is inadequate, the public utilities commission 59581  
may notify the railroad complained of that complaint has been 59582  
made, and ten days after such notice proceed to investigate such 59583  
charges as provided in Chapters 4901., 4903., 4905., 4907., and 59584  
4909., ~~4921., 4923., and 4925.~~ of the Revised Code. Before making 59585  
such investigation, the commission shall give the railroad and the 59586  
complainants ten days' notice of the time and place such matters 59587  
will be considered and determined, and such parties are entitled 59588  
to be heard and to have process to enforce the attendance of 59589  
witnesses. 59590

A railroad may make complaint with like effect as though made 59591  
by any person, firm, corporation, or association, ~~mercantile~~ 59592  
mercantile, agricultural, or manufacturing society, body politic, 59593  
or municipal organization. 59594

**Sec. 4909.28.** If, upon an investigation under Chapters 4901., 59595  
4903., 4905., 4907., and 4909., ~~4921., 4923., and 4925.~~ of the 59596  
Revised Code, the public utilities commission finds that any 59597  
existing rate, fare, charge, or classification, any joint rate, or 59598  
any regulation or practice affecting the transportation of persons 59599  
or property, or service in connection therewith, is unreasonable 59600  
or unjustly discriminatory, or that any service is inadequate, it 59601  
shall determine and by order fix a reasonable rate, fare, charge, 59602  
classification, joint rate, regulation, practice, or service to be 59603  
imposed, observed, and followed in the future, in place of that so 59604  
found to be unreasonable, unjustly discriminatory, or inadequate. 59605  
A certified copy of each such order shall be delivered to an 59606  
officer or station agent of the railroad affected, and such order 59607  
shall of its own force take effect and become operative thirty 59608  
days after service. 59609

All railroads to which such order applies shall make such 59610  
changes in their schedules on file as are necessary to conform to 59611  
such order, and no change shall thereafter be made by any railroad 59612  
in any such rate, fare, or charge, or in any joint rate, without 59613  
the approval of the commission. 59614

**Sec. 4911.01.** As used in this chapter: 59615

(A) "Public utility" means every one as defined in divisions 59616  
(A)~~(1)~~, ~~(3)~~, ~~(4)~~, ~~(5)~~, ~~(6)~~, ~~(7)~~, ~~(8)~~, (C), (D), (E), (F), (G), 59617  
(H), and ~~(13)~~(M) of section 4905.03 of the Revised Code, including 59618  
all public utilities that operate their utilities not for profit, 59619  
except the following: 59620

(1) Electric light companies that operate their utilities not 59621  
for profit; 59622

(2) Public utilities, other than telephone companies, that 59623  
are owned and operated exclusively by and solely for the 59624  
utilities' customers; 59625

(3) Public utilities that are owned or operated by any 59626  
municipal corporation; 59627

(4) Railroads as defined in sections 4907.02 and 4907.03 of 59628  
the Revised Code. 59629

(B) "Residential consumer" means urban, suburban, and rural 59630  
patrons of public utilities insofar as their needs for utility 59631  
services are limited to their residence. 59632

**Sec. 4921.01.** As used in this chapter: 59633

(A) "Ambulance" has the same meaning as in section 4766.01 of 59634  
the Revised Code. 59635

(B) "For-hire motor carrier" means a person engaged in the 59636  
business of transporting persons or property by motor vehicle for 59637  
compensation, except when engaged in any of the following in 59638

<u>intrastate commerce:</u>	59639
<u>(1) The transportation of persons in taxicabs in the usual taxicab service;</u>	59640
	59641
<u>(2) The transportation of pupils in school busses operating to or from school sessions or school events;</u>	59642
	59643
<u>(3) The transportation of farm supplies to the farm or farm products from farm to market or to food fabricating plants;</u>	59644
	59645
<u>(4) The distribution of newspapers;</u>	59646
<u>(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;</u>	59647
	59648
<u>(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;</u>	59649
	59650
<u>(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;</u>	59651
	59652
<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>	59653
	59654
	59655
	59656
<u>(9) The operation of motor vehicles for contractors on public road work.</u>	59657
	59658
<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>	59659
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<u>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</u>	59664
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unified carrier registration adopted under section 4921.11 of the 59669  
Revised Code. 59670

(C) "Household goods" means personal effects and property 59671  
used or to be used in a dwelling, excluding property moving from a 59672  
factory or store. 59673

(D) "Interstate commerce" means trade, traffic, or 59674  
transportation in the United States that is any of the following: 59675

(1) Between a place in a state and a place outside of that 59676  
state (including a place outside of the United States); 59677

(2) Between two places in a state through another state or a 59678  
place outside of the United States; 59679

(3) Between two places in a state as part of trade, traffic, 59680  
or transportation originating or terminating outside the state or 59681  
the United States. 59682

(E) "Intrastate commerce" means any trade, traffic, or 59683  
transportation in any state which is not described in the term 59684  
"interstate commerce." 59685

(F) "Motor vehicle" means any vehicle, machine, tractor, 59686  
trailer, or semitrailer propelled or drawn by mechanical power and 59687  
used upon the highways in the transportation of persons or 59688  
property, or any combination thereof, but does not include any 59689  
vehicle, locomotive, or car operated exclusively on a rail or 59690  
rails, or a trolley bus operated by electric power derived from a 59691  
fixed overhead wire, furnishing local passenger transportation 59692  
similar to street-railway service. 59693

(G) "Public highway" means any public street, road, or 59694  
highway in this state, whether within or without the corporate 59695  
limits of a municipal corporation. 59696

(H) "Ridesharing arrangement" means the transportation of 59697  
persons in a motor vehicle where such transportation is incidental 59698



to another purpose of a volunteer driver, and includes ridesharing 59699  
arrangements known as carpools, vanpools, and buspools. 59700

(I) "School bus" has the same meaning as in section 4511.01 59701  
of the Revised Code. 59702

(J) "Trailer" means any vehicle without motive power designed 59703  
or used for carrying persons or property and for being drawn by a 59704  
separate motor vehicle, including any vehicle of the trailer type, 59705  
whether designed or used for carrying persons or property wholly 59706  
on its own structure, or so designed or used that a part of its 59707  
own weight or the weight of its load rests upon and is carried by 59708  
such motor vehicle. 59709

**Sec. 4921.03.** (A) No for-hire motor carrier may operate in 59710  
intrastate commerce unless the carrier has a current and valid 59711  
certificate of public convenience and necessity. 59712

(B) The public utilities commission shall issue a certificate 59713  
of public convenience and necessity to any person who does all of 59714  
the following: 59715

(1) Files with the commission, in accordance with rules 59716  
adopted under section 4921.05 of the Revised Code, a complete and 59717  
accurate application that shall include a certification that (a) 59718  
the person understands and is in compliance with the applicable 59719  
service, operation, and safety laws of this state and (b) the 59720  
person meets the requirements of section 4921.09 of the Revised 59721  
Code; 59722

(2) Agrees to maintain accurate and current business and 59723  
insurance information with the commission, in accordance with the 59724  
commission's rules; 59725

(3) Has paid all applicable registration fees in accordance 59726  
with rules adopted under section 4921.11 of the Revised Code, all 59727  
applicable taxes under section 4921.19 of the Revised Code, and 59728

any forfeitures imposed under section 4923.99 of the Revised Code. 59729

(C) The commission shall have no power to fix, alter, or 59730  
establish rates for the transportation of persons or property, nor 59731  
shall the commission have the power to require or accept the 59732  
filing of tariffs establishing such rates, except that the 59733  
commission may accept the filing of tariffs establishing rates for 59734  
the transportation of household goods. 59735

(D) A for-hire motor carrier may, at any time after a 59736  
certificate of public convenience and necessity is granted or 59737  
refused, file a new application or supplement a former 59738  
application. 59739

(E) The commission may deny issuance of a certificate of 59740  
public convenience and necessity for failure to comply with this 59741  
section or rules adopted under section 4921.05 of the Revised 59742  
Code. 59743

**Sec. 4921.05.** The public utilities commission shall adopt 59744  
rules prescribing the manner and form in which a person shall 59745  
apply for a certificate of public convenience and necessity under 59746  
section 4921.03 of the Revised Code. The rules shall include a 59747  
requirement that applications be made in writing on the blanks 59748  
furnished by the commission and contain any information and 59749  
certifications deemed necessary by the commission to carry out 59750  
this chapter. 59751

**Sec. 4921.07.** (A) The public utilities commission shall adopt 59752  
rules regarding procedures and timelines by which a certificate of 59753  
public convenience and necessity issued under section 4921.03 of 59754  
the Revised Code may be suspended. At a minimum, the rules shall 59755  
require suspension of a certificate if the for-hire motor carrier 59756  
does any of the following: 59757

(1) Fails to file a complete and accurate application for the 59758

<u>certificate under section 4921.03 of the Revised Code;</u>	59759
<u>(2) Fails to maintain accurate and current business and insurance information with the commission;</u>	59760
<u>(3) Fails to maintain proper proof of insurance or proper levels of insurance under section 4921.09 of the Revised Code;</u>	59762
<u>(4) Fails to pay 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;</u>	59763
<u>(5) Requests to suspend the carrier's operations.</u>	59764
<u>(B)(1) The commission shall adopt rules regarding procedures and timelines by which a certificate suspended under division (A) of this section may be revoked if the conditions giving rise to the suspension are not remedied.</u>	59765
<u>(2) The commission shall provide the carrier with written notice indicating the nature of the deficiency, a proposed effective date of the revocation, and the means by which the deficiency may be remedied. The carrier may correct the identified deficiency or submit evidence refuting the proposed revocation within sixty days from the date of the notice. The commission may extend the sixty-day period for good cause shown. The commission may revoke the certificate after the remedy period if the carrier has not provided sufficient evidence to remedy the deficiency.</u>	59766
<u>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</u>	59767
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interests of the public, having due regard for the number of 59789  
persons and amount of property affected. The certificate, policy, 59790  
or bond shall insure the carrier against loss sustained by reason 59791  
of death or injuries to persons and for loss or damage to property 59792  
resulting from the negligence of the carrier. 59793

(B) No certificate for the transportation of household goods 59794  
shall be issued to a for-hire motor carrier pursuant to sections 59795  
4921.30 to 4921.38 of the Revised Code until it has filed with the 59796  
commission a freight cargo insurance certificate, policy, or bond 59797  
that the commission has determined to be adequate to protect the 59798  
interests of the shipping public. 59799

(C) The Commission shall adopt rules to achieve the purposes 59800  
of this section that are not incompatible with the requirements of 59801  
the United States department of transportation. The rules shall at 59802  
a minimum address all of the following: 59803

(1) The minimum levels of financial responsibility for each 59804  
type of for-hire motor carrier; 59805

(2) The form and type of documents to be filed with the 59806  
commission; 59807

(3) The manner by which documents may be filed with the 59808  
commission; 59809

(4) The timelines for filing documents with the commission. 59810

(D) If a certificate, policy, or bond required under division 59811  
(A) of this section is canceled during its term or lapses for any 59812  
reason, both of the following apply: 59813

(1) All operations under the certificate of public 59814  
convenience and necessity shall cease immediately, and further 59815  
operations shall not be conducted until a replacement is filed 59816  
with the commission under division (D)(2) of this section. 59817

(2) The commission shall require the company to replace the 59818

certificate, policy, or bond with another that fully complies with 59819  
the requirements of this section. 59820

The certificate of public convenience and necessity shall be 59821  
reinstated only after a satisfactory insurance certificate, 59822  
policy, or bond has been filed with the commission. 59823

(E) To ensure minimum standards of protection of consumers' 59824  
household goods, the commission may adopt rules, not incompatible 59825  
with the requirements of the United States department of 59826  
transportation, governing requirements for cargo insurance for 59827  
for-hire motor carriers engaged in the transportation of household 59828  
goods over a public highway in this state. 59829

Sec. 4921.11. The public utilities commission shall adopt 59830  
rules applicable to registration pursuant to the unified carrier 59831  
registration plan, codified as 49 U.S.C. 14504a, and the rules, 59832  
procedures, and fee schedules adopted thereunder, in accordance 59833  
with division (G) of section 4921.19 of the Revised Code. 59834

Sec. 4921.13. (A) The public utilities commission shall adopt 59835  
rules applicable to the filing of annual update forms and the 59836  
payment of taxes by for-hire motor carriers. The rules shall not 59837  
be incompatible with the requirements of the United States 59838  
department of transportation. The rules shall at a minimum address 59839  
all of the following: 59840

(1) The information and certifications that must be provided 59841  
to the commission on an annual update form, including a 59842  
certification that the carrier continues to be in compliance with 59843  
the applicable laws of this state. 59844

(2) Documentation and information that must be provided 59845  
regarding proof of financial responsibility; 59846

(3) The form and manner in which taxes may be paid under 59847  
section 4921.19 of the Revised Code. 59848

(B) The rules may address any other information that the 59849  
commission determines is necessary to carry out this section. 59850

(C) A for-hire motor carrier shall not be issued a tax 59851  
receipt under division (C) of section 4921.19 of the Revised Code 59852  
until all of the following have been satisfied: 59853

(1) A complete and accurate annual update form has been filed 59854  
with the commission; 59855

(2) Proof of financial responsibility remains in effect; 59856

(3) All applicable registration fees in accordance with rules 59857  
adopted under section 4921.11 of the Revised Code, all applicable 59858  
taxes under section 4921.19 of the Revised Code, and any 59859  
forfeitures imposed under section 4923.99 of the Revised Code have 59860  
been paid in full. 59861

**Sec. 4921.15.** (A) As used in sections 4921.15, 4921.16, and 59862  
4921.19 of the Revised Code: 59863

(1) "Uniform registration" has the same meaning as 59864  
"registration" as used in the final report submitted to the United 59865  
States secretary of transportation, pursuant to subsection (c) of 59866  
section 22 of the "Hazardous Materials Transportation Uniform 59867  
Safety Act of 1990," 104 Stat. 3244, 49 U.S.C.A. App. 1819. 59868

(2) "Uniform permit" has the same meaning as "permit" as used 59869  
in the final report submitted to the United States secretary of 59870  
transportation, pursuant to subsection (c) of section 22 of the 59871  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 59872  
104 Stat. 3244, 49 U.S.C.A. App. 1819. 59873

(B)(1) The public utilities commission may adopt rules 59874  
applicable to the uniform registration and uniform permitting of 59875  
persons engaged in the highway transportation of hazardous 59876  
materials into, through, or within this state. The rules shall 59877  
include rules staggering the registration date for those persons 59878

and reducing or extending, by no more than one year, the permit 59879  
renewal period for those persons. 59880

(2) For the purpose of minimizing filing requirements 59881  
regarding any background investigation required for the issuance 59882  
of a uniform permit as a carrier of hazardous wastes, the 59883  
commission shall accept from any applicant for the permit any 59884  
refiling of information the applicant has filed with the office of 59885  
the attorney general under section 3734.42 of the Revised Code or 59886  
any reference to that information if the refiled or referenced 59887  
information is on file with the office of the attorney general, is 59888  
accurate and timely for the commission's purposes under this 59889  
section, and is supplemented by any additional information the 59890  
commission requires. The office of the attorney general, as 59891  
necessary for a background investigation, shall make accessible to 59892  
the commission any information referenced or refiled in an 59893  
application for a uniform permit as a carrier of hazardous wastes 59894  
that the attorney general determines may be disclosed in 59895  
accordance with section 3734.42 of the Revised Code. Nothing in 59896  
sections 4921.15, 4921.16, and division (H) of section 4921.19 of 59897  
the Revised Code affects any limitations under section 3734.42 of 59898  
the Revised Code on the disclosure of that information. 59899

(C) The commission, as necessary to implement the rules 59900  
adopted under division (B) of this section, may enter into 59901  
agreements, contracts, arrangements, or declarations with other 59902  
states and with the national repository, established pursuant to 59903  
the final report submitted to the United States secretary of 59904  
transportation, pursuant to subsection (c) of section 22 of the 59905  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 59906  
104 Stat. 3244, 49 U.S.C.A. App. 1819. The agreements, contracts, 59907  
arrangements, or declarations shall include, but not be limited 59908  
to, the determination of a base state, the collection of uniform 59909  
registration fees, the frequency of distribution of uniform 59910

registration fees, procedures for dispute resolution, and 59911  
protection of trade secrets and confidential business information. 59912

(D) No person shall knowingly falsify or fail to submit any 59913  
data, reports, records, or other information required to be 59914  
submitted to the commission pursuant to this section or a rule 59915  
adopted under it. For purposes of this division, a person acts 59916  
knowingly if either of the following applies: 59917

(1) The person has actual knowledge of the facts giving rise 59918  
to the violation. 59919

(2) A reasonable person acting in the circumstances and 59920  
exercising due care would have such knowledge. 59921

(E) After notice and opportunity for a hearing, the 59922  
commission, pursuant to criteria set forth in rules adopted under 59923  
division (B) of this section, may suspend, revoke, or deny the 59924  
uniform permit as a carrier of hazardous materials of any person 59925  
that has obtained or applied for such a uniform permit from the 59926  
commission pursuant to rules adopted under that division, or the 59927  
commission may order the suspension of the transportation of 59928  
hazardous materials into, through, or within this state by a 59929  
carrier that has obtained a uniform permit from another state that 59930  
has a reciprocity agreement with the commission pursuant to 59931  
division (C) of this section. 59932

(F)(1) The proceedings specified in division (E) of this 59933  
section are subject to and governed by Chapter 4903. of the 59934  
Revised Code, except as otherwise provided in this section. The 59935  
court of appeals of Franklin county has exclusive original 59936  
jurisdiction to review, modify, or vacate any order of the 59937  
commission suspending, revoking, or denying a uniform permit as a 59938  
carrier of hazardous materials of any person that has obtained or 59939  
applied for a uniform permit from the commission pursuant to rules 59940  
adopted under division (B) of this section, or any order of the 59941



commission suspending the transportation of hazardous materials 59942  
into, through, or within this state by a carrier that has obtained 59943  
a uniform permit from another state that has a reciprocity 59944  
agreement with the commission under division (C) of this section. 59945  
The court of appeals shall hear and determine those appeals in the 59946  
same manner and under the same standards as the Ohio supreme court 59947  
hears and determines appeals under Chapter 4903. of the Revised 59948  
Code. The judgment of the court of appeals is final and conclusive 59949  
unless reversed, vacated, or modified on appeal. Such appeals may 59950  
be taken either by the commission or the person to whom the order 59951  
was issued and shall proceed as in the case of appeals in civil 59952  
actions as provided in Chapter 2505. of the Revised Code. 59953

(2) Section 4903.11 of the Revised Code does not apply to 59954  
appeals of any order of the commission suspending, revoking, or 59955  
denying a uniform permit of a person that has obtained or applied 59956  
for a uniform permit from the commission pursuant to rules adopted 59957  
under division (B) of this section, or of any order of the 59958  
commission suspending the transportation of hazardous materials 59959  
into, through, or within this state by a carrier that has obtained 59960  
a uniform permit from another state that has a reciprocity 59961  
agreement with the commission pursuant to division (C) of this 59962  
section. Any person to whom such an order is issued who wishes to 59963  
contest the order shall file, within sixty days after the entry of 59964  
the order upon the journal of the commission, a notice of appeal, 59965  
setting forth the order appealed from and the errors complained 59966  
of. The notice of appeal shall be served, unless waived, upon the 59967  
chairperson of the commission or, in the event of the 59968  
chairperson's absence, upon any public utilities commissioner, or 59969  
by leaving a copy at the office of the commission at Columbus. On 59970  
appeal, the court shall reverse, vacate, or modify the order if, 59971  
upon consideration of the record, the court is of the opinion that 59972  
the order was unlawful or unreasonable. 59973

Sec. 4921.16. (A) Information submitted to the public 59974  
utilities commission as part of a uniform registration 59975  
application, pursuant to rules adopted under division (B) of 59976  
section 4921.15 of the Revised Code, is a public record and is 59977  
subject to section 149.43 of the Revised Code. 59978

(B) Except for information related to corporate structure and 59979  
personnel, information that is submitted to the commission as part 59980  
of a uniform permit application, pursuant to rules adopted under 59981  
division (B) of section 4921.15 of the Revised Code, is a public 59982  
record and is subject to section 149.43 of the Revised Code. 59983  
Information that is related to corporate structure and personnel 59984  
that is submitted to the commission as part of a uniform permit 59985  
application, pursuant to rules adopted under division (B) of 59986  
section 4921.15 of the Revised Code, is not a public record and is 59987  
not subject to section 149.43 of the Revised Code. Except as 59988  
provided in division (D) of this section, the commission shall not 59989  
disclose to any person any information that is related to 59990  
corporate structure and personnel that is submitted as part of a 59991  
uniform permit application. 59992

(C) Information that is submitted for any background 59993  
investigation for an application for a uniform permit as a carrier 59994  
of hazardous wastes is not a public record and is not subject to 59995  
section 149.43 of the Revised Code. Except as provided in division 59996  
(D) of this section, the commission shall not disclose to any 59997  
person any information submitted for any background investigation 59998  
for such an application. 59999

(D) The commission may disclose to its authorized employees 60000  
and to any federal agencies, state agencies of this state or 60001  
another state, local government agencies of this state or another 60002  
state, or the national repository established pursuant to the 60003  
final report submitted to the United States secretary of 60004

transportation, pursuant to subsection (c) of section 22 of the 60005  
"Hazardous Materials Transportation Uniform Safety Act of 1990," 60006  
104 Stat. 3244, 49 U.S.C.A. App. 1819, any information submitted 60007  
to the commission as part of a uniform permit application that is 60008  
related to corporate structure and personnel or submitted for any 60009  
background investigation for an application for a uniform permit 60010  
as a carrier of hazardous wastes if all of the following 60011  
conditions are met: 60012

(1) The commission enters into a confidentiality agreement 60013  
with the employee, agency, or national repository under which that 60014  
employee or entity agrees not to disclose to any third party any 60015  
information related to corporate structure or personnel or any 60016  
information submitted as part of a background investigation unless 60017  
the third party enters into a confidentiality agreement with the 60018  
commission consistent with this division. 60019

(2) The employee, agency, or national repository certifies to 60020  
the commission that it is not required by any state or federal law 60021  
to disclose any information related to corporate structure or 60022  
personnel or any information submitted as part of a background 60023  
investigation. 60024

(3) The federal agency, state or local government agency of 60025  
another state, or national repository irrevocably consents in 60026  
writing to the jurisdiction of the courts of this state and 60027  
service of process in this state, including, without limitation, 60028  
summonses and subpoenas, for any civil proceeding arising out of 60029  
an intentional disclosure of information in violation of this 60030  
division. 60031

(E) Any person who intentionally discloses information in 60032  
violation of division (D) of this section is liable to the owner 60033  
of the information for civil damages caused by the disclosure. 60034

**Sec. 4921.19.** (A) Every for-hire motor carrier operating in 60035

this state shall, at the time of the issuance of a certificate of public convenience and necessity under section 4921.03 of the Revised Code, pay to the public utilities commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(B) Every for-hire motor carrier operating in this state solely in intrastate commerce shall, annually between the first day of May and the thirtieth day of June, pay to the commission, for and on behalf of the treasurer of state, the following taxes:

(1) For each motor vehicle used for transporting persons, thirty dollars;

(2) For each commercial tractor, as defined in section 4501.01 of the Revised Code, used for transporting property, thirty dollars;

(3) For each other motor vehicle transporting property, twenty dollars.

(C) After a for-hire motor carrier has paid the applicable taxes under division (B) of this section and all requirements under division (C) of section 4921.13 of the Revised Code have been met, the commission shall issue the carrier a tax receipt. The carrier shall carry a copy of the tax receipt in each motor vehicle operated by the carrier. The carrier shall maintain the original copy of the tax receipt at the carrier's primary place of business.

(D) A trailer used by a for-hire motor carrier shall not be 60066  
taxed under this section. 60067

(E) The annual tax levied by division (B) of this section 60068  
does not apply in those cases where the commission finds that the 60069  
movement of agricultural commodities or foodstuffs produced 60070  
therefrom requires a temporary and seasonal use of vehicular 60071  
equipment for a period of not more than ninety days. In such 60072  
event, the tax on the vehicular equipment shall be twenty-five per 60073  
cent of the annual tax levied by division (B) of this section. If 60074  
any vehicular equipment is used in excess of the ninety-day 60075  
period, the annual tax levied by this section shall be paid. 60076

(F) All taxes levied by division (B) of this section shall be 60077  
reckoned as from the beginning of the quarter in which the tax 60078  
receipt is issued or as from when the use of equipment under any 60079  
existing tax receipt began. 60080

(G) The fees for unified carrier registration pursuant to 60081  
section 4921.11 of the Revised Code shall be identical to those 60082  
established by the unified carrier registration act board as 60083  
approved by the federal motor carrier safety administration for 60084  
each year. 60085

(H)(1) The fees for uniform registration and a uniform permit 60086  
as a carrier of hazardous materials pursuant to section 4921.15 of 60087  
the Revised Code shall consist of the following: 60088

(a) A processing fee of fifty dollars; 60089

(b) An apportioned per-truck registration fee, which shall be 60090  
calculated by multiplying the percentage of a registrant's 60091  
activity in this state times the percentage of the registrant's 60092  
business that is hazardous-materials-related, times the number of 60093  
vehicles owned or operated by the registrant, times a per-truck 60094  
fee determined by order of the commission following public notice 60095  
and an opportunity for comment. 60096

(i) The percentage of a registrant's activity in this state shall be calculated by dividing the number of miles that the registrant travels in this state under the international registration plan, pursuant to section 4503.61 of the Revised Code, by the number of miles that the registrant travels nationwide under the international registration plan. Registrants that operate solely within this state shall use one hundred per cent as their percentage of activity. Registrants that do not register their vehicles through the international registration plan shall calculate activity in the state in the same manner as that required by the international registration plan.

(ii) The percentage of a registrant's business that is hazardous-materials-related shall be calculated, for less-than-truckload shipments, by dividing the weight of all the registrant's hazardous materials shipments by the total weight of all shipments in the previous year. The percentage of a registrant's business that is hazardous-materials-related shall be calculated, for truckload shipments, by dividing the number of shipments for which placarding, marking of the vehicle, or manifesting, as appropriate, was required by regulations adopted under sections 4 to 6 of the "Hazardous Materials Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 U.S.C. App. 1804, by the total number of the registrant's shipments that transported any kind of goods in the previous year. A registrant that transports both less-than-truckload and truckload shipments of hazardous materials shall calculate the percentage of business that is hazardous-materials-related on a proportional basis.

(iii) A registrant may utilize fiscal year, or calendar year, or other current company accounting data, or other publicly available information, in calculating the percentages required by divisions (H)(1)(b)(i) and (ii) of this section.

(2) The commission, after notice and opportunity for a

hearing, may assess each carrier a fee for any background 60129  
investigation required for the issuance, for the purpose of 60130  
section 3734.15 of the Revised Code, of a uniform permit as a 60131  
carrier of hazardous wastes and fees related to investigations and 60132  
proceedings for the denial, suspension, or revocation of a uniform 60133  
permit as a carrier of hazardous materials. The fees shall not 60134  
exceed the reasonable costs of the investigations and proceedings. 60135  
The fee for a background investigation for a uniform permit as a 60136  
carrier of hazardous wastes shall be six hundred dollars plus the 60137  
costs of obtaining any necessary information not included in the 60138  
permit application, to be calculated at the rate of thirty dollars 60139  
per hour, not exceeding six hundred dollars, plus any fees payable 60140  
to obtain necessary information. 60141

(I) The application fee for a certificate for the 60142  
transportation of household goods issued pursuant to sections 60143  
4921.30 to 4921.38 of the Revised Code shall be based on the 60144  
certificate holder's gross revenue, in the prior year, for the 60145  
intrastate transportation of household goods. The commission shall 60146  
establish, by order, ranges of gross revenue and the fee for each 60147  
range. The fees shall be set in amounts sufficient to carry out 60148  
the purposes of sections 4921.30 to 4921.38 and 4923.99 of the 60149  
Revised Code and, to the extent necessary, the commission shall 60150  
make changes to the fee structure to ensure that neither over nor 60151  
under collection of the fees occurs. The fees shall also take into 60152  
consideration the revenue generated from the assessment of 60153  
forfeitures under section 4923.99 of the Revised Code regarding 60154  
the consumer protection provisions applicable to for-hire motor 60155  
carriers engaged in the transportation of household goods. 60156

(J) The fees and taxes provided under this section shall be 60157  
in addition to taxes, fees, and charges fixed and exacted by other 60158  
sections of the Revised Code, except the assessments required by 60159  
section 4905.10 of the Revised Code, but all fees, license fees, 60160

annual payments, license taxes, or taxes or other money exactions, 60161  
except the general property tax, assessed, charged, fixed, or 60162  
exacted by local authorities such as municipal corporations, 60163  
townships, counties, or other local boards, or the officers of 60164  
such subdivisions are illegal and, are superseded by sections 60165  
4503.04 and 4905.03 and Chapter 4921. of the Revised Code. On 60166  
compliance with sections 4503.04 and 4905.03 and Chapter 4921. of 60167  
the Revised Code, all local ordinances, resolutions, by laws, and 60168  
rules in force shall cease to be operative as to the persons in 60169  
compliance, except that such local subdivisions may make 60170  
reasonable local police regulations within their respective 60171  
boundaries not inconsistent with sections 4503.04 and 4905.03 and 60172  
Chapter 4921. of the Revised Code. 60173

Sec. 4921.21. (A) As used in this section, "adjusted credit 60174  
amount" means the aggregate amount credited to the public 60175  
utilities transportation safety fund, less the sum of all of the 60176  
following: 60177

(1) The fees collected by the public utilities commission, in 60178  
accordance with the unified carrier registration plan under 60179  
section 4921.11 of the Revised Code, that exceed the federal 60180  
certification of revenue for each year of the plan; 60181

(2) The fees collected by the commission on behalf of other 60182  
states under division (C) of section 4921.15 of the Revised Code; 60183

(3) The forfeitures collected by the commission under section 60184  
4923.99 of the Revised Code for violations of rules adopted under 60185  
division (A)(2) of section 4923.04 of the Revised Code. 60186

(B)(1) There is hereby created in the state treasury the 60187  
public utilities transportation safety fund. The fees collected in 60188  
accordance with the unified carrier registration plan under 60189  
section 4921.11 of the Revised Code, the fees collected under 60190  
section 4921.15 of the Revised Code, the taxes and fees remitted 60191



under section 4921.19 of the Revised Code, the forfeitures imposed 60192  
under section 4923.99 of the Revised Code, except as provided in 60193  
division (B)(2) of this section, and the fines collected under 60194  
section 4163.07 of the Revised Code shall be deposited into the 60195  
state treasury to the credit of the public utilities 60196  
transportation safety fund, until the adjusted credit amount in a 60197  
fiscal year is equal to the total amount appropriated from the 60198  
fund for the fiscal year. Once this point of parity is reached, 60199  
any additional fees, taxes, forfeitures, or fines received during 60200  
the fiscal year shall be credited to the general revenue fund, 60201  
except as provided in division (B)(2) of this section, and except 60202  
for both of the following: 60203

(a) The fees collected in accordance with the unified carrier 60204  
registration plan under section 4921.11 of the Revised Code, that 60205  
exceed the federal certification of revenue for each year of the 60206  
plan; 60207

(b) The fees collected on behalf of other states under 60208  
division (C) of section 4921.15 of the Revised Code. 60209

(2) The first eight hundred thousand dollars of forfeitures 60210  
collected under section 4923.99 of the Revised Code, for 60211  
violations of rules adopted under division (A)(2) of section 60212  
4923.04 of the Revised Code, during each fiscal year shall be 60213  
credited to the public utilities transportation safety fund. Any 60214  
forfeitures in excess of that amount shall be deposited into the 60215  
general revenue fund. In each fiscal year, the commission shall 60216  
distribute moneys from these forfeitures credited to the public 60217  
utilities transportation safety fund for the purposes of emergency 60218  
response planning and the training of safety, enforcement, and 60219  
emergency services personnel in proper techniques for the 60220  
management of hazardous materials releases that occur during 60221  
transportation or otherwise. For these purposes, fifty per cent of 60222  
all such moneys credited to the public utilities transportation 60223

safety fund shall be distributed to Cleveland state university, 60224  
forty-five per cent shall be distributed to other educational 60225  
institutions, state agencies, regional planning commissions, and 60226  
political subdivisions, and five per cent shall be retained by the 60227  
commission for the administration of this section and for training 60228  
employees. However, if, in any such period, moneys from these 60229  
forfeitures credited to the public utilities transportation safety 60230  
fund equal an amount less than four hundred thousand dollars, the 60231  
commission shall distribute, to the extent of the aggregate amount 60232  
of those moneys, two hundred thousand dollars to Cleveland state 60233  
university and the remainder to other educational institutions, 60234  
state agencies, regional planning commissions, and political 60235  
subdivisions. 60236

(C) The purpose of the public utilities transportation safety 60237  
fund shall be for defraying all expenses incident to maintaining 60238  
the nonrailroad transportation activities of the commission. 60239

(D) There is hereby created in the state treasury the federal 60240  
commercial vehicle transportation systems fund. The fund shall 60241  
consist of money received from the United States department of 60242  
transportation's commercial vehicle intelligent transportation 60243  
systems infrastructure deployment program. The public utilities 60244  
commission shall use the fund to deploy the Ohio commercial 60245  
vehicle information systems networks project and to improve safety 60246  
of motor carrier operations through electronic exchange of data. 60247

(E) There is hereby created in the state treasury the motor 60248  
carrier safety fund. The fund shall consist of money received from 60249  
the United States department of transportation for motor carrier 60250  
safety. The commission shall use the fund to administer the 60251  
state's motor carrier safety assistance program and associated 60252  
grants, including the motor carrier safety assistance program 60253  
basic grant, the incentive grant, the high priority grants, the 60254  
new entrant safety assurance grant, the safety data improvement 60255

grant, or their equivalents. 60256

(F) If the director of budget and management determines there 60257  
is not sufficient money in the public utilities transportation 60258  
safety fund, the director shall transfer money from the general 60259  
revenue fund to the public utilities transportation safety fund in 60260  
an amount up to the difference between the balance of the public 60261  
utilities transportation safety fund and the appropriations from 60262  
that fund. If the director subsequently determines during the 60263  
fiscal year that the balance of the public utilities 60264  
transportation safety fund exceeds the amount needed to support 60265  
the appropriations from the fund, the director shall transfer the 60266  
excess money, up to the amount of the original transfer, to the 60267  
general revenue fund. 60268

Sec. 4921.25. Any person, firm, copartnership, voluntary 60269  
association, joint-stock association, company, or corporation, 60270  
wherever organized or incorporated, that is engaged in the towing 60271  
of motor vehicles is subject to regulation by the public utilities 60272  
commission as a for-hire motor carrier under this chapter. Such an 60273  
entity is not subject to any ordinance, rule, or resolution of a 60274  
municipal corporation, county, or township that provides for the 60275  
licensing, registering, or regulation of entities that tow motor 60276  
vehicles. 60277

Sec. 4921.30. Except as otherwise provided in sections 60278  
4921.32 to 4921.38 of the Revised Code, a for-hire motor carrier 60279  
engaged in the transportation of household goods in intrastate 60280  
commerce: 60281

(A) Is subject to Chapter 4921. of the Revised Code and to 60282  
all other provisions of the Revised Code applicable to a for-hire 60283  
motor carrier, including sections 4506.22, 4511.78, 5502.01, 60284  
5503.02, and 5503.34 of the Revised Code; 60285

(B) Is not a public utility as defined in section 4911.01 of the Revised Code. 60286  
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Sec. 4921.32. Notwithstanding any provision of this chapter or Chapters 4901. to 4909. and 4923. of the Revised Code to the contrary: 60288  
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(A) Not later than six months after the effective date of this section, the public utilities commission, in accordance with sections 4921.30 to 4921.38 of the Revised Code, shall establish by order a certification system for for-hire motor carriers engaged in the transportation of household goods in intrastate commerce. 60291  
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(B) Beginning on the effective date of the order of the commission as initially issued under division (A) of this section, no for-hire motor carrier shall engage in the transportation of household goods in intrastate commerce without first holding a current and valid certificate for the transportation of household goods issued by the commission pursuant to sections 4921.30 to 4921.38 of the Revised Code. 60297  
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Sec. 4921.34. (A) The public utilities commission shall approve an application for a certificate for the transportation of household goods under sections 4921.30 to 4921.38 of the Revised Code and shall issue a certificate, provided the applicant pays the applicable application fee under division (I) of section 4921.19 of the Revised Code and submits to the commission a completed application, on a form prescribed by the commission, that is substantially the same as the application prescribed by the commission pursuant to section 4921.05 of the Revised Code, and includes a certification of all of the following by responsible officials of the applicant: 60304  
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(1) The applicant's workers' compensation coverage is current 60315

pursuant to Chapter 4123. of the Revised Code. 60316

(2) The applicant's unemployment compensation coverage is current pursuant to Chapter 4141. of the Revised Code. 60317  
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(3) The applicant's financial responsibility is in accordance with rules adopted by the commission under section 4921.09 of the Revised Code. 60319  
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(B) The commission shall not approve any application that does not contain the proper certifications required by this section. The commission may revoke a certificate issued under division (A) of this section if, after at least fifteen days' advance notice to the certificate holder of the basis for such action and providing the holder with an opportunity for a hearing, the commission finds that the holder is not in compliance with this chapter, or rules adopted or orders issued under it. 60322  
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(C) A certificate issued under division (A) of this section is valid for one year and is renewable annually. 60330  
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**Sec. 4921.36.** Each holder of a certificate for the transportation of household goods shall do all of the following: 60332  
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(A) Make its current certificate available for public inspection during normal business hours; 60334  
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(B) Present each of its customers with information, written in plain and clear language and pursuant to a form prescribed by the public utilities commission, outlining a consumer's rights; 60336  
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(C) Include its certificate number on all advertising, written estimates, and contracts, pursuant to rules adopted by the commission. 60339  
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**Sec. 4921.38.** In accordance with sections 4921.30 to 4921.36 of the Revised Code, the public utilities commission may adopt rules regarding any of the following: 60342  
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<u>(A) Providing for binding estimates by for-hire motor carriers engaged in the transportation of household goods in intrastate commerce;</u>	60345
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<u>(B) Providing for guaranteed-not-to-exceed estimates by those carriers;</u>	60348
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<u>(C) Requiring those carriers to include their certificate number in all advertising, written estimates, and contracts related to the transportation of household goods in intrastate commerce;</u>	60350
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<u>(D) As are necessary and proper to carry out this chapter with respect to those carriers;</u>	60354
	60355
<u>(E) Providing for the enforcement of the consumer protection provisions of Title 49 of the United States Code related to the delivery and transportation of household goods in interstate commerce, as permitted by 49 U.S.C. 14710.</u>	60356
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<b><u>Sec. 4923.01. As used in this chapter:</u></b>	60360
<u>(A) "Ambulance," "interstate commerce," "intrastate commerce," "motor vehicle," "public highway," "ridesharing arrangement," and "school bus" have the same meanings as in section 4921.01 of the Revised Code.</u>	60361
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<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>	60365
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<u>(1) The transportation of persons in taxicabs in the usual taxicab service;</u>	60369
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<u>(2) The transportation of pupils in school busses operating to or from school sessions or school events;</u>	60371
	60372
<u>(3) The transportation of farm supplies to the farm or farm</u>	60373

<u>products from farm to market or to food fabricating plants;</u>	60374
<u>(4) The distribution of newspapers;</u>	60375
<u>(5) The transportation of crude petroleum incidental to gathering from wells and delivery to destination by pipe line;</u>	60376 60377
<u>(6) The transportation of injured, ill, or deceased persons by hearse or ambulance;</u>	60378 60379
<u>(7) The transportation of compost (a combination of manure and sand or shredded bark mulch) or shredded bark mulch;</u>	60380 60381
<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>	60382 60383 60384 60385
<u>(9) The operation of motor vehicles for contractors on public road work.</u>	60386 60387
<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>	60388 60389 60390 60391 60392
<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 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.</u>	60393 60394 60395 60396 60397 60398 60399 60400
<u>(C) "Motor carrier" means both a for-hire motor carrier and a private motor carrier.</u>	60401 60402
<u>(D) "Private motor carrier" means a person who is not a</u>	60403

for-hire motor carrier but is engaged in the business of 60404  
transporting persons or property by motor vehicle, except as 60405  
provided in section 4923.02 of the Revised Code. "Private motor 60406  
carrier" includes the carrier's agents, officers, and 60407  
representatives, as well as employees responsible for hiring, 60408  
supervising, training, assigning, or dispatching drivers and 60409  
employees concerned with the installation, inspection, and 60410  
maintenance of motor-vehicle equipment and accessories. 60411

**Sec. 4923.02.** (A) As used in this chapter, "private motor 60412  
carrier" does not include a person when engaged in any of the 60413  
following in intrastate commerce: 60414

(1) The transportation of persons in taxicabs in the usual 60415  
taxicab service; 60416

(2) The transportation of pupils in school busses operating 60417  
to or from school sessions or school events; 60418

(3) The transportation of farm supplies to the farm or farm 60419  
products from farm to market or to food fabricating plants; 60420

(4) The distribution of newspapers; 60421

(5) The transportation of crude petroleum incidental to 60422  
gathering from wells and delivery to destination by pipe line; 60423

(6) The transportation of injured, ill, or deceased persons 60424  
by hearse or ambulance; 60425

(7) The transportation of compost (a combination of manure 60426  
and sand or shredded bark mulch) or shredded bark mulch; 60427

(8) The transportation of persons in a ridesharing 60428  
arrangement when any fee charged each person so transported is in 60429  
such amount as to recover only the person's share of the costs of 60430  
operating the motor vehicle for such purpose; 60431

(9) The operation of motor vehicles for contractors on public 60432



road work. 60433

(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: 60434  
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(1) The governor of this state has declared an emergency. 60438

(2) The chairperson of the commission or the chairperson's designee has declared a transportation-specific emergency. 60439  
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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. 60441  
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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: 60446  
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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; 60449  
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(2) Rules regarding commercial driver's licenses adopted under division (A)(1) of section 4923.04 of the Revised Code. 60453  
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**Sec. 4923.04.** (A)(1) The public utilities commission shall adopt rules applicable to the transportation of persons or property by motor carriers operating in interstate and intrastate commerce. 60455  
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(2) The commission shall adopt rules applicable to the highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of 60459  
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hazardous materials, operating in interstate or intrastate 60463  
commerce. 60464

(B) The rules adopted under division (A) of this section 60465  
shall not be incompatible with the requirements of the United 60466  
States department of transportation. 60467

(C) To achieve the purposes of this chapter and to assist the 60468  
commission in the performance of any of its powers or duties, the 60469  
commission, either through the public utilities commissioners or 60470  
employees authorized by it, may do either or both of the 60471  
following: 60472

(1) Apply for, and any judge of a court of record of 60473  
competent jurisdiction may issue, an appropriate search warrant; 60474

(2) Examine under oath, at the offices of the commission, any 60475  
officer, agent, or employee of any person subject to this chapter. 60476  
The commission, by subpoena, also may compel the attendance of a 60477  
witness for the purpose of the examination and, by subpoena duces 60478  
tecum, may compel the production of all books, contracts, records, 60479  
and documents that relate to the transportation and offering for 60480  
transportation of hazardous materials. 60481

**Sec. 4923.06.** (A) The public utilities commission may, 60482  
through the commission's inspectors or other authorized employees, 60483  
enter in or upon any motor vehicle of any motor carrier, or any 60484  
person engaging in the transportation of hazardous material or 60485  
hazardous waste, to inspect the motor vehicle or driver subject to 60486  
rules adopted under section 4923.04 of the Revised Code. 60487

(B) In order to assist the commission in performing its 60488  
duties under this section, authorized employees of the state 60489  
highway patrol of the department of public safety may conduct 60490  
inspections of motor vehicles and drivers. 60491

(C) Inspectors and employees authorized to conduct 60492

inspections under divisions (A) and (B) of this section may, under 60493  
the direction of the commission, stop motor vehicles to inspect 60494  
those vehicles and drivers to enforce compliance with rules 60495  
adopted under section 4923.04 of the Revised Code. 60496

(D) Inspectors and employees authorized to conduct 60497  
inspections under divisions (A) and (B) of this section shall 60498  
conduct inspections consistent with the North American standard 60499  
inspection procedure of the commercial vehicle safety alliance and 60500  
the standards of the United States department of transportation. 60501  
The inspectors and employees may declare drivers and motor 60502  
vehicles out-of-service consistent with this procedure and these 60503  
standards. 60504

(E) The commission may adopt rules to carry out this section 60505  
that are not incompatible with the requirements of the United 60506  
States department of transportation. 60507

**Sec. 4923.07.** (A) The public utilities commission may, 60508  
through the commission's inspectors or other authorized employees, 60509  
enter in or upon the premises and motor vehicles of any motor 60510  
carrier, or any person engaging in the transportation of hazardous 60511  
material or hazardous waste, to examine any records, documents, or 60512  
property for the purpose of assessing the safety, performance, and 60513  
management controls associated with the carrier or person. 60514

(B) The commission may adopt rules to carry out this section 60515  
that are not incompatible with the requirements of the United 60516  
States department of transportation. 60517

**Sec. 4923.09.** The public utilities commission shall cooperate 60518  
with and permit the use of the services, records, and facilities 60519  
of the commission as fully as practicable by appropriate officers 60520  
of the United States department of transportation, other federal 60521  
agencies or commissions, and appropriate commissions of other 60522

states in the enforcement and administration of state and federal 60523  
laws relating to highway transportation by motor vehicles. The 60524  
commission may enter into cooperative agreements with the United 60525  
States department of transportation and any other federal agency 60526  
or commission to enforce the safety laws and rules of this state 60527  
and of the United States concerning highway transportation by 60528  
motor vehicles. All grants-in-aid, cash, and reimbursements 60529  
received by the commission pursuant to those cooperative 60530  
agreements shall be deposited to the credit of the motor carrier 60531  
safety fund created under section 4921.21 of the Revised Code. 60532

Sec. 4923.11. The public utilities commission may adopt rules 60533  
applicable to the highway routing of hazardous materials into, 60534  
through, or within this state. Rules adopted under this section 60535  
shall not be incompatible with requirements of the United States 60536  
department of transportation. 60537

Sec. 4923.15. Proceedings of the public utilities commission 60538  
for the assessment of forfeitures for violations of Chapters 4921. 60539  
and 4923. of the Revised Code are subject to and governed by 60540  
section 4923.99 of the Revised Code. In all other respects in 60541  
which the commission has power and authority under Chapters 4921. 60542  
and 4923. of the Revised Code, applications and complaints may be 60543  
made and filed with the commission, processes may be issued, 60544  
hearings may be held, opinions, orders, and decisions may be made 60545  
and filed, petitions for rehearing may be filed and acted upon, 60546  
and all proceedings before the supreme court of this state may be 60547  
considered and disposed of by that court in the manner, under the 60548  
conditions, subject to the limitations, and with the effect 60549  
specified in the sections of the Revised Code governing the 60550  
supervision of public utilities by the commission. 60551

Sec. 4923.99. (A)(1) Whoever violates Chapter 4921. or 4923. 60552

of the Revised Code is liable to the state for a forfeiture of not 60553  
more than twenty-five thousand dollars for each day of each 60554  
violation. The public utilities commission, after providing 60555  
reasonable notice and the opportunity for a hearing in accordance 60556  
with the procedural rules adopted under section 4901.13 of the 60557  
Revised Code, shall assess, by order, a forfeiture upon a person 60558  
whom the commission determines, by a preponderance of the 60559  
evidence, committed the violation. In determining the amount of 60560  
the forfeiture for a violation discovered during a driver or 60561  
motor-vehicle inspection under section 4923.06 of the Revised 60562  
Code, the commission shall, to the extent practicable, not act in 60563  
a manner incompatible with the requirements of the United States 60564  
department of transportation, and, to the extent practicable, 60565  
shall utilize a system comparable to the recommended civil-penalty 60566  
procedure adopted by the commercial vehicle safety alliance. In 60567  
determining the amount of the forfeiture for a violation 60568  
discovered during a compliance review of a motor carrier under 60569  
section 4923.07 of the Revised Code, the commission shall, to the 60570  
extent practicable, not act in a manner incompatible with the 60571  
civil-penalty guidelines of the United States department of 60572  
transportation. 60573

The attorney general, upon the written request of the 60574  
commission, shall bring a civil action in the court of common 60575  
pleas of Franklin county to collect a forfeiture assessed under 60576  
this section. The commission shall account for the forfeitures 60577  
collected under this section and pay them to the treasurer of 60578  
state under section 4921.21 of the Revised Code. 60579

(2) The attorney general, upon the written request of the 60580  
commission, shall bring an action for injunctive relief in the 60581  
court of common pleas of Franklin county against any person who 60582  
has violated or is violating any order issued by the commission to 60583  
secure compliance with any provision of Chapter 4921. or 4923. of 60584

the Revised Code. The court of common pleas of Franklin county has 60585  
jurisdiction to and may grant preliminary and permanent injunctive 60586  
relief upon a showing that the person against whom the action is 60587  
brought has violated or is violating any such order. The court 60588  
shall give precedence to such an action over all other cases. 60589

(B) The amount of any forfeiture may be compromised at any 60590  
time prior to collection of the forfeiture. The commission shall 60591  
adopt rules governing the manner in which the amount of a 60592  
forfeiture may be established by agreement prior to the hearing on 60593  
the forfeiture before the commission. 60594

(C) The proceedings of the commission specified in division 60595  
(A) of this section are subject to and governed by Chapter 4903. 60596  
of the Revised Code, except as otherwise specifically provided in 60597  
this section. The court of appeals of Franklin county has 60598  
exclusive, original jurisdiction to review, modify, or vacate an 60599  
order of the commission issued to secure compliance with any 60600  
provision of Chapter 4921. or 4923. of the Revised Code. The court 60601  
of appeals shall hear and determine those appeals in the same 60602  
manner, and under the same standards, as the supreme court hears 60603  
and determines appeals under Chapter 4903. of the Revised Code. 60604  
The judgment of the court of appeals is final and conclusive 60605  
unless reversed, vacated, or modified on appeal. Such appeals may 60606  
be taken either by the commission or the person to whom the 60607  
compliance order or forfeiture assessment was issued and shall 60608  
proceed as in the case of appeals in civil actions as provided in 60609  
the rules of appellate procedure and Chapter 2505. of the Revised 60610  
Code. 60611

(D) Section 4903.11 of the Revised Code does not apply to an 60612  
appeal of an order issued to secure compliance with Chapter 4921. 60613  
or 4923. of the Revised Code or an order issued under division 60614  
(A)(1) of this section assessing a forfeiture. Any person to whom 60615  
any such order is issued who wishes to contest a compliance order, 60616

the fact of the violation, or the amount of the forfeiture shall 60617  
file a notice of appeal, setting forth the order appealed from and 60618  
the errors complained of, within sixty days after the entry of the 60619  
order upon the journal of the commission. The notice of appeal 60620  
shall be served, unless waived, upon the chairperson of the 60621  
commission or, in the event of the chairperson's absence, upon any 60622  
public utilities commissioner, or by leaving a copy at the office 60623  
of the commission at Columbus. An order issued by the commission 60624  
to secure compliance with Chapter 4921. or 4923. of the Revised 60625  
Code or an order issued under division (A)(1) of this section 60626  
assessing a forfeiture shall be reversed, vacated, or modified on 60627  
appeal if, upon consideration of the record, the court is of the 60628  
opinion that the order was unlawful or unreasonable. 60629

(E) Only for such violations that constitute violations of 60630  
the "Hazardous Materials Transportation Uniform Safety Act of 60631  
1990," 104 Stat. 3244, 49 U.S.C.A. App. 1804 and 1805, or 60632  
regulations adopted under the act, the commission, in determining 60633  
liability, shall use the same standard of culpability for civil 60634  
forfeitures under this section as that set forth for civil 60635  
penalties under section 12 of the "Hazardous Materials 60636  
Transportation Uniform Safety Act of 1990," 104 Stat. 3244, 49 60637  
U.S.C.A. App. 1809. The commission shall consider the assessment 60638  
considerations for civil penalties specified in regulations 60639  
adopted under the "Hazardous Materials Transportation Act," 88 60640  
Stat. 2156 (1975), 49 U.S.C. 1801. 60641

**Sec. 4927.01.** (A) As used in this chapter: 60642

(1) "Basic local exchange service" means residential-end-user 60643  
access to and usage of telephone-company-provided services over a 60644  
single line or small-business-end-user access to and usage of 60645  
telephone-company-provided services over the primary access line 60646  
of service, which in the case of residential and small-business 60647

access and usage is not part of a bundle or package of services, 60648  
that does both of the following: 60649

(a) Enables a customer to originate or receive voice 60650  
communications within a local service area as that area exists on 60651  
September 13, 2010, the effective date of the amendment of this 60652  
section by S.B. 162 of the 128th general assembly; 60653

(b) Consists of all of the following services: 60654

(i) Local dial tone service; 60655

(ii) For residential end users, flat-rate telephone exchange 60656  
service; 60657

(iii) Touch tone dialing service; 60658

(iv) Access to and usage of 9-1-1 services, where such 60659  
services are available; 60660

(v) Access to operator services and directory assistance; 60661

(vi) Provision of a telephone directory in any reasonable 60662  
format for no additional charge and a listing in that directory, 60663  
with reasonable accommodations made for private listings; 60664

(vii) Per call, caller identification blocking services; 60665

(viii) Access to telecommunications relay service; and 60666

(ix) Access to toll presubscription, interexchange or toll 60667  
providers or both, and networks of other telephone companies. 60668

(2) "Bundle or package of services" means one or more 60669  
telecommunications services or other services offered together as 60670  
one service option at a single price. 60671

(3) "Carrier access" means access to and usage of telephone 60672  
company-provided facilities that enable end user customers 60673  
originating or receiving voice grade, data, or image 60674  
communications, over a local exchange telephone company network 60675  
operated within a local service area, to access interexchange or 60676



other networks and includes special access. 60677

(4) "Federal poverty level" means the income level 60678  
represented by the poverty guidelines as revised annually by the 60679  
United States department of health and human services in 60680  
accordance with section 673(2) of the "Omnibus Reconciliation Act 60681  
of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family 60682  
size equal to the size of the family of the person whose income is 60683  
being determined. 60684

(5) "Incumbent local exchange carrier" means, with respect to 60685  
an area, the local exchange carrier that: 60686

(a) On February 8, 1996, provided telephone exchange service 60687  
in such area; and 60688

(b)(i) On February 8, 1996, was deemed to be a member of the 60689  
exchange carrier association pursuant to 47 C.F.R. 69.601(b); or 60690

(ii) Is a person or entity that, on or after February 8, 60691  
1996, became a successor or assign of a member described in 60692  
division (A)(5)(b)(i) of this section. 60693

(6) "Internet protocol-enabled services" means any services, 60694  
capabilities, functionalities, or applications that are provided 60695  
using internet protocol or a successor protocol to enable an end 60696  
user to send or receive communications in internet protocol format 60697  
or a successor format, regardless of how any particular such 60698  
service is classified by the federal communications commission, 60699  
and includes voice over internet protocol service. 60700

(7) "Local exchange carrier" means any person engaged in the 60701  
provision of telephone exchange service, or the offering of access 60702  
to telephone exchange service or facilities for the purpose of 60703  
originating or terminating telephone toll service. 60704

(8) "Local service area" means the geographic area that may 60705  
encompass more than one exchange area and within which a telephone 60706

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 originate and terminate a telecommunications service.

(15) "Telephone toll service" means telephone service between stations in different exchange areas for which there is made a separate charge not included in contracts with customers for exchange service.

(16) "Voice over internet protocol service" means a service 60738  
that uses a broadband connection from an end user's location and 60739  
enables real-time, two-way, voice communications that originate or 60740  
terminate from the user's location using internet protocol or a 60741  
successor protocol, including, but not limited to, any such 60742  
service that permits an end user to receive calls from and 60743  
terminate calls to the public switched network. 60744

(17) "Wireless service" means federally licensed commercial 60745  
mobile service as defined in the "Telecommunications Act of 1996," 60746  
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 60747  
commercial mobile radio service in 47 C.F.R. 20.3. Under division 60748  
(A)(17) of this section, commercial mobile radio service is 60749  
specifically limited to mobile telephone, mobile cellular 60750  
telephone, paging, personal communications services, and 60751  
specialized mobile radio service provided by a common carrier in 60752  
this state and excludes fixed wireless service. 60753

(18) "Wireless service provider" means a facilities-based 60754  
provider of wireless service to one or more end users in this 60755  
state. 60756

(B) The definitions of this section shall be applied 60757  
consistent with the definitions in the "Telecommunications Act of 60758  
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 60759  
federal decisions interpreting those definitions. 60760

**Sec. 4929.01.** As used in this chapter: 60761

(A) "Alternative rate plan" means a method, alternate to the 60762  
method of section 4909.15 of the Revised Code, for establishing 60763  
rates and charges, under which rates and charges may be 60764  
established for a commodity sales service or ancillary service 60765  
that is not exempt pursuant to section 4929.04 of the Revised Code 60766  
or for a distribution service. Alternative rate plans may include, 60767  
but are not limited to, methods that provide adequate and reliable 60768

natural gas services and goods in this state; minimize the costs 60769  
and time expended in the regulatory process; tend to assess the 60770  
costs of any natural gas service or goods to the entity, service, 60771  
or goods that cause such costs to be incurred; afford rate 60772  
stability; promote and reward efficiency, quality of service, or 60773  
cost containment by a natural gas company; provide sufficient 60774  
flexibility and incentives to the natural gas industry to achieve 60775  
high quality, technologically advanced, and readily available 60776  
natural gas services and goods at just and reasonable rates and 60777  
charges; or establish revenue decoupling mechanisms. Alternative 60778  
rate plans also may include, but are not limited to, automatic 60779  
adjustments based on a specified index or changes in a specified 60780  
cost or costs. 60781

(B) "Ancillary service" means a service that is ancillary to 60782  
the receipt or delivery of natural gas to consumers, including, 60783  
but not limited to, storage, pooling, balancing, and transmission. 60784

(C) "Commodity sales service" means the sale of natural gas 60785  
to consumers, exclusive of any distribution or ancillary service. 60786

(D) "Comparable service" means any regulated service or goods 60787  
whose availability, quality, price, terms, and conditions are the 60788  
same as or better than those of the services or goods that the 60789  
natural gas company provides to a person with which it is 60790  
affiliated or which it controls, or, as to any consumer, that the 60791  
natural gas company offers to that consumer as part of a bundled 60792  
service that includes both regulated and exempt services or goods. 60793

(E) "Consumer" means any person or association of persons 60794  
purchasing, delivering, storing, or transporting, or seeking to 60795  
purchase, deliver, store, or transport, natural gas, including 60796  
industrial consumers, commercial consumers, and residential 60797  
consumers, but not including natural gas companies. 60798

(F) "Distribution service" means the delivery of natural gas 60799

to a consumer at the consumer's facilities, by and through the 60800  
instrumentalities and facilities of a natural gas company, 60801  
regardless of the party having title to the natural gas. 60802

(G) "Natural gas company" means a natural gas company, as 60803  
defined in section 4905.03 of the Revised Code, that is a public 60804  
utility as defined in section 4905.02 of the Revised Code and 60805  
excludes a retail natural gas supplier. 60806

(H) "Person," except as provided in division (N) of this 60807  
section, has the same meaning as in section 1.59 of the Revised 60808  
Code, and includes this state and any political subdivision, 60809  
agency, or other instrumentality of this state and includes the 60810  
United States and any agency or other instrumentality of the 60811  
United States. 60812

(I) "Billing or collection agent" means a fully independent 60813  
agent, not affiliated with or otherwise controlled by a retail 60814  
natural gas supplier or governmental aggregator subject to 60815  
certification under section 4929.20 of the Revised Code, to the 60816  
extent that the agent is under contract with such supplier or 60817  
aggregator solely to provide billing and collection for 60818  
competitive retail natural gas service on behalf of the supplier 60819  
or aggregator. 60820

(J) "Competitive retail natural gas service" means any retail 60821  
natural gas service that may be competitively offered to consumers 60822  
in this state as a result of revised schedules approved under 60823  
division (C) of section 4929.29 of the Revised Code, a rule or 60824  
order adopted or issued by the public utilities commission under 60825  
Chapter 4905. of the Revised Code, or an exemption granted by the 60826  
commission under sections 4929.04 to 4929.08 of the Revised Code. 60827

(K) "Governmental aggregator" means either of the following: 60828

(1) A legislative authority of a municipal corporation, a 60829  
board of township trustees, or a board of county commissioners 60830

acting exclusively under section 4929.26 or 4929.27 of the Revised Code as an aggregator for the provision of competitive retail natural gas service;

(2) A municipal corporation acting exclusively under Section 4 of Article XVIII, Ohio Constitution, as an aggregator for the provision of competitive retail natural gas service.

(L)(1) "Mercantile customer" means a customer that consumes, other than for residential use, more than five hundred thousand cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside of this state. "Mercantile customer" excludes a customer for which a declaration under division (L)(2) of this section is in effect pursuant to that division.

(2) A not-for-profit customer that consumes, other than for residential use, more than five hundred thousand cubic feet of natural gas per year at a single location within this state or consumes natural gas, other than for residential use, as part of an undertaking having more than three locations within or outside this state may file a declaration under division (L)(2) of this section with the public utilities commission. The declaration shall take effect upon the date of filing, and by virtue of the declaration, the customer is not a mercantile customer for the purposes of this section and sections 4929.20 to 4929.29 of the Revised Code or the purposes of a governmental natural gas aggregation or arrangement or other contract entered into after the declaration's effective date for the supply or arranging of the supply of natural gas to the customer to a location within this state. The customer may file a rescission of the declaration with the commission at any time. The rescission shall not affect any governmental natural gas aggregation or arrangement or other contract entered into by the customer prior to the date of the

filing of the rescission and shall have effect only with respect 60863  
to any subsequent such aggregation or arrangement or other 60864  
contract. The commission shall prescribe rules under section 60865  
4929.10 of the Revised Code specifying the form of the declaration 60866  
or a rescission and procedures by which a declaration or 60867  
rescission may be filed. 60868

(M) "Retail natural gas service" means commodity sales 60869  
service, ancillary service, natural gas aggregation service, 60870  
natural gas marketing service, or natural gas brokerage service. 60871

(N) "Retail natural gas supplier" means any person, as 60872  
defined in section 1.59 of the Revised Code, that is engaged on a 60873  
for-profit or not-for-profit basis in the business of supplying or 60874  
arranging for the supply of a competitive retail natural gas 60875  
service to consumers in this state that are not mercantile 60876  
customers. "Retail natural gas supplier" includes a marketer, 60877  
broker, or aggregator, but excludes a natural gas company, a 60878  
governmental aggregator as defined in division (K)(1) or (2) of 60879  
this section, an entity described in division ~~(B)~~(A)(2) or ~~(C)~~(3) 60880  
of section 4905.02 of the Revised Code, or a billing or collection 60881  
agent, and excludes a producer or gatherer of gas to the extent 60882  
such producer or gatherer is not a natural gas company under 60883  
section 4905.03 of the Revised Code. 60884

(O) "Revenue decoupling mechanism" means a rate design or 60885  
other cost recovery mechanism that provides recovery of the fixed 60886  
costs of service and a fair and reasonable rate of return, 60887  
irrespective of system throughput or volumetric sales. 60888

**Sec. 4929.02.** (A) It is the policy of this state to, 60889  
throughout this state: 60890

(1) Promote the availability to consumers of adequate, 60891  
reliable, and reasonably priced natural gas services and goods; 60892

(2) Promote the availability of unbundled and comparable	60893
natural gas services and goods that provide wholesale and retail	60894
consumers with the supplier, price, terms, conditions, and quality	60895
options they elect to meet their respective needs;	60896
(3) Promote diversity of natural gas supplies and suppliers,	60897
by giving consumers effective choices over the selection of those	60898
supplies and suppliers;	60899
(4) Encourage innovation and market access for cost-effective	60900
supply- and demand-side natural gas services and goods;	60901
(5) Encourage cost-effective and efficient access to	60902
information regarding the operation of the distribution systems of	60903
natural gas companies in order to promote effective customer	60904
choice of natural gas services and goods;	60905
(6) Recognize the continuing emergence of competitive natural	60906
gas markets through the development and implementation of flexible	60907
regulatory treatment;	60908
(7) Promote an expeditious transition to the provision of	60909
natural gas services and goods in a manner that achieves effective	60910
competition and transactions between willing buyers and willing	60911
sellers to reduce or eliminate the need for regulation of natural	60912
gas services and goods under Chapters 4905. and 4909. of the	60913
Revised Code;	60914
(8) Promote effective competition in the provision of natural	60915
gas services and goods by avoiding subsidies flowing to or from	60916
regulated natural gas services and goods;	60917
(9) Ensure that the risks and rewards of a natural gas	60918
company's offering of nonjurisdictional and exempt services and	60919
goods do not affect the rates, prices, terms, or conditions of	60920
nonexempt, regulated services and goods of a natural gas company	60921
and do not affect the financial capability of a natural gas	60922
company to comply with the policy of this state specified in this	60923



section; 60924

(10) Facilitate the state's competitiveness in the global economy; 60925  
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(11) Facilitate additional choices for the supply of natural gas for residential consumers, including aggregation; 60927  
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(12) Promote an alignment of natural gas company interests with consumer interest in energy efficiency and energy conservation. 60929  
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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. 60932  
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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. 60936  
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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. 60940  
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(B) The public utilities commission, upon the an application of filed under section 4909.18 of the Revised Code by a natural gas company in substantial compliance with the policy specified in section 4929.02 of the Revised Code, shall exempt grant a regulatory exemption, by order, any investment for either or both of the following: 60947  
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(1) Any investments in gathering lines or storage or 60953

gathering facilities placed into service on or after January 1, 2010, and also any service of the natural gas company related to those gathering lines or storage facilities 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;

(2) Any investments in gathering facilities placed into service before January 1, 2010, and also any service of the natural gas company related to those facilities.

(C)(1) A natural gas company requesting a regulatory exemption under division (B)(2) of this section shall identify in the application both of the following:

(a) The valuation of the investments to be exempted, as determined under division (A)(1) of section 4909.15 of the Revised Code, in the rate case proceeding that established the company's rates in effect at the time of the filing of the application requesting the regulatory exemption;

(b) The valuation of all nonexempt investments placed into service after the date certain used in the rate case proceeding described in division (C)(1)(a) of this section, excluding investments for which deferral or recovery is authorized under section 4909.18, 4929.05, or 4929.111 of the Revised Code.

(2) The commission shall compare the valuations identified in divisions (C)(1)(a) and (b) of this section.

(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. 60985  
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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. 60991  
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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 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 or any other section of the Revised Code. 60996  
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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 section. 61008  
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~~(C)(E)(1)~~ No natural gas company subject to ~~an a regulatory exemption order issued under division (A) of this section~~ may use the company's storage ~~facilities and or gathering lines facilities~~ associated with the regulatory exemption order to provide a commodity sales service that is unregulated or subject to an 61012  
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exemption order issued under section 4929.04 of the Revised Code. 61017  
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(2) Upon application to the commission by a natural gas 61019  
company and upon a finding of good cause shown, the commission 61020  
may, by order, waive the prohibition described in division 61021  
(~~C~~)(E)(1) of this section. The natural gas company shall bear the 61022  
burden of proof that the waiver is just and reasonable, which 61023  
shall constitute good cause. 61024

(~~D~~)(F) The commission shall have continuous jurisdiction to 61025  
enforce any terms that it imposes in ~~an a regulatory~~ exemption 61026  
~~order issued under division (A) of this section.~~ Whenever the 61027  
commission is of the opinion, after hearing had upon complaint or 61028  
upon its own initiative or complaint, served as provided in 61029  
section 4905.26 of the Revised Code, that ~~an a regulatory~~ 61030  
exemption ~~order issued under division (A) of this section~~ has 61031  
adversely affected the quality, adequacy, or sufficiency of 61032  
service provided by the company subject to the regulatory 61033  
exemption ~~order~~, the commission may alter, amend, or suspend the 61034  
regulatory exemption ~~order~~. 61035

**Sec. 4933.18.** (A) In a prosecution for a theft offense, as 61036  
defined in section 2913.01 of the Revised Code, that involves 61037  
alleged tampering with a gas, electric, steam, or water meter, 61038  
conduit, or attachment of a utility that has been disconnected by 61039  
the utility, proof that a meter, conduit, or attachment of a 61040  
utility has been tampered with is prima-facie evidence that the 61041  
person who is obligated to pay for the service rendered through 61042  
the meter, conduit, or attachment and is in possession or control 61043  
of the meter, conduit, or attachment at the time the tampering 61044  
occurred has caused the tampering with intent to commit a theft 61045  
offense. 61046

In a prosecution for a theft offense, as defined in section 61047

2913.01 of the Revised Code, that involves the alleged 61048  
reconnection of a gas, electric, steam, or water meter, conduit, 61049  
or attachment of a utility that has been disconnected by the 61050  
utility, proof that a meter, conduit, or attachment disconnected 61051  
by a utility has been reconnected without the consent of the 61052  
utility is prima-facie evidence that the person in possession or 61053  
control of the meter, conduit, or attachment at the time of the 61054  
reconnection has reconnected the meter, conduit, or attachment 61055  
with intent to commit a theft offense. 61056

(B) As used in this section: 61057

(1) "Utility" means any electric light company, gas company, 61058  
natural gas company, pipe-line company, water-works company, or 61059  
heating or cooling company, as defined by division ~~(A)(3), (4),~~ 61060  
~~(5), (6), (7)~~ (C), (D), (E), (F), (G), or ~~(8)~~ (H) of section 4905.03 61061  
of the Revised Code, its lessees, trustees, or receivers, or any 61062  
similar utility owned or operated by a political subdivision. 61063

(2) "Tamper" means to interfere with, damage, or by-pass a 61064  
utility meter, conduit, or attachment with the intent to impede 61065  
the correct registration of a meter or the proper functions of a 61066  
conduit or attachment so as to reduce the amount of utility 61067  
service that is registered on the meter. 61068

**Sec. 4933.19.** Each electric light company, gas company, 61069  
natural gas company, pipe-line company, water-works company, or 61070  
heating or cooling company, as defined by division ~~(A)(3), (4),~~ 61071  
~~(5), (6), (7)~~ (C), (D), (E), (F), (G), or ~~(8)~~ (H) of section 61072  
4905.03 of the Revised Code, or its lessees, trustees, or 61073  
receivers, and each similar utility owned or operated by a 61074  
political subdivision shall notify its customers, on an annual 61075  
basis, that tampering with or bypassing a meter constitutes a 61076  
theft offense that could result in the imposition of criminal 61077  
sanctions. 61078

Sec. 4939.01. As used in sections 4939.01 to 4939.08 of the Revised Code:

(A) "Cable operator," "cable service," and "franchise" have the same meanings as in the "Cable Communications Policy Act of 1984," 98 Stat. 2779, 47 U.S.C.A. 522.

(B) "Occupy or use" means, with respect to a public way, to place a tangible thing in a public way for any purpose, including, but not limited to, constructing, repairing, positioning, maintaining, or operating lines, poles, pipes, conduits, ducts, equipment, or other structures, appurtenances, or facilities necessary for the delivery of public utility services or any services provided by a cable operator.

(C) "Person" means any natural person, corporation, or partnership and also includes any governmental entity.

(D) "Public utility" means any company described in section 4905.03 of the Revised Code except in divisions ~~(A)(2)(B)~~ and ~~(9)(I)~~ of that section, which company also is a public utility as defined in section 4905.02 of the Revised Code; and includes any electric supplier as defined in section 4933.81 of the Revised Code.

(E) "Public way" means the surface of, and the space within, through, on, across, above, or below, any public street, public road, public highway, public freeway, public lane, public path, public alley, public court, public sidewalk, public boulevard, public parkway, public drive, and any other land dedicated or otherwise designated for a compatible public use, which, on or after ~~the effective date of this section~~ July 2, 2002, is owned or controlled by a municipal corporation. "Public way" excludes a private easement.

(F) "Public way fee" means a fee levied to recover the costs

incurred by a municipal corporation and associated with the 61109  
occupancy or use of a public way. 61110

**Sec. 4953.04.** No union terminal company or corporation shall 61111  
engage in the business of a for-hire motor transportation service 61112  
carrier, as defined in ~~sections 4905.03, 4921.02, and 4923.02~~ 61113  
4921.01 of the Revised Code, over any public highway in this 61114  
state, without obtaining authority from the public utilities 61115  
commission, and complying with all laws governing every 61116  
corporation or company when engaged or proposing to engage in ~~such~~ 61117  
the business of a for-hire motor transportation service carrier. 61118

**Sec. 4961.03.** Any railroad company owning or operating a 61119  
railroad in this state may own, control, operate, or manage motor 61120  
vehicles for the purpose of transporting persons or property, or 61121  
both, upon the public highways for hire, subject to ~~sections~~ 61122  
~~4921.02 to 4921.32, inclusive,~~ Chapters 4921. and 4923. of the 61123  
Revised Code. Any railroad company may also own and operate 61124  
equipment for and engage in the business of aerial transportation. 61125  
Any railroad company may acquire, own, and hold capital stock and 61126  
securities of corporations organized for or engaged in the 61127  
businesses authorized in this section and may operate the 61128  
properties, or any part thereof, of such corporations, and may 61129  
enter into working arrangements and agreements with such 61130  
corporations. 61131

**Sec. 4965.54.** Any common carrier, railroad, or ~~transportation~~ 61132  
~~company~~ motor carrier receiving property at a point within this 61133  
state for transportation to a point within this state, shall issue 61134  
a receipt or bill of lading for such property and is liable to the 61135  
lawful holder of it for any loss, damage, or injury to such 61136  
property caused by it or by any common carrier, railroad, or 61137  
transportation company to which such property is delivered or over 61138

whose line such property passes. No contract, receipt, rule, or 61139  
regulation shall exempt such common carrier, railroad, or 61140  
~~transportation company~~ motor carrier from the liability imposed by 61141  
this section. This section does not deprive any holder of such 61142  
receipt or bill of lading of any remedy or right of action which 61143  
~~he~~ the holder has under existing law. 61144

The common carrier, railroad, or ~~transportation company~~ motor 61145  
carrier issuing such receipt or bill of lading may recover from 61146  
the common carrier, railroad, or ~~transportation company~~ motor 61147  
carrier on whose line the loss, damage, or injury was sustained 61148  
the amount of such loss, damage, or injury it is required to pay 61149  
the owners of such property as is evidenced by any receipt, 61150  
judgment, or transcript thereof. 61151

As used in this section, "motor carrier" has the same meaning 61152  
as in section 4923.01 of the Revised Code. 61153

**Sec. 5101.01.** (A) As used in the Revised Code, the 61154  
"department of public welfare" and the "department of human 61155  
services" mean the department of job and family services and the 61156  
"director of public welfare" and the "director of human services" 61157  
mean the director of job and family services. Whenever the 61158  
department or director of public welfare or the department or 61159  
director of human services is referred to or designated in any 61160  
statute, rule, contract, grant, or other document, the reference 61161  
or designation shall be deemed to refer to the department or 61162  
director of job and family services, as the case may be. 61163

(B) As used in this chapter ~~of the Revised Code:~~ 61164

(1) References ~~to counties or to a county departments~~ 61165  
department of job and family services include ~~the~~ a joint county 61166  
department of job and family services established under section 61167  
329.40 of the Revised Code. 61168



(2) References to ~~boards~~ a board of county commissioners 61169  
include ~~boards~~ the board of directors of ~~the~~ a joint county 61170  
department of job and family services established under section 61171  
329.40 of the Revised Code. 61172

**Sec. 5101.46.** (A) As used in this section: 61173

(1) "Title XX" means Title XX of the "Social Security Act," 61174  
88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended. 61175

(2) "Respective local agency" means, with respect to the 61176  
department of job and family services, a county department of job 61177  
and family services; with respect to the department of mental 61178  
health, a board of alcohol, drug addiction, and mental health 61179  
services; and with respect to the department of developmental 61180  
disabilities, a county board of developmental disabilities. 61181

(3) "Federal poverty guidelines" means the poverty guidelines 61182  
as revised annually by the United States department of health and 61183  
human services in accordance with section 673(2) of the "Omnibus 61184  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 61185  
9902, as amended, for a family size equal to the size of the 61186  
family of the person whose income is being determined. 61187

(B) The departments of job and family services, mental 61188  
health, and developmental disabilities, with their respective 61189  
local agencies, shall administer the provision of social services 61190  
funded through grants made under Title XX. The social services 61191  
furnished with Title XX funds shall be directed at the following 61192  
goals: 61193

(1) Achieving or maintaining economic self-support to 61194  
prevent, reduce, or eliminate dependency; 61195

(2) Achieving or maintaining self-sufficiency, including 61196  
reduction or prevention of dependency; 61197

(3) Preventing or remedying neglect, abuse, or exploitation 61198

of children and adults unable to protect their own interests, or 61199  
preserving, rehabilitating, or reuniting families; 61200

(4) Preventing or reducing inappropriate institutional care 61201  
by providing for community-based care, home-based care, or other 61202  
forms of less intensive care; 61203

(5) Securing referral or admission for institutional care 61204  
when other forms of care are not appropriate, or providing 61205  
services to individuals in institutions. 61206

(C)(1) All federal funds received under Title XX shall be 61207  
appropriated as follows: 61208

(a) Seventy-two and one-half per cent to the department of 61209  
job and family services; 61210

(b) Twelve and ninety-three ~~one-hundredths~~ one-hundredths per 61211  
cent to the department of mental health; 61212

(c) Fourteen and fifty-seven ~~one-hundredths~~ one-hundredths per 61213  
cent to the department of developmental disabilities. 61214

(2) Each of the state departments shall, subject to the 61215  
approval of the controlling board, develop a formula for the 61216  
distribution of the Title XX funds appropriated to the department 61217  
to its respective local agencies. The formula developed by each 61218  
state department shall take into account all of the following for 61219  
each of its respective local agencies: 61220

(a) The total population of the area that is served by the 61221  
respective local agency; 61222

(b) The percentage of the population in the area served that 61223  
falls below the federal poverty guidelines; 61224

(c) The respective local agency's history of and ability to 61225  
utilize Title XX funds. 61226

(3) Each of the state departments shall expend for state 61227  
administrative costs not more than three per cent of the Title XX 61228

funds appropriated to the department. 61229

Each state department shall establish for each of its 61230  
respective local agencies the maximum percentage of the Title XX 61231  
funds distributed to the respective local agency that the 61232  
respective local agency may expend for local administrative costs. 61233  
The percentage shall be established by rule and shall comply with 61234  
federal law governing the use of Title XX funds. The rules shall 61235  
be adopted in accordance with section 111.15 of the Revised Code 61236  
as if they were internal management rules. 61237

(4) The department of job and family services shall expend 61238  
for the training of the following not more than two per cent of 61239  
the Title XX funds appropriated to the department: 61240

(a) Employees of county departments of job and family 61241  
services; 61242

(b) Providers of services under contract with the state 61243  
departments' respective local agencies; 61244

(c) Employees of a public children services agency directly 61245  
engaged in providing Title XX services. 61246

(D) The department of job and family services shall prepare a 61247  
~~biennial~~ an annual comprehensive Title XX social services plan on 61248  
the intended use of Title XX funds. The department shall develop a 61249  
method for obtaining public comment during the development of the 61250  
plan and following its completion. 61251

For each ~~state~~ federal fiscal year, the department of job and 61252  
family services shall prepare a report on the actual use of Title 61253  
XX funds. The department shall make the annual report available 61254  
for public inspection. 61255

The departments of mental health and developmental 61256  
disabilities shall prepare and submit to the department of job and 61257  
family services the portions of each ~~biennial~~ annual plan and 61258

~~annual~~ report that apply to services for mental health and mental 61259  
retardation and developmental disabilities. Each respective local 61260  
agency of the three state departments shall submit information as 61261  
necessary for the preparation of ~~biennial~~ annual plans and ~~annual~~ 61262  
reports. 61263

(E) Each county department of job and family services shall 61264  
adopt a county profile for the administration and provision of 61265  
Title XX social services in the county. In developing its county 61266  
profile, the county department shall take into consideration the 61267  
comments and recommendations received from the public by the 61268  
county family services planning committee pursuant to section 61269  
329.06 of the Revised Code. As part of its preparation of the 61270  
county profile, the county department may prepare a local needs 61271  
report analyzing the need for Title XX social services. 61272

The county department shall submit the county profile to the 61273  
board of county commissioners for its review. Once the county 61274  
profile has been approved by the board, the county department 61275  
shall file a copy of the county profile with the department of job 61276  
and family services. The department shall approve the county 61277  
profile if the department determines the profile provides for the 61278  
Title XX social services to meet the goals specified in division 61279  
(B) of this section. 61280

(F) Any of the three state departments and their respective 61281  
local agencies may require that an entity under contract to 61282  
provide social services with Title XX funds submit to an audit on 61283  
the basis of alleged misuse or improper accounting of funds. If an 61284  
audit is required, the social services provider shall reimburse 61285  
the state department or respective local agency for the cost it 61286  
incurred in conducting the audit or having the audit conducted. 61287

If an audit demonstrates that a social services provider is 61288  
responsible for one or more adverse findings, the provider shall 61289  
reimburse the appropriate state department or its respective local 61290

agency the amount of the adverse findings. The amount shall not be 61291  
reimbursed with Title XX funds received under this section. The 61292  
three state departments and their respective local agencies may 61293  
terminate or refuse to enter into a Title XX contract with a 61294  
social services provider if there are adverse findings in an audit 61295  
that are the responsibility of the provider. 61296

(G) Except with respect to the matters for which each of the 61297  
state departments must adopt rules under division (C)(3) of this 61298  
section, the department of job and family services may adopt any 61299  
rules it considers necessary to implement and carry out the 61300  
purposes of this section. Rules governing financial and 61301  
operational matters of the department or matters between the 61302  
department and county departments of job and family services shall 61303  
be adopted as internal management rules in accordance with section 61304  
111.15 of the Revised Code. Rules governing eligibility for 61305  
services, program participation, and other matters pertaining to 61306  
applicants and participants shall be adopted in accordance with 61307  
Chapter 119. of the Revised Code. 61308

**Sec. 5101.60.** As used in sections 5101.60 to 5101.71 of the 61309  
Revised Code: 61310

(A) "Abuse" means the infliction upon an adult by self or 61311  
others of injury, unreasonable confinement, intimidation, or cruel 61312  
punishment with resulting physical harm, pain, or mental anguish. 61313

(B) "Adult" means any person sixty years of age or older 61314  
within this state who is handicapped by the infirmities of aging 61315  
or who has a physical or mental impairment which prevents the 61316  
person from providing for the person's own care or protection, and 61317  
who resides in an independent living arrangement. An "independent 61318  
living arrangement" is a domicile of a person's own choosing, 61319  
including, but not limited to, a private home, apartment, trailer, 61320  
or rooming house. An "independent living arrangement" includes ~~an~~ 61321

~~adult care a residential facility licensed pursuant to Chapter 61322~~  
~~5119. under section 5119.22 of the Revised Code that provides 61323~~  
~~accommodations, supervision, and personal care services for three 61324~~  
~~to sixteen unrelated adults, but does not include other 61325~~  
institutions or facilities licensed by the state or facilities in 61326  
which a person resides as a result of voluntary, civil, or 61327  
criminal commitment. 61328

(C) "Caretaker" means the person assuming the responsibility 61329  
for the care of an adult on a voluntary basis, by contract, 61330  
through receipt of payment for care, as a result of a family 61331  
relationship, or by order of a court of competent jurisdiction. 61332

(D) "Court" means the probate court in the county where an 61333  
adult resides. 61334

(E) "Emergency" means that the adult is living in conditions 61335  
which present a substantial risk of immediate and irreparable 61336  
physical harm or death to self or any other person. 61337

(F) "Emergency services" means protective services furnished 61338  
to an adult in an emergency. 61339

(G) "Exploitation" means the unlawful or improper act of a 61340  
caretaker using an adult or an adult's resources for monetary or 61341  
personal benefit, profit, or gain. 61342

(H) "In need of protective services" means an adult known or 61343  
suspected to be suffering from abuse, neglect, or exploitation to 61344  
an extent that either life is endangered or physical harm, mental 61345  
anguish, or mental illness results or is likely to result. 61346

(I) "Incapacitated person" means a person who is impaired for 61347  
any reason to the extent that the person lacks sufficient 61348  
understanding or capacity to make and carry out reasonable 61349  
decisions concerning the person's self or resources, with or 61350  
without the assistance of a caretaker. Refusal to consent to the 61351  
provision of services shall not be the sole determinative that the 61352

person is incapacitated. "Reasonable decisions" are decisions made 61353  
in daily living which facilitate the provision of food, shelter, 61354  
clothing, and health care necessary for life support. 61355

(J) "Mental illness" means a substantial disorder of thought, 61356  
mood, perception, orientation, or memory that grossly impairs 61357  
judgment, behavior, capacity to recognize reality, or ability to 61358  
meet the ordinary demands of life. 61359

(K) "Neglect" means the failure of an adult to provide for 61360  
self the goods or services necessary to avoid physical harm, 61361  
mental anguish, or mental illness or the failure of a caretaker to 61362  
provide such goods or services. 61363

(L) "Peace officer" means a peace officer as defined in 61364  
section 2935.01 of the Revised Code. 61365

(M) "Physical harm" means bodily pain, injury, impairment, or 61366  
disease suffered by an adult. 61367

(N) "Protective services" means services provided by the 61368  
county department of job and family services or its designated 61369  
agency to an adult who has been determined by evaluation to 61370  
require such services for the prevention, correction, or 61371  
discontinuance of an act of as well as conditions resulting from 61372  
abuse, neglect, or exploitation. Protective services may include, 61373  
but are not limited to, case work services, medical care, mental 61374  
health services, legal services, fiscal management, home health 61375  
care, homemaker services, housing-related services, guardianship 61376  
services, and placement services as well as the provision of such 61377  
commodities as food, clothing, and shelter. 61378

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 61379  
and Friday, except when such day is a holiday as defined in 61380  
section 1.14 of the Revised Code. 61381

**Sec. 5101.61.** (A) As used in this section: 61382

(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.

(2) "Ambulatory health facility" means a nonprofit, public or proprietary freestanding organization or a unit of such an agency or organization that:

(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;

(b) Has health and medical care policies which are developed with the advice of, and with the provision of review of such policies, an advisory committee of professional personnel, including one or more physicians, one or more dentists, if dental care is provided, and one or more registered nurses;

(c) Has a medical director, a dental director, if dental care is provided, and a nursing director responsible for the execution of such policies, and has physicians, dentists, nursing, and ancillary staff appropriate to the scope of services provided;

(d) Requires that the health care and medical care of every patient be under the supervision of a physician, provides for medical care in a case of emergency, has in effect a written agreement with one or more hospitals and other centers or clinics, and has an established patient referral system to other resources, and a utilization review plan and program;

(e) Maintains clinical records on all patients;

(f) Provides nursing services and other therapeutic services in accordance with programs and policies, with such services supervised by a registered professional nurse, and has a



registered professional nurse on duty at all times of clinical operations; 61414  
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(g) Provides approved methods and procedures for the dispensing and administration of drugs and biologicals; 61416  
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(h) Has established an accounting and record keeping system to determine reasonable and allowable costs; 61418  
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(i) "Ambulatory health facilities" also includes an alcoholism treatment facility approved by the joint commission on accreditation of healthcare organizations as an alcoholism treatment facility or certified by the department of alcohol and drug addiction services, and such facility shall comply with other provisions of this division not inconsistent with such accreditation or certification. 61420  
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(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. 61427  
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(4) "Community mental health service" means services, other than inpatient services, provided by a community mental health facility. 61431  
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(5) "Home health agency" means an institution or a distinct part of an institution operated in this state which: 61434  
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(a) Is primarily engaged in providing home health services; 61436

(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; 61437  
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- (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; 61444  
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- (d) Maintains comprehensive records on all patients; 61448
- (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. 61449  
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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: 61458  
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- (a) Nursing care provided by or under the supervision of a registered professional nurse; 61462  
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- (b) Physical, occupational, or speech therapy ordered by the patient's attending physician; 61464  
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- (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; 61466  
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- (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; 61469  
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- (e) Medical supplies and the use of medical appliances; 61472
- (f) Medical services of interns and residents-in-training 61473

under an approved teaching program of a nonprofit hospital and 61474  
under the direction and supervision of the patient's attending 61475  
physician; 61476

(g) Any of the foregoing items and services which: 61477

(i) Are provided on an outpatient basis under arrangements 61478  
made by the home health agency at a hospital or skilled nursing 61479  
facility; 61480

(ii) Involve the use of equipment of such a nature that the 61481  
items and services cannot readily be made available to the patient 61482  
in the patient's place of residence, or which are furnished at the 61483  
hospital or skilled nursing facility while the patient is there to 61484  
receive any item or service involving the use of such equipment. 61485

Any attorney, physician, osteopath, podiatrist, chiropractor, 61486  
dentist, psychologist, any employee of a hospital as defined in 61487  
section 3701.01 of the Revised Code, any nurse licensed under 61488  
Chapter 4723. of the Revised Code, any employee of an ambulatory 61489  
health facility, any employee of a home health agency, any 61490  
employee of ~~an adult care a residential~~ facility ~~as defined in~~ 61491  
licensed under section ~~5119.70~~ 5119.22 of the Revised Code that 61492  
provides accommodations, supervision, and personal care services 61493  
for three to sixteen unrelated adults, any employee of a nursing 61494  
home, residential care facility, or home for the aging, as defined 61495  
in section 3721.01 of the Revised Code, any senior service 61496  
provider, any peace officer, coroner, ~~clergyman~~ member of the 61497  
clergy, any employee of a community mental health facility, and 61498  
any person engaged in social work or counseling having reasonable 61499  
cause to believe that an adult is being abused, neglected, or 61500  
exploited, or is in a condition which is the result of abuse, 61501  
neglect, or exploitation shall immediately report such belief to 61502  
the county department of job and family services. This section 61503  
does not apply to employees of any hospital or public hospital as 61504  
defined in section 5122.01 of the Revised Code. 61505

(B) Any person having reasonable cause to believe that an adult has suffered abuse, neglect, or exploitation may report, or cause reports to be made of such belief to the department.

(C) The reports made under this section shall be made orally or in writing except that oral reports shall be followed by a written report if a written report is requested by the department. Written reports shall include:

(1) The name, address, and approximate age of the adult who is the subject of the report;

(2) The name and address of the individual responsible for the adult's care, if any individual is, and if the individual is known;

(3) The nature and extent of the alleged abuse, neglect, or exploitation of the adult;

(4) The basis of the reporter's belief that the adult has been abused, neglected, or exploited.

(D) Any person with reasonable cause to believe that an adult is suffering abuse, neglect, or exploitation who makes a report pursuant to this section or who testifies in any administrative or judicial proceeding arising from such a report, or any employee of the state or any of its subdivisions who is discharging responsibilities under section 5101.62 of the Revised Code shall be immune from civil or criminal liability on account of such investigation, report, or testimony, except liability for perjury, unless the person has acted in bad faith or with malicious purpose.

(E) No employer or any other person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, or reduce benefits, pay, or work privileges, or take any other action detrimental to an employee or in any way retaliate against an employee as a result of the

employee's having filed a report under this section. 61537

(F) Neither the written or oral report provided for in this 61538  
section nor the investigatory report provided for in section 61539  
5101.62 of the Revised Code shall be considered a public record as 61540  
defined in section 149.43 of the Revised Code. Information 61541  
contained in the report shall upon request be made available to 61542  
the adult who is the subject of the report, to agencies authorized 61543  
by the department to receive information contained in the report, 61544  
and to legal counsel for the adult. 61545

**Sec. 5104.012.** (A)(1) At the times specified in this 61546  
division, the administrator of a child day-care center or a type A 61547  
family day-care home shall request the superintendent of the 61548  
bureau of criminal identification and investigation to conduct a 61549  
criminal records check with respect to any applicant who has 61550  
applied to the center or type A home for employment as a person 61551  
responsible for the care, custody, or control of a child. 61552

The administrator shall request a criminal records check 61553  
pursuant to this division at the time of the applicant's initial 61554  
application for employment and every four years thereafter. When 61555  
the administrator requests pursuant to this division a criminal 61556  
records check for an applicant at the time of the applicant's 61557  
initial application for employment, the administrator shall 61558  
request that the superintendent obtain information from the 61559  
federal bureau of investigation as a part of the criminal records 61560  
check for the applicant, including fingerprint-based checks of 61561  
national crime information databases as described in 42 U.S.C. 61562  
671, for the person subject to the criminal records check. In all 61563  
other cases in which the administrator requests a criminal records 61564  
check for an applicant pursuant to this division, the 61565  
administrator may request that the superintendent include 61566  
information from the federal bureau of investigation in the 61567

criminal records check, including fingerprint-based checks of 61568  
national crime information databases as described in 42 U.S.C. 61569  
671. 61570

(2) A person required by division (A)(1) of this section to 61571  
request a criminal records check shall provide to each applicant a 61572  
copy of the form prescribed pursuant to division (C)(1) of section 61573  
109.572 of the Revised Code, provide to each applicant a standard 61574  
impression sheet to obtain fingerprint impressions prescribed 61575  
pursuant to division (C)(2) of section 109.572 of the Revised 61576  
Code, obtain the completed form and impression sheet from each 61577  
applicant, and forward the completed form and impression sheet to 61578  
the superintendent of the bureau of criminal identification and 61579  
investigation at the time the person requests a criminal records 61580  
check pursuant to division (A)(1) of this section. On and after 61581  
August 14, 2008, the administrator of a child day-care center or a 61582  
type A family day-care home shall review the results of the 61583  
criminal records check before the applicant has sole 61584  
responsibility for the care, custody, or control of any child. 61585

(3) An applicant who receives pursuant to division (A)(2) of 61586  
this section a copy of the form prescribed pursuant to division 61587  
(C)(1) of section 109.572 of the Revised Code and a copy of an 61588  
impression sheet prescribed pursuant to division (C)(2) of that 61589  
section and who is requested to complete the form and provide a 61590  
set of fingerprint impressions shall complete the form or provide 61591  
all the information necessary to complete the form and shall 61592  
provide the impression sheet with the impressions of the 61593  
applicant's fingerprints. If an applicant, upon request, fails to 61594  
provide the information necessary to complete the form or fails to 61595  
provide impressions of the applicant's fingerprints, the center or 61596  
type A home shall not employ that applicant for any position for 61597  
which a criminal records check is required by division (A)(1) of 61598  
this section. 61599

(B)(1) Except as provided in rules adopted under division (E) 61600  
of this section, no child day-care center or type A family 61601  
day-care home shall employ or contract with another entity for the 61602  
services of a person as a person responsible for the care, 61603  
custody, or control of a child if the person previously has been 61604  
convicted of or pleaded guilty to any of the violations described 61605  
in division (A)~~(9)~~(6) of section 109.572 of the Revised Code. 61606

(2) A child day-care center or type A family day-care home 61607  
may employ an applicant conditionally until the criminal records 61608  
check required by this section is completed and the center or home 61609  
receives the results of the criminal records check. If the results 61610  
of the criminal records check indicate that, pursuant to division 61611  
(B)(1) of this section, the applicant does not qualify for 61612  
employment, the center or home shall release the applicant from 61613  
employment. 61614

(C)(1) Each child day-care center and type A family day-care 61615  
home shall pay to the bureau of criminal identification and 61616  
investigation the fee prescribed pursuant to division (C)(3) of 61617  
section 109.572 of the Revised Code for each criminal records 61618  
check conducted in accordance with that section upon the request 61619  
pursuant to division (A)(1) of this section of the administrator 61620  
or provider of the center or home. 61621

(2) A child day-care center and type A family day-care home 61622  
may charge an applicant a fee for the costs it incurs in obtaining 61623  
a criminal records check under this section. A fee charged under 61624  
this division shall not exceed the amount of fees the center or 61625  
home pays under division (C)(1) of this section. If a fee is 61626  
charged under this division, the center or home shall notify the 61627  
applicant at the time of the applicant's initial application for 61628  
employment of the amount of the fee and that, unless the fee is 61629  
paid, the center or type A home will not consider the applicant 61630  
for employment. 61631

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) 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 applicant who is the subject of the criminal records check or the applicant's representative; the center or type A home requesting the criminal records check or its representative; the department of job and family services or a county department of job and family services; and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant.

(E) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a center or home may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check 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 appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a child day-care center or a type A family day-care home as a



person responsible for the care, custody, or control of a child; 61664  
an in-home aide certified pursuant to section 5104.12 of the 61665  
Revised Code; or any person who would serve in any position with a 61666  
child day-care center or a type A family day-care home as a person 61667  
responsible for the care, custody, or control of a child pursuant 61668  
to a contract with another entity. 61669

(2) "Criminal records check" has the same meaning as in 61670  
section 109.572 of the Revised Code. 61671

**Sec. 5104.013.** (A)(1) At the times specified in division 61672  
(A)(3) of this section, the director of job and family services, 61673  
as part of the process of licensure of child day-care centers and 61674  
type A family day-care homes, shall request the superintendent of 61675  
the bureau of criminal identification and investigation to conduct 61676  
a criminal records check with respect to the following persons: 61677

(a) Any owner, licensee, or administrator of a child day-care 61678  
center; 61679

(b) Any owner, licensee, or administrator of a type A family 61680  
day-care home and any person eighteen years of age or older who 61681  
resides in a type A family day-care home. 61682

(2) At the times specified in division (A)(3) of this 61683  
section, the director of a county department of job and family 61684  
services, as part of the process of certification of type B family 61685  
day-care homes, shall request the superintendent of the bureau of 61686  
criminal identification and investigation to conduct a criminal 61687  
records check with respect to any authorized provider of a 61688  
certified type B family day-care home and any person eighteen 61689  
years of age or older who resides in a certified type B family 61690  
day-care home. 61691

(3) The director of job and family services shall request a 61692  
criminal records check pursuant to division (A)(1) of this section 61693

at the time of the initial application for licensure and every 61694  
four years thereafter. The director of a county department of job 61695  
and family services shall request a criminal records check 61696  
pursuant to division (A)(2) of this section at the time of the 61697  
initial application for certification and every four years 61698  
thereafter at the time of a certification renewal. When the 61699  
director of job and family services or the director of a county 61700  
department of job and family services requests pursuant to 61701  
division (A)(1) or (2) of this section a criminal records check 61702  
for a person at the time of the person's initial application for 61703  
licensure or certification, the director shall request that the 61704  
superintendent of the bureau of criminal identification and 61705  
investigation obtain information from the federal bureau of 61706  
investigation as a part of the criminal records check for the 61707  
person, including fingerprint-based checks of national crime 61708  
information databases as described in 42 U.S.C. 671 for the person 61709  
subject to the criminal records check. In all other cases in which 61710  
the director of job and family services or the director of a 61711  
county department of job and family services requests a criminal 61712  
records check for an applicant pursuant to division (A)(1) or (2) 61713  
of this section, the director may request that the superintendent 61714  
include information from the federal bureau of investigation in 61715  
the criminal records check, including fingerprint-based checks of 61716  
national crime information databases as described in 42 U.S.C. 61717  
671. 61718

(4) The director of job and family services shall review the 61719  
results of a criminal records check subsequent to a request made 61720  
pursuant to divisions (A)(1) and (3) of this section prior to 61721  
approval of a license. The director of a county department of job 61722  
and family services shall review the results of a criminal records 61723  
check subsequent to a request made pursuant to divisions (A)(2) 61724  
and (3) of this section prior to approval of certification. 61725

(B) The director of job and family services or the director of a county department of job and family services shall provide to each person for whom a criminal records check is required under this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of that section, obtain the completed form and impression sheet from that person, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation.

(C) A person who receives pursuant to division (B) of this section a copy of the form and standard impression sheet described in that division and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the person's fingerprints. If the person, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the person's fingerprints, the director may consider the failure as a reason to deny licensure or certification.

(D) Except as provided in rules adopted under division (G) of this section, the director of job and family services shall not grant a license to a child day-care center or type A family day-care home and a county director of job and family services shall not certify a type B family day-care home if a person for whom a criminal records check was required in connection with the center or home previously has been convicted of or pleaded guilty to any of the violations described in division (A)~~(9)~~(6) of section 109.572 of the Revised Code.

(E) Each child day-care center, type A family day-care home, and type B family day-care home shall pay to the bureau of

criminal identification and investigation the fee prescribed 61758  
pursuant to division (C)(3) of section 109.572 of the Revised Code 61759  
for each criminal records check conducted in accordance with that 61760  
section upon a request made pursuant to division (A) of this 61761  
section. 61762

(F) The report of any criminal records check conducted by the 61763  
bureau of criminal identification and investigation in accordance 61764  
with section 109.572 of the Revised Code and pursuant to a request 61765  
made under division (A) of this section is not a public record for 61766  
the purposes of section 149.43 of the Revised Code and shall not 61767  
be made available to any person other than the person who is the 61768  
subject of the criminal records check or the person's 61769  
representative, the director of job and family services, the 61770  
director of a county department of job and family services, the 61771  
center, type A home, or type B home involved, and any court, 61772  
hearing officer, or other necessary individual involved in a case 61773  
dealing with a denial of licensure or certification related to the 61774  
criminal records check. 61775

(G) The director of job and family services shall adopt rules 61776  
pursuant to Chapter 119. of the Revised Code to implement this 61777  
section, including rules specifying exceptions to the prohibition 61778  
in division (D) of this section for persons who have been 61779  
convicted of an offense listed in that division but who meet 61780  
standards in regard to rehabilitation set by the ~~department~~ 61781  
director. 61782

(H) As used in this section, "criminal records check" has the 61783  
same meaning as in section 109.572 of the Revised Code. 61784

**Sec. 5104.051.** (A)(1) The department of commerce is 61785  
responsible for the inspections of child day-care centers as 61786  
required by division (A)(1) of section 5104.05 of the Revised 61787  
Code. Where there is a municipal, township, or county building 61788

department certified under section 3781.10 of the Revised Code to 61789  
exercise enforcement authority with respect to the category of 61790  
building occupancy which includes day-care centers, all 61791  
inspections required under division (A)(1) of section 5104.05 of 61792  
the Revised Code shall be made by that department according to the 61793  
standards established by the board of building standards. 61794  
Inspections in areas of the state where there is no municipal, 61795  
township, or county building department certified under section 61796  
3781.10 of the Revised Code to exercise enforcement authority with 61797  
respect to the category of building occupancy which includes 61798  
day-care centers shall be made by personnel of the department of 61799  
commerce. Inspections of centers shall be contingent upon payment 61800  
of a fee by the applicant to the department having jurisdiction to 61801  
inspect. 61802

(2) The department of commerce is responsible for the 61803  
inspections of type A family day-care homes as required by 61804  
division (B)(3) of section 5104.05 of the Revised Code. Where 61805  
there is a municipal, township, or county building department 61806  
certified under section 3781.10 of the Revised Code to exercise 61807  
enforcement authority with respect to the category of building 61808  
occupancy which includes type A homes, all inspections required 61809  
under division (B)(3) of section 5104.05 of the Revised Code shall 61810  
be made by that department according to the standards established 61811  
by the board of building standards. Inspections in areas of the 61812  
state where there is no municipal, township, or county building 61813  
department certified under section 3781.10 of the Revised Code to 61814  
exercise enforcement authority with respect to the category of 61815  
building occupancy which includes type A homes shall be made by 61816  
personnel of the department of commerce. Inspections of type A 61817  
homes shall be contingent upon payment of a fee by the applicant 61818  
to the department having jurisdiction to inspect. 61819

(B) The state fire marshal is responsible for the inspections 61820

required by divisions (A)(2) and (B)(1) of section 5104.05 of the Revised Code. In municipal corporations and in townships outside municipal corporations where there is a fire prevention official, the inspections shall be made by the fire chief or the fire prevention official under the supervision of and according to the standards established by the state fire marshal. In townships outside municipal corporations where there is no fire prevention official, inspections shall be made by the employees of the state fire marshal.

(C) The state fire marshal shall enforce all statutes and rules pertaining to fire safety and fire prevention in child day-care centers and type A family day-care homes. In the event of a dispute between the state fire marshal and any other responsible officer under sections 5104.05 and 5104.051 of the Revised Code with respect to the interpretation or application of a specific fire safety statute or rule, the interpretation of the state fire marshal shall prevail.

(D) As used in this division, "licensor" has the same meaning as in section 3717.01 of the Revised Code.

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.

(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.

**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, 61852  
2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 61853  
of the Revised Code or a violation of an existing or former law or 61854  
ordinance of any municipal corporation, this state, any other 61855  
state, or the United States that is substantially equivalent to 61856  
any of those violations, or two violations of section 4511.19 of 61857  
the Revised Code during operation of the center or home shall be 61858  
certified as an in-home aide or be employed in any capacity in or 61859  
own or operate a child day-care center, type A family day-care 61860  
home, type B family day-care home, or certified type B family 61861  
day-care home. 61862

(2) Each employee of a child day-care center and type A home 61863  
and every person eighteen years of age or older residing in a type 61864  
A home shall sign a statement on forms prescribed by the director 61865  
of job and family services attesting to the fact that the employee 61866  
or resident person has not been convicted of or pleaded guilty to 61867  
any offense set forth in division (A)(1) of this section and that 61868  
no child has been removed from the employee's or resident person's 61869  
home pursuant to section 2151.353 of the Revised Code. Each 61870  
licensee of a type A home shall sign a statement on a form 61871  
prescribed by the director attesting to the fact that no person 61872  
who resides at the type A home and who is under the age of 61873  
eighteen has been adjudicated a delinquent child for committing a 61874  
violation of any section listed in division (A)(1) of this 61875  
section. The statements shall be kept on file at the center or 61876  
type A home. 61877

(3) Each in-home aide and every person eighteen years of age 61878  
or older residing in a certified type B home shall sign a 61879  
statement on forms prescribed by the director of job and family 61880  
services attesting that the aide or resident person has not been 61881  
convicted of or pleaded guilty to any offense set forth in 61882  
division (A)(1) of this section and that no child has been removed 61883

from the aide's or resident person's home pursuant to section 61884  
2151.353 of the Revised Code. Each authorized provider shall sign 61885  
a statement on forms prescribed by the director attesting that the 61886  
provider has not been convicted of or pleaded guilty to any 61887  
offense set forth in division (A)(1) of this section and that no 61888  
child has been removed from the provider's home pursuant to 61889  
section 2151.353 of the Revised Code. Each authorized provider 61890  
shall sign a statement on a form prescribed by the director 61891  
attesting to the fact that no person who resides at the certified 61892  
type B home and who is under the age of eighteen has been 61893  
adjudicated a delinquent child for committing a violation of any 61894  
section listed in division (A)(1) of this section. The statements 61895  
shall be kept on file at the county department of job and family 61896  
services. 61897

(4) Each administrator and licensee of a center or type A 61898  
home shall sign a statement on a form prescribed by the director 61899  
of job and family services attesting that the administrator or 61900  
licensee has not been convicted of or pleaded guilty to any 61901  
offense set forth in division (A)(1) of this section and that no 61902  
child has been removed from the administrator's or licensee's home 61903  
pursuant to section 2151.353 of the Revised Code. The statement 61904  
shall be kept on file at the center or type A home. 61905

(B) No in-home aide, no administrator, licensee, authorized 61906  
provider, or employee of a center, type A home, or certified type 61907  
B home, and no person eighteen years of age or older residing in a 61908  
type A home or certified type B home shall withhold information 61909  
from, or falsify information on, any statement required pursuant 61910  
to division (A)(2), (3), or (4) of this section. 61911

(C) No administrator, licensee, or child-care staff member 61912  
shall discriminate in the enrollment of children in a child 61913  
day-care center upon the basis of race, color, religion, sex, or 61914  
national origin. 61915



(D) The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the ~~department~~ director.

**Sec. 5104.37.** (A) As used in this section, "eligible provider" means an individual or entity eligible to provide publicly funded child care pursuant to section 5104.31 of the Revised Code.

(B) The department of job and family services may withhold any money due, under this chapter and recover through any appropriate method any money erroneously paid, under this chapter if evidence exists of less than full compliance with this chapter and any rules adopted under it.

(C) Notwithstanding any other provision of this chapter to the contrary, the department shall take action against an eligible provider as described in this section.

(D) The department may suspend a contract entered into with an eligible provider under section 5104.32 of the Revised Code when the department initiates an investigation concerning the eligible provider for either of the following reasons:

(1) The department has evidence that the eligible provider received an improper child care payment as a result of the provider's intentional act.

(2) The department receives notice and a copy of an indictment, information, or complaint charging the eligible provider or the owner or operator of the provider with committing any of the following:

(a) An act that is a felony or misdemeanor relating to

providing or billing for publicly funded child care or providing 61946  
management or administrative services relating to providing 61947  
publicly funded child care; 61948

(b) An act that would constitute an offense described in 61949  
section 5104.09 of the Revised Code. 61950

(E)(1) Except as provided in division (E)(2) of this section, 61951  
the suspension of a contract under division (D) of this section 61952  
shall continue until the department completes its investigation or 61953  
all criminal charges are disposed of through dismissal, a finding 61954  
of not guilty, conviction, or a plea of guilty. 61955

(2) If the department initiates the termination of a contract 61956  
that has been suspended pursuant to division (D) of this section, 61957  
the suspension shall continue until the termination process is 61958  
completed. 61959

(F) An eligible provider shall not provide publicly funded 61960  
child care while the provider's contract is under suspension 61961  
pursuant to division (D) of this section. As of the date the 61962  
eligible provider's contract is suspended, the department shall 61963  
withhold payment to the eligible provider for publicly funded 61964  
child care. 61965

(G) Not later than five days after suspending an eligible 61966  
provider's contract pursuant to division (D) of this section, the 61967  
department shall notify the eligible provider. The notice shall 61968  
include all of the following: 61969

(1) A description of the investigation or indictment, 61970  
information, or complaint, which need not disclose specific 61971  
information concerning any ongoing administrative or criminal 61972  
investigation; 61973

(2) A statement that the eligible provider is prohibited from 61974  
providing publicly funded child care while the contract is under 61975  
suspension; 61976

(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.

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(H) An eligible provider may file an appeal with the department regarding any action the department takes pursuant to division (D) of this section. The appeal must be received by the department not later than fifteen days after the date the provider receives the notification described in division (G) of this section. The department shall review the evidence and issue a decision not later than thirty days after receiving the appeal. The department shall not suspend a contract pursuant to division (D) of this section until the time for filing the appeal has passed or, if the provider files a timely appeal, the department has issued a decision on the appeal.

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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 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.

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(A) The rules shall specify, establish, or govern all of the

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following: 62008

(1) A payment standard for Ohio works first based on federal 62009  
and state appropriations that is increased in accordance with 62010  
section 5107.04 of the Revised Code; 62011

(2) For the purpose of section 5107.04 of the Revised Code, 62012  
the method of determining the amount of cash assistance an 62013  
assistance group receives under Ohio works first; 62014

(3) Requirements for initial and continued eligibility for 62015  
Ohio works first, including requirements regarding income, 62016  
citizenship, age, residence, and assistance group composition; 62017

(4) For the purpose of section 5107.12 of the Revised Code, 62018  
application and verification procedures, including the minimum 62019  
information an application must contain; 62020

(5) The extent to which a participant of Ohio works first 62021  
must notify, pursuant to section 5107.12 of the Revised Code, a 62022  
county department of job and family services of additional income 62023  
not previously reported to the county department; 62024

(6) For the purpose of section 5107.16 of the Revised Code, 62025  
~~all~~ both of the following: 62026

(a) Standards for the determination of good cause for failure 62027  
or refusal to comply in full with a provision of a 62028  
self-sufficiency contract; 62029

(b) The compliance ~~form~~ activities a member of an assistance 62030  
group ~~may complete to indicate willingness to come into full~~ 62031  
~~compliance~~ must complete for the member to be considered to have 62032  
ceased to fail or refuse to comply in full with a provision of a 62033  
self-sufficiency contract; 62034

~~(c) The manner by which the compliance form is to be~~ 62035  
~~completed and provided to a county department of job and family~~ 62036  
~~services.~~ 62037

(7) The department of job and family services providing 62038  
written notice of a sanction under section 5107.161 of the Revised 62039  
Code; 62040

(8) For the purpose of division ~~(A)(2)~~(B) of section 5107.17 62041  
of the Revised Code, the ~~period of time by which a county~~ 62042  
~~department of job and family services is to receive a compliance~~ 62043  
~~form established in rules adopted under division (A)(6)(b) of this~~ 62044  
section circumstances under which the adult member of an 62045  
assistance group or an assistance group's minor head of household 62046  
whose failure or refusal, without good cause, to comply in full 62047  
with a provision of a self-sufficiency contract causes a sanction 62048  
under section 5107.16 of the Revised Code must enter into a new, 62049  
or amend an existing, self-sufficiency contract before the 62050  
assistance group may resume participation in Ohio works first 62051  
following the sanction; 62052

(9) Requirements for the collection and distribution of 62053  
support payments owed participants of Ohio works first pursuant to 62054  
section 5107.20 of the Revised Code; 62055

(10) For the purpose of section 5107.22 of the Revised Code, 62056  
what constitutes cooperating in establishing a minor child's 62057  
paternity or establishing, modifying, or enforcing a child support 62058  
order and good cause for failure or refusal to cooperate; 62059

(11) The requirements governing the LEAP program, including 62060  
the definitions of "equivalent of a high school diploma" and "good 62061  
cause," and the incentives provided under the LEAP program; 62062

(12) If the director implements section 5107.301 of the 62063  
Revised Code, the requirements governing the award provided under 62064  
that section, including the form that the award is to take and 62065  
requirements an individual must satisfy to receive the award; 62066

(13) Circumstances under which a county department of job and 62067  
family services may exempt a minor head of household or adult from 62068

participating in a work activity or developmental activity for all 62069  
or some of the weekly hours otherwise required by section 5107.43 62070  
of the Revised Code. 62071

(14) The maximum amount of time the department will subsidize 62072  
positions created by state agencies and political subdivisions 62073  
under division (C) of section 5107.52 of the Revised Code; 62074

(15) The implementation of sections 5107.71 to 5107.717 of 62075  
the Revised Code by county departments of job and family services; 62076

(16) A domestic violence screening process to be used for the 62077  
purpose of division (A) of section 5107.71 of the Revised Code; 62078

(17) The minimum frequency with which county departments of 62079  
job and family services must redetermine a member of an assistance 62080  
group's need for a waiver issued under section 5107.714 of the 62081  
Revised Code. 62082

(B) The rules adopted under division (A)(3) of this section 62083  
regarding income shall specify what is countable income, gross 62084  
earned income, and gross unearned income for the purpose of 62085  
section 5107.10 of the Revised Code. 62086

The rules adopted under division (A)(10) of this section 62087  
shall be consistent with 42 U.S.C. 654(29). 62088

The rules adopted under division (A)(13) of this section 62089  
shall specify that the circumstances include that a school or 62090  
place of work is closed due to a holiday or weather or other 62091  
emergency and that an employer grants the minor head of household 62092  
or adult leave for illness or earned vacation. 62093

(C) The rules may provide that a county department of job and 62094  
family services is not required to take action under section 62095  
5107.76 of the Revised Code to recover an erroneous payment ~~that~~ 62096  
~~is below an amount the department specifies~~ under circumstances 62097  
the rules specify. 62098

Sec. 5107.16. (A) If a member of an assistance group fails or 62099  
refuses, without good cause, to comply in full with a provision of 62100  
a self-sufficiency contract entered into under section 5107.14 of 62101  
the Revised Code, a county department of job and family services 62102  
shall sanction the assistance group as follows: 62103

(1) For a first failure or refusal, the county department 62104  
shall deny or terminate the assistance group's eligibility to 62105  
participate in Ohio works first for one payment month or until the 62106  
failure or refusal ceases, whichever is longer; 62107

(2) For a second failure or refusal, the county department 62108  
shall deny or terminate the assistance group's eligibility to 62109  
participate in Ohio works first for three payment months or until 62110  
the failure or refusal ceases, whichever is longer; 62111

(3) For a third or subsequent failure or refusal, the county 62112  
department shall deny or terminate the assistance group's 62113  
eligibility to participate in Ohio works first for six payment 62114  
months or until the failure or refusal ceases, whichever is 62115  
longer. 62116

(B) The director of job and family services shall establish 62117  
standards for the determination of good cause for failure or 62118  
refusal to comply in full with a provision of a self-sufficiency 62119  
contract in rules adopted under section 5107.05 of the Revised 62120  
Code. 62121

~~(C) The director of job and family services shall provide a 62122  
compliance form established in rules adopted under section 5107.05 62123  
of the Revised Code to an An assistance group member who fails or 62124  
refuses, without good cause, to comply in full with a provision of 62125  
a self-sufficiency contract. The member's failure or refusal to 62126  
comply in full with the provision shall be deemed to have ceased 62127  
on the date a county department of job and family services 62128  
receives the compliance form from the member if the compliance 62129~~

~~form is completed and provided to the county department in the~~ 62130  
~~manner~~ must complete all compliance activities specified in rules 62131  
adopted under section 5107.05 of the Revised Code in order for the 62132  
failure or refusal to be considered to have ceased. 62133

(D) After sanctioning an assistance group under division (A) 62134  
of this section, a county department of job and family services 62135  
shall continue to work with the assistance group. 62136

(E) An adult eligible for medicaid pursuant to division 62137  
~~(A)(C)~~(1)(a) of section 5111.01 of the Revised Code who is 62138  
sanctioned under division (A)(3) of this section for a failure or 62139  
refusal, without good cause, to comply in full with a provision of 62140  
a self-sufficiency contract related to work responsibilities under 62141  
sections 5107.40 to 5107.69 of the Revised Code loses eligibility 62142  
for medicaid unless the adult is otherwise eligible for medicaid 62143  
pursuant to another division of section 5111.01 of the Revised 62144  
Code. 62145

An assistance group that would be participating in Ohio works 62146  
first if not for a sanction under this section shall continue to 62147  
be eligible for all of the following: 62148

(1) Publicly funded child care in accordance with division 62149  
(A)(3) of section 5104.30 of the Revised Code; 62150

(2) Support services in accordance with section 5107.66 of 62151  
the Revised Code; 62152

(3) To the extent permitted by the "Fair Labor Standards Act 62153  
of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended, to participate 62154  
in work activities, developmental activities, and alternative work 62155  
activities in accordance with sections 5107.40 to 5107.69 of the 62156  
Revised Code. 62157

**Sec. 5107.17.** ~~An~~ Both of the following must occur before an 62158  
assistance group ~~that resumes~~ may resume participation in Ohio 62159



works first following a sanction under section 5107.16 of the Revised Code ~~is not required to do either of the following:~~

(A) ~~Reapply~~ The assistance group must reapply under section 5107.12 of the Revised Code, ~~unless either~~ if any of the following ~~applies~~ apply:

(1) It is the assistance group's regularly scheduled time for an eligibility redetermination;

(2) ~~The county department of job and family services does not receive the completed compliance form established in rules adopted under section 5107.05 of the Revised Code within the period of time specified in rules adopted under that section~~ If the sanction was imposed under division (A)(1) of section 5107.16 of the Revised Code, the failure or refusal on which the sanction was based is not considered to have ceased until after one payment month immediately following the date the sanction began;

(3) If the sanction was imposed under division (A)(2) of section 5107.16 of the Revised Code, the failure or refusal on which the sanction was based is not considered to have ceased until after three payment months immediately following the date the sanction began;

(4) If the sanction was imposed under division (A)(3) of section 5107.16 of the Revised Code, the failure or refusal on which the sanction was based is not considered to have ceased until after six payment months immediately following the date the sanction began.

(B) ~~Enter~~ The adult member of the assistance group or the assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract caused the sanction must enter into a new, or amend an existing, self-sufficiency contract under section 5107.14 of the Revised Code, unless the county department of job

~~and family services determines it is time for a new appraisal 62191~~  
~~under section 5107.41 of the Revised Code or the assistance 62192~~  
~~group's circumstances have changed in a manner necessitating an 62193~~  
~~amendment to the self-sufficiency contract as determined using 62194~~  
~~procedures included in the contract under division (B)(9) of if 62195~~  
~~required to do so by rules adopted under section 5107.14 5107.05 62196~~  
of the Revised Code. 62197

**Sec. 5111.01.** (A) As used in this chapter, ~~"medical:~~ 62198

"Children's health insurance program" means the children's 62199  
health insurance program part I, children's health insurance 62200  
program part II, and children's health insurance program part III 62201  
authorized by sections 5101.50 to 5101.529 of the Revised Code. 62202

"Medical assistance program" or "medicaid" means the program 62203  
that is authorized by this chapter and provided by the ~~department 62204~~  
office of job and family services medical assistance under this 62205  
chapter, Title XIX of the "Social Security Act," 79 Stat. 286 62206  
(1965), 42 U.S.C.A. 1396, et seq., as amended, and the waivers of 62207  
Title XIX requirements granted to the ~~department office~~ by the 62208  
centers for medicare and medicaid services of the United States 62209  
department of health and human services. 62210

~~The department of job and family services~~ (B) There is hereby 62211  
established the office of medical assistance as a work unit within 62212  
the department of job and family services. The chief of the office 62213  
shall hold the title of medical assistance director. 62214  
Notwithstanding section 5101.06 of the Revised Code, the governor 62215  
shall appoint the medical assistance director and the medical 62216  
assistance director shall serve at the governor's pleasure. The 62217  
medical assistance director is not an assistant director of the 62218  
department of job and family services for purposes of section 62219  
121.05 or 5101.03 of the Revised Code or any other purpose. 62220

Subject to appropriations for the medicaid program and 62221

children's health insurance program, the department of job and family services shall provide staff and support services as necessary for the operation of the office of medical assistance. 62222  
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If a statute, rule, contract, or other legal authority requires the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services. If a statute, rule, contract, or other legal authority permits the director of job and family services or department of job and family services to take an action regarding the medicaid program or children's health insurance program, the medical assistance director or office of medical assistance shall take the action in place of the director of job and family services or department of job and family services if the action is to be taken. 62225  
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The office of medical assistance shall act as the single state agency to supervise the administration of the medicaid program. As the single state agency, the ~~department~~ office shall comply with 42 C.F.R. 431.10(e). The ~~department's~~ office's rules governing medicaid are binding on other agencies that administer components of the medicaid program. No agency may establish, by rule or otherwise, a policy governing medicaid that is inconsistent with a medicaid policy established, in rule or otherwise, by the medical assistance director of ~~job and family services~~. 62239  
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(A)(C) The ~~department~~ office of ~~job and family services~~ medical assistance may provide medical assistance under the medicaid program as long as federal funds are provided for such assistance, to the following: 62249  
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(1) Families with children that meet either of the following 62253

conditions: 62254

(a) The family meets the income, resource, and family 62255  
composition requirements in effect on July 16, 1996, for the 62256  
former aid to dependent children program as those requirements 62257  
were established by Chapter 5107. of the Revised Code, federal 62258  
waivers granted pursuant to requests made under former section 62259  
5101.09 of the Revised Code, and rules adopted by the department 62260  
or any changes the department makes to those requirements in 62261  
accordance with paragraph (a)(2) of section 114 of the "Personal 62262  
Responsibility and Work Opportunity Reconciliation Act of 1996," 62263  
110 Stat. 2177, 42 U.S.C.A. 1396u-1, for the purpose of 62264  
implementing section 5111.0120 of the Revised Code. An adult loses 62265  
eligibility for medicaid under division ~~(A)~~(C)(1)(a) of this 62266  
section pursuant to division (E) of section 5107.16 of the Revised 62267  
Code. 62268

(b) The family does not meet the requirements specified in 62269  
division ~~(A)~~(C)(1)(a) of this section but is eligible for medicaid 62270  
pursuant to section 5101.18 of the Revised Code. 62271

(2) Aged, blind, and disabled persons who meet the following 62272  
conditions: 62273

(a) Receive federal aid under Title XVI of the "Social 62274  
Security Act," or are eligible for but are not receiving such aid, 62275  
provided that the income from all other sources for individuals 62276  
with independent living arrangements shall not exceed one hundred 62277  
seventy-five dollars per month. The income standards hereby 62278  
established shall be adjusted annually at the rate that is used by 62279  
the United States department of health and human services to 62280  
adjust the amounts payable under Title XVI. 62281

(b) Do not receive aid under Title XVI, but meet any of the 62282  
following criteria: 62283

(i) Would be eligible to receive such aid, except that their 62284

income, other than that excluded from consideration as income 62285  
under Title XVI, exceeds the maximum under division ~~(A)~~(C)(2)(a) 62286  
of this section, and incurred expenses for medical care, as 62287  
determined under federal regulations applicable to section 209(b) 62288  
of the "Social Security Amendments of 1972," 86 Stat. 1381, 42 62289  
U.S.C.~~A-~~ 1396a(f), as amended, equal or exceed the amount by which 62290  
their income exceeds the maximum under division ~~(A)~~(C)(2)(a) of 62291  
this section; 62292

(ii) Received aid for the aged, aid to the blind, or aid for 62293  
the permanently and totally disabled prior to January 1, 1974, and 62294  
continue to meet all the same eligibility requirements; 62295

(iii) Are eligible for medicaid pursuant to section 5101.18 62296  
of the Revised Code. 62297

(3) Persons to whom federal law requires, as a condition of 62298  
state participation in the medicaid program, that medicaid be 62299  
provided; 62300

(4) Persons under age twenty-one who meet the income 62301  
requirements for the Ohio works first program established under 62302  
Chapter 5107. of the Revised Code but do not meet other 62303  
eligibility requirements for the program. The medical assistance 62304  
director shall adopt rules in accordance with Chapter 119. of the 62305  
Revised Code specifying which Ohio works first requirements shall 62306  
be waived for the purpose of providing medicaid eligibility under 62307  
division ~~(A)~~(C)(4) of this section. 62308

~~(B)~~(D) If sufficient funds are appropriated for the medicaid 62309  
program, the ~~department~~ office of medical assistance may provide 62310  
medical assistance under the medicaid program to persons in groups 62311  
designated by federal law as groups to which a state, at its 62312  
option, may provide medical assistance under the medicaid program. 62313

~~(C)~~(E) The ~~department~~ office of medical assistance may expand 62314  
eligibility for the medicaid program to include individuals under 62315

age nineteen with family incomes at or below one hundred fifty per cent of the federal poverty guidelines, except that the eligibility expansion shall not occur unless the ~~department~~ office receives the approval of the federal government. The ~~department~~ office may implement the eligibility expansion authorized under this division on any date selected by the ~~department~~ office, but not sooner than January 1, 1998.

~~(D)~~(F) In addition to any other authority or requirement to adopt rules under this chapter, the medical assistance director may adopt rules in accordance with section 111.15 of the Revised Code as the director considers necessary to establish standards, procedures, and other requirements regarding the provision of medical assistance under the medicaid program. The rules may establish requirements to be followed in applying for medicaid, making determinations of eligibility for medicaid, and verifying eligibility for medicaid. The rules may include special conditions as the ~~department~~ office determines appropriate for making applications, determining eligibility, and verifying eligibility for any medical assistance that the ~~department~~ office may provide under the medicaid program pursuant to division ~~(C)~~(E) of this section and section 5111.014 or 5111.0120 of the Revised Code.

**Sec. 5111.013.** (A) The provision of medical assistance to pregnant women and young children who are eligible for medical assistance under division ~~(A)~~(C)(3) of section 5111.01 of the Revised Code, but who are not otherwise eligible for medical assistance under that section, shall be known as the healthy start program.

(B) The department of job and family services shall do all of the following with regard to the application procedures for the healthy start program:

(1) Establish a short application form for the program that

requires the applicant to provide no more information than is 62347  
necessary for making determinations of eligibility for the healthy 62348  
start program, except that the form may require applicants to 62349  
provide their social security numbers. The form shall include a 62350  
statement, which must be signed by the applicant, indicating that 62351  
she does not choose at the time of making application for the 62352  
program to apply for assistance provided under any other program 62353  
administered by the department and that she understands that she 62354  
is permitted at any other time to apply at the county department 62355  
of job and family services of the county in which she resides for 62356  
any other assistance administered by the department. 62357

(2) To the extent permitted by federal law, do one or both of 62358  
the following: 62359

(a) Distribute the application form for the program to each 62360  
public or private entity that serves as a women, infants, and 62361  
children clinic or as a child and family health clinic and to each 62362  
administrative body for such clinics and train employees of each 62363  
such agency or entity to provide applicants assistance in 62364  
completing the form; 62365

(b) In cooperation with the department of health, develop 62366  
arrangements under which employees of county departments of job 62367  
and family services are stationed at public or private agencies or 62368  
entities selected by the department of job and family services 62369  
that serve as women, infants, and children clinics; child and 62370  
family health clinics; or administrative bodies for such clinics 62371  
for the purpose both of assisting applicants for the program in 62372  
completing the application form and of making determinations at 62373  
that location of eligibility for the program. 62374

(3) Establish performance standards by which a county 62375  
department of job and family services' level of enrollment of 62376  
persons potentially eligible for the program can be measured, and 62377  
establish acceptable levels of enrollment for each county 62378

department. 62379

(4) Direct any county department of job and family services 62380  
whose rate of enrollment of potentially eligible enrollees in the 62381  
program is below acceptable levels established under division 62382  
(B)(3) of this section to implement corrective action. Corrective 62383  
action may include but is not limited to any one or more of the 62384  
following to the extent permitted by federal law: 62385

(a) Establishing formal referral and outreach methods with 62386  
local health departments and local entities receiving funding 62387  
through the bureau of maternal and child health; 62388

(b) Designating a specialized intake unit within the county 62389  
department for healthy start applicants; 62390

(c) Establishing abbreviated timeliness requirements to 62391  
shorten the time between receipt of an application and the 62392  
scheduling of an initial application interview; 62393

(d) Establishing a system for telephone scheduling of intake 62394  
interviews for applicants; 62395

(e) Establishing procedures to minimize the time an applicant 62396  
must spend in completing the application and eligibility 62397  
determination process, including permitting applicants to complete 62398  
the process at times other than the regular business hours of the 62399  
county department and at locations other than the offices of the 62400  
county department. 62401

(C) To the extent permitted by federal law, local funds, 62402  
whether from public or private sources, expended by a county 62403  
department for administration of the healthy start program shall 62404  
be considered to have been expended by the state for the purpose 62405  
of determining the extent to which the state has complied with any 62406  
federal requirement that the state provide funds to match federal 62407  
funds for medical assistance, except that this division shall not 62408  
affect the amount of funds the county is entitled to receive under 62409



section 5101.16, 5101.161, or 5111.012 of the Revised Code. 62410

(D) A county department of job and family services that 62411  
maintains offices at more than one location shall accept 62412  
applications for the healthy start program at all of those 62413  
locations. 62414

(E) The director of job and family services shall adopt rules 62415  
in accordance with section 111.15 of the Revised Code as necessary 62416  
to implement this section. 62417

**Sec. 5111.014.** (A) The director of job and family services 62418  
shall submit to the United States secretary of health and human 62419  
services an amendment to the state medicaid plan to make an 62420  
individual who meets all of the following requirements eligible 62421  
for medicaid: 62422

(1) The individual is pregnant; 62423

(2) The individual's family income does not exceed two 62424  
hundred per cent of the federal poverty guidelines; 62425

(3) The individual satisfies all relevant requirements 62426  
established by rules adopted under division ~~(D)~~(F) of section 62427  
5111.01 of the Revised Code. 62428

(B) If approved by the United States secretary of health and 62429  
human services, the director of job and family services shall 62430  
implement the medicaid plan amendment submitted under division (A) 62431  
of this section as soon as possible after receipt of notice of the 62432  
approval, but not sooner than January 1, 2008. 62433

**Sec. 5111.0115.** (A) The department of job and family services 62434  
may provide medical assistance under the medicaid program, as long 62435  
as federal funds are provided for such assistance, to each former 62436  
participant of the Ohio works first program established under 62437  
Chapter 5107. of the Revised Code who meets all of the following 62438

requirements: 62439

(1) Is ineligible to participate in Ohio works first solely 62440  
as a result of increased income due to employment; 62441

(2) Is not covered by, and does not have access to, medical 62442  
insurance coverage through the employer with benefits comparable 62443  
to those provided under this section, as determined in accordance 62444  
with rules adopted by the director of job and family services 62445  
under division (B) of this section; 62446

(3) Meets any other requirement established by rule adopted 62447  
under division (B) of this section. 62448

(B) The director of job and family services shall adopt such 62449  
rules under Chapter 119. of the Revised Code as are necessary to 62450  
implement and administer the medical assistance program under this 62451  
section. 62452

(C) A person seeking to participate in a program of medical 62453  
assistance under this section shall apply to the county department 62454  
of job and family services in the county in which the applicant 62455  
resides. The application shall be made on a form prescribed by the 62456  
department of job and family services and furnished by the county 62457  
department. 62458

(D) If the county department of job and family services 62459  
determines that a person is eligible to receive medical assistance 62460  
under this section, the department shall provide assistance, to 62461  
the same extent and in the same manner as medical assistance is 62462  
provided to a person eligible for medical assistance pursuant to 62463  
division ~~(A)~~(C)(1)(a) of section 5111.01 of the Revised Code, for 62464  
no longer than twelve months, beginning the month after the date 62465  
the participant's eligibility for Ohio works first is terminated. 62466

**Sec. 5111.0120.** The director of job and family services shall 62467  
submit to the United States secretary of health and human services 62468

an amendment to the state medicaid plan to make an individual 62469  
eligible for medicaid who meets all of the following requirements: 62470  
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(A) The individual is the parent of a child under nineteen 62472  
years of age and resides with the child; 62473

(B) The individual's family income does not exceed ninety per 62474  
cent of the federal poverty guidelines; 62475

(C) The individual is not otherwise eligible for medicaid; 62476

(D) The individual satisfies all relevant requirements 62477  
established by rules adopted under division ~~(D)~~(F) of section 62478  
5111.01 of the Revised Code. 62479

**Sec. 5111.031.** (A) As used in this section: 62480

(1) "Independent provider" has the same meaning as in section 62481  
5111.034 of the Revised Code. 62482

(2) "Intermediate care facility for the mentally retarded" 62483  
and "nursing facility" have the same meanings as in section 62484  
5111.20 of the Revised Code. 62485

(3) "Noninstitutional medicaid provider" means any person or 62486  
entity with a medicaid provider agreement other than a hospital, 62487  
nursing facility, or intermediate care facility for the mentally 62488  
retarded. 62489

(4) "Owner" means any person having at least five per cent 62490  
ownership in a noninstitutional medicaid provider. 62491

(B) Notwithstanding any provision of this chapter to the 62492  
contrary, the department of job and family services shall take 62493  
action under this section against a noninstitutional medicaid 62494  
provider or its owner, officer, authorized agent, associate, 62495  
manager, or employee. 62496

(C) Except as provided in division (D) of this section and in 62497

rules adopted by the department under division (H) of this 62498  
section, on receiving notice and a copy of an indictment that is 62499  
issued on or after September 29, 2007, and charges a 62500  
noninstitutional medicaid provider or its owner, officer, 62501  
authorized agent, associate, manager, or employee with committing 62502  
an offense specified in division (E) of this section, the 62503  
department shall suspend the provider agreement held by the 62504  
noninstitutional medicaid provider. Subject to division (D) of 62505  
this section, the department shall also terminate medicaid 62506  
reimbursement to the provider for services rendered. 62507

The suspension shall continue in effect until the proceedings 62508  
in the criminal case are completed through dismissal of the 62509  
indictment or through conviction, entry of a guilty plea, or 62510  
finding of not guilty. If the department commences a process to 62511  
terminate the suspended provider agreement, the suspension shall 62512  
also continue in effect until the termination process is 62513  
concluded. 62514

Pursuant to section 5111.06 of the Revised Code, the 62515  
department is not required to take action under this division by 62516  
issuing an order pursuant to an adjudication conducted in 62517  
accordance with Chapter 119. of the Revised Code. 62518

When subject to a suspension under this division, a provider, 62519  
owner, officer, authorized agent, associate, manager, or employee 62520  
shall not own or provide services to any other medicaid provider 62521  
or risk contractor or arrange for, render, or order services for 62522  
medicaid recipients during the period of suspension. During the 62523  
period of suspension, the provider, owner, officer, authorized 62524  
agent, associate, manager, or employee shall not receive 62525  
reimbursement in the form of direct payments from the department 62526  
or indirect payments of medicaid funds in the form of salary, 62527  
shared fees, contracts, kickbacks, or rebates from or through any 62528  
participating provider or risk contractor. 62529

(D)(1) The department shall not suspend a provider agreement 62530  
or terminate medicaid reimbursement under division (C) of this 62531  
section if the provider or owner can demonstrate through the 62532  
submission of written evidence that the provider or owner did not 62533  
directly or indirectly sanction the action of its authorized 62534  
agent, associate, manager, or employee that resulted in the 62535  
indictment. 62536

(2) The termination of medicaid reimbursement applies only to 62537  
payments for medicaid services rendered subsequent to the date on 62538  
which the notice required under division (F) of this section is 62539  
sent. Claims for reimbursement for medicaid services rendered by 62540  
the provider prior to the issuance of the notice may be subject to 62541  
prepayment review procedures whereby the department reviews claims 62542  
to determine whether they are supported by sufficient 62543  
documentation, are in compliance with state and federal statutes 62544  
and rules, and are otherwise complete. 62545

(E)(1) In the case of a noninstitutional medicaid provider 62546  
that is not an independent provider, the suspension of a provider 62547  
agreement under division (C) of this section applies when an 62548  
indictment charges a person with committing an act that would be a 62549  
felony or misdemeanor under the laws of this state and the act 62550  
relates to or results from either of the following: 62551

(a) Furnishing or billing for medical care, services, or 62552  
supplies under the medicaid program; 62553

(b) Participating in the performance of management or 62554  
administrative services relating to furnishing medical care, 62555  
services, or supplies under the medicaid program. 62556

(2) In the case of a noninstitutional medicaid provider that 62557  
is an independent provider, the suspension of a provider agreement 62558  
under division (C) of this section applies when an indictment 62559  
charges a person with committing an act that would constitute ~~one~~ 62560

~~of the offenses specified in division (D) of a disqualifying~~ 62561  
~~offense as defined in section 5111.034 5111.032~~ of the Revised 62562  
Code. 62563

(F) Not later than five days after suspending a provider 62564  
agreement under division (C) of this section, the department shall 62565  
send notice of the suspension to the affected provider or owner. 62566  
In providing the notice, the department shall do all of the 62567  
following: 62568

(1) Describe the indictment that was the cause of the 62569  
suspension, without necessarily disclosing specific information 62570  
concerning any ongoing civil or criminal investigation; 62571

(2) State that the suspension will continue in effect until 62572  
the proceedings in the criminal case are completed through 62573  
dismissal of the indictment or through conviction, entry of a 62574  
guilty plea, or finding of not guilty and, if the department 62575  
commences a process to terminate the suspended provider agreement, 62576  
until the termination process is concluded; 62577

(3) Inform the provider or owner of the opportunity to submit 62578  
to the department, not later than thirty days after receiving the 62579  
notice, a request for a reconsideration pursuant to division (G) 62580  
of this section. 62581

(G)(1) Pursuant to the procedure specified in division (G)(2) 62582  
of this section, a noninstitutional medicaid provider or owner 62583  
subject to a suspension under this section may request a 62584  
reconsideration. The request shall be made not later than thirty 62585  
days after receipt of the notice provided under division (F) of 62586  
this section. The reconsideration is not subject to an 62587  
adjudication hearing pursuant to Chapter 119. of the Revised Code. 62588

(2) In requesting a reconsideration, the provider or owner 62589  
shall submit written information and documents to the department. 62590  
The information and documents may pertain to any of the following 62591

issues:	62592
(a) Whether the determination to suspend the provider agreement was based on a mistake of fact, other than the validity of the indictment;	62593 62594 62595
(b) Whether any offense charged in the indictment resulted from an offense specified in division (E) of this section;	62596 62597
(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the indictment.	62598 62599 62600 62601
(3) The department shall review the information and documents submitted in a request for reconsideration. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. The review and notification of its results shall be completed not later than forty-five days after receiving the information and documents submitted in a request for reconsideration.	62602 62603 62604 62605 62606 62607 62608 62609
(H) The department may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.	62610 62611 62612 62613
<b>Sec. 5111.032.</b> (A) As used in this section:	62614
(1) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.	62615 62616
(2) <del>"Department" includes a designee of the department of job and family services.</del>	62617 62618
<del>(3) <u>"Disqualifying offense" means any of the following:</u></del>	62619
<del>(a) <u>A violation of section 959.13, 959.131, 2903.01, 2903.02,</u></del>	62620

<u>2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15,</u>	62621
<u>2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01,</u>	62622
<u>2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 2907.03, 2907.04,</u>	62623
<u>2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22,</u>	62624
<u>2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322,</u>	62625
<u>2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23,</u>	62626
<u>2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02,</u>	62627
<u>2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32,</u>	62628
<u>2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45,</u>	62629
<u>2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02,</u>	62630
<u>2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.22, 2919.23,</u>	62631
<u>2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 2921.24,</u>	62632
<u>2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122,</u>	62633
<u>2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42,</u>	62634
<u>2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09,</u>	62635
<u>2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	62636
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	62637
<u>(b) Felonious sexual penetration in violation of former</u>	62638
<u>section 2907.12 of the Revised Code;</u>	62639
<u>(c) A violation of section 2905.04 of the Revised Code as it</u>	62640
<u>existed prior to July 1, 1996;</u>	62641
<u>(d) A violation of section 2923.01, 2923.02, or 2923.03 of</u>	62642
<u>the Revised Code when the underlying offense that is the object of</u>	62643
<u>the conspiracy, attempt, or complicity is one of the offenses</u>	62644
<u>listed in division (A)(2)(a) to (c) of this section;</u>	62645
<u>(e) A violation of an existing or former municipal ordinance</u>	62646
<u>or law of this state, any other state, or the United States that</u>	62647
<u>is substantially equivalent to any of the offenses listed in</u>	62648
<u>division (A)(2)(a) to (d) of this section.</u>	62649
<u>(3) "Owner" means a person who has an ownership interest in a</u>	62650
<u>provider or applicant to be a provider in an amount designated by</u>	62651



~~the department of job and family services~~ in rules adopted under 62652  
this section. 62653

(4) "Person subject to the criminal records check 62654  
requirement" means the following: 62655

(a) A provider or applicant to be a provider who is notified 62656  
under division (E)(1) of this section that the provider or 62657  
applicant is subject to a criminal records check; 62658

(b) An owner or prospective owner, officer or prospective 62659  
officer, or board member or prospective board member of a provider 62660  
or applicant to be a provider if, pursuant to division (E)(1)(a) 62661  
of this section, the owner or prospective owner, officer or 62662  
prospective officer, or board member or prospective board member 62663  
is specified in information given to the provider or applicant 62664  
under division (E)(1) of this section; 62665

(c) An employee or prospective employee of a provider or 62666  
applicant to be a provider if both of the following apply: 62667

(i) The employee or prospective employee is specified, 62668  
pursuant to division (E)(1)(b) of this section, in information 62669  
given to the provider or applicant under division (E)(1) of this 62670  
section. 62671

(ii) The provider or applicant is not prohibited by division 62672  
(D)(3)(b) of this section from employing the employee or 62673  
prospective employee. 62674

(5) "Provider" means a person, institution, or entity that 62675  
has a medicaid provider agreement with the department of job and 62676  
family services ~~pursuant to Title XIX of the "Social Security~~ 62677  
~~Act," 49 State. 620 (1965), 42 U.S.C. 1396, as amended.~~ 62678

(6) "Responsible entity" means the following: 62679

(a) With respect to a criminal records check required under 62680  
this section for a provider or applicant to be a provider, the 62681

department of job and family services or the department's 62682  
designee; 62683

(b) With respect to a criminal records check required under 62684  
this section for an owner or prospective owner, officer or 62685  
prospective officer, board member or prospective board member, or 62686  
employee or prospective employee of a provider or applicant to be 62687  
a provider, the provider or applicant. 62688

~~(B)(1) Except as provided in division (B)(2) of this section,~~ 62689  
the This section does not apply to any individual who is subject 62690  
to a criminal records check under section 3712.09, 3721.121, 62691  
5111.034, 5123.081, or 5123.169 of the Revised Code or any 62692  
individual who is subject to a database review or criminal records 62693  
check under section 173.394, 3701.881, or 5111.033 of the Revised 62694  
Code. 62695

(C) The department of job and family services may ~~require~~ do 62696  
any of the following: 62697

(1) ~~Require~~ that any provider, or applicant to be a provider, 62698  
~~employee or prospective employee of a provider, owner or~~ 62699  
~~prospective owner of a provider, officer or prospective officer of~~ 62700  
~~a provider, or board member or prospective board member of a~~ 62701  
~~provider~~ submit to a criminal records check as a condition of 62702  
~~obtaining~~ having a medicaid provider agreement, ~~continuing to hold~~ 62703  
~~a provider agreement, being employed by a provider, having an~~ 62704  
~~ownership interest in a provider, or being an officer or board~~ 62705  
~~member of a provider. The department may designate the categories~~ 62706  
~~of persons who are subject to the criminal records check~~ 62707  
~~requirement. The department shall designate the times at which the~~ 62708  
~~criminal records checks must be conducted.~~ 62709

~~(2) The section does not apply to providers, applicants to be~~ 62710  
~~providers, employees of a provider, or prospective employees of a~~ 62711  
~~provider who are subject to criminal records checks under section~~ 62712

~~5111.033 or 5111.034 of the Revised Code;~~ 62713

(2) Require that any provider or applicant to be a provider  
require an owner or prospective owner, officer or prospective  
officer, or board member or prospective board member of the  
provider or applicant submit to a criminal records check as a  
condition of being an owner, officer, or board member of the  
provider or applicant; 62714  
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(3) Require that any provider or applicant to be a provider  
do the following: 62720  
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(a) If so required by rules adopted under this section,  
determine pursuant to a database review conducted under division  
(F)(1)(a) of this section whether any employee or prospective  
employee of the provider or applicant is included in a database; 62722  
62723  
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(b) Unless the provider or applicant is prohibited by  
division (D)(3)(b) of this section from employing the employee or  
prospective employee, require the employee or prospective employee  
to submit to a criminal records check as a condition of being an  
employee of the provider or applicant. 62726  
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(D)(1) The department or the department's designee shall  
terminate a provider's medicaid provider agreement or deny an  
applicant's application for a medicaid provider agreement if the  
provider or applicant is a person subject to the criminal records  
check requirement and either of the following applies: 62731  
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(a) The provider or applicant fails to obtain the criminal  
records check after being given the information specified in  
division (G)(1) of this section. 62736  
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(b) Except as provided in rules adopted under this section,  
the provider or applicant is found by the criminal records check  
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, 62739  
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the date of entry of the guilty plea, or the date the applicant or provider was found eligible for intervention in lieu of conviction. 62744  
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(2) No provider or applicant to be a provider shall permit a person to be an owner, officer, or board member of the provider or applicant if the person is a person subject to the criminal records check requirement and either of the following applies: 62747  
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(a) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 62751  
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(b) Except as provided in rules adopted under this section, the person is found by the criminal records check 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, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction. 62754  
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(3) No provider or applicant to be a provider shall employ a person if any of the following apply: 62761  
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(a) The person has been excluded from providing services or items under the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program. 62763  
62764  
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(b) If the person is subject to a database review conducted under division (F)(1)(a) of this section, the person is found by the database review to be included in a database and the rules adopted under this section regarding the database review prohibit the provider or applicant from employing a person included in the database. 62767  
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(c) If the person is a person subject to the criminal records check requirement, either of the following applies: 62773  
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(i) The person fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section. 62775  
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62777

(ii) Except as provided in rules adopted under this section, the person is found by the criminal records check 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, the date of entry of the guilty plea, or the date the person was found eligible for intervention in lieu of conviction. 62778  
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~~(C)(E)(1)~~ The department or the department's designee shall inform each provider or applicant to be a provider whether the provider or applicant is subject to a criminal records check requirement under division (B) of this section. For providers, the information shall be given at times designated in rules adopted under this section. For applicants to be providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify which the following: 62785  
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(a) Which of the provider's or applicant's employees or prospective employees, owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to the a criminal records check requirement; 62794  
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62796  
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(b) Which of the provider's or applicant's employees or prospective employees are subject to division (C)(3) of this section. 62798  
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62800

(2) At times designated in rules adopted under this section, a provider or applicant to be a provider that is a person subject to the criminal records check requirement shall ~~inform~~ do the following: 62801  
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62803  
62804

(a) Inform each person specified ~~by the department~~ under 62805

division ~~(C)(1)~~(E)(1)(a) of this section that the person is 62806  
required, ~~as applicable,~~ to submit to a criminal records check ~~for~~ 62807  
~~final consideration for employment in a full-time, part-time, or~~ 62808  
~~temporary position; as a condition of continued employment; or as~~ 62809  
a condition of ~~becoming or continuing to be~~ being an owner, 62810  
officer, or board member ~~or owner~~ of a the provider or applicant; 62811

(b) Inform each person specified under division (E)(1)(b) of 62812  
this section that the person is subject to division (C)(3) of this 62813  
section. 62814

~~(D)~~(F)(1) If a provider or applicant to be a provider is a 62815  
person subject to a the criminal records check ~~under this section~~ 62816  
requirement, the department or the department's designee shall 62817  
require the conduct of a criminal records check by the 62818  
superintendent of the bureau of criminal identification and 62819  
investigation. ~~If a provider or applicant to be a provider for~~ 62820  
~~whom a criminal records check is required does not present proof~~ 62821  
~~of having been a resident of this state for the five-year period~~ 62822  
~~immediately prior to the date the criminal records check is~~ 62823  
~~requested or provide evidence that within that five-year period~~ 62824  
~~the superintendent has requested information about the individual~~ 62825  
~~from the federal bureau of investigation in a criminal records~~ 62826  
~~check, the department shall require the provider or applicant to~~ 62827  
~~request that the superintendent obtain information from the~~ 62828  
~~federal bureau of investigation as part of the criminal records~~ 62829  
~~check of the provider or applicant. Even if a provider or~~ 62830  
~~applicant for whom a criminal records check request is required~~ 62831  
~~presents proof of having been a resident of this state for the~~ 62832  
~~five-year period, the department may require that the provider or~~ 62833  
~~applicant request that the superintendent obtain information from~~ 62834  
~~the federal bureau of investigation and include it in the criminal~~ 62835  
~~records check of the provider or applicant.~~ 62836

~~(2)~~ investigation. A provider or applicant to be a provider 62837

shall require the conduct of a criminal records check by the 62838  
superintendent with respect to each of the persons specified by 62839  
~~the department under division (C)(1)(E)(1)(a) of this section. If~~ 62840  
~~the person for whom a criminal records check is required does not~~ 62841  
~~present proof of having been a resident of this state for the~~ 62842  
~~five year period immediately prior to the date the criminal~~ 62843  
~~records check is requested or provide evidence that within that~~ 62844  
~~five year period the superintendent of the bureau of criminal~~ 62845  
~~identification and investigation has requested information about~~ 62846  
~~the individual from the federal bureau of investigation in a~~ 62847  
~~criminal records check, the individual shall request that the~~ 62848  
~~superintendent obtain information from the federal bureau of~~ 62849  
~~investigation as part of the criminal records check of the~~ 62850  
~~individual. Even if an individual for whom a criminal records~~ 62851  
~~check request is required presents proof of having been a resident~~ 62852  
~~of this state for the five year period, the department may require~~ 62853  
~~the provider to request that the superintendent obtain information~~ 62854  
~~from the federal bureau of investigation and include it in the~~ 62855  
~~criminal records check of the person. With respect to each~~ 62856  
~~employee and prospective employee specified under division~~ 62857  
~~(E)(1)(b) of this section, a provider or applicant to be a~~ 62858  
~~provider shall do the following:~~ 62859

(a) If rules adopted under this section require the provider 62860  
or applicant to conduct a database review to determine whether the 62861  
employee or prospective employee is included in a database, 62862  
conduct the database review in accordance with the rules; 62863

(b) Unless the provider or applicant is prohibited by 62864  
division (D)(3)(b) of this section from employing the employee or 62865  
prospective employee, require the conduct of a criminal records 62866  
check of the employee or prospective employee by the 62867  
superintendent. 62868

(2) If a person subject to the criminal records check 62869

requirement does not present proof of having been a resident of 62870  
this state for the five-year period immediately prior to the date 62871  
the criminal records check is requested or provide evidence that 62872  
within that five-year period the superintendent has requested 62873  
information about the person from the federal bureau of 62874  
investigation in a criminal records check, the responsible entity 62875  
shall require the person to request that the superintendent obtain 62876  
information from the federal bureau of investigation as part of 62877  
the criminal records check of the person. Even if the person 62878  
presents proof of having been a resident of this state for the 62879  
five-year period, the responsible entity may require that the 62880  
person request that the superintendent obtain information from the 62881  
federal bureau of investigation and include it in the criminal 62882  
records check of the person. 62883

~~(E)(1)(G)~~ Criminal records checks required ~~under~~ by this 62884  
section ~~for providers or applicants to be providers~~ shall be 62885  
obtained as follows: 62886

~~(a)(1)~~ The ~~department~~ responsible entity shall provide each 62887  
~~provider or applicant~~ person subject to the criminal records check 62888  
requirement information about accessing and completing the form 62889  
prescribed pursuant to division (C)(1) of section 109.572 of the 62890  
Revised Code and the standard ~~fingerprint~~ impression sheet 62891  
prescribed pursuant to division (C)(2) of that section. 62892

~~(b)(2)~~ The ~~provider or applicant~~ person subject to the 62893  
criminal records check requirement shall submit the required form 62894  
and one complete set of the person's fingerprint impressions 62895  
directly to the superintendent for purposes of conducting the 62896  
criminal records check using the applicable methods prescribed by 62897  
division (C) of section 109.572 of the Revised Code. The ~~applicant~~ 62898  
~~or provider~~ person shall pay all fees associated with obtaining 62899  
the criminal records check. 62900

~~(e)(3)~~ The superintendent shall conduct the criminal records 62901



check in accordance with section 109.572 of the Revised Code. The 62902  
~~provider or applicant person subject to the criminal records check~~ 62903  
~~requirement~~ shall instruct the superintendent to submit the report 62904  
of the criminal records check directly to the ~~director of job and~~ 62905  
~~family services.~~ 62906

~~(2) Criminal records checks required under this section for~~ 62907  
~~persons specified by the department under division (C)(1) of this~~ 62908  
~~section shall be obtained as follows:~~ 62909

~~(a) The provider shall give to each person subject to~~ 62910  
~~criminal records check requirement information about accessing and~~ 62911  
~~completing the form prescribed pursuant to division (C)(1) of~~ 62912  
~~section 109.572 of the Revised Code and the standard fingerprint~~ 62913  
~~impression sheet prescribed pursuant to division (C)(2) of that~~ 62914  
~~section.~~ 62915

~~(b) The person shall submit the required form and one~~ 62916  
~~complete set of fingerprint impressions directly to the~~ 62917  
~~superintendent for purposes of conducting the criminal records~~ 62918  
~~check using the applicable methods prescribed by division (C) of~~ 62919  
~~section 109.572 of the Revised Code. The person shall pay all fees~~ 62920  
~~associated with obtaining the criminal records check.~~ 62921

~~(c) The superintendent shall conduct the criminal records~~ 62922  
~~check in accordance with section 109.572 of the Revised Code. The~~ 62923  
~~person subject to the criminal records check shall instruct the~~ 62924  
~~superintendent to submit the report of the criminal records check~~ 62925  
~~directly to the provider responsible entity. The If the department~~ 62926  
~~or the department's designee is not the responsible entity, the~~ 62927  
~~department or designee may require the provider responsible entity~~ 62928  
~~to submit the report to the department or designee.~~ 62929

~~(F) If a provider or applicant to be a provider is given the~~ 62930  
~~information specified in division (E)(1)(a) of this section but~~ 62931  
~~fails to obtain a criminal records check, the department shall, as~~ 62932

~~applicable, terminate the provider agreement or deny the application to be a provider.~~ 62933  
62934

~~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.~~ 62935  
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~~(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:~~ 62939  
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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,~~ 62950  
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~~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;~~

~~(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 (C)(1) of this section.~~

~~(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 subject to a criminal records check under this section and 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 offenses specified in division (C)(1) or (2) of this section.~~

~~(b) No provider shall employ a person who has been excluded from participating in the medicaid program, the medicare program operated pursuant to Title XVIII of the "Social Security Act," or any other federal health care program.~~

(2)(a)(H)(1) A provider or applicant to be a provider may employ conditionally a person for whom a criminal records check is required under by this section prior to obtaining the results of a the criminal records check regarding the person, but only if the both of the following apply:

(a) The provider or applicant is not prohibited by division (D)(3)(b) of this section from employing the person.

(b) The person submits a request for a the criminal records

check not later than five business days after the ~~individual~~ 62996  
person begins conditional employment. 62997

~~(b)(2)~~ A provider or applicant to be a provider that employs 62998  
a person conditionally under ~~authority of~~ division (H)~~(2)(a)(1)~~ of 62999  
this section shall terminate the person's employment if the 63000  
results of the criminal records check request are not obtained 63001  
within the period ending sixty days after the date the request is 63002  
made. Regardless of when the results of the criminal records check 63003  
are obtained, if the results indicate that the ~~individual person~~ 63004  
has been convicted of, has pleaded guilty to, or has been found 63005  
eligible for intervention in lieu of conviction for ~~any of the~~ 63006  
~~offenses specified in division (C)(1) or (2) of this section a~~ 63007  
disqualifying offense, the provider or applicant shall terminate 63008  
the person's employment unless circumstances specified in rules 63009  
adopted under this section exist that permit the provider or 63010  
applicant to employ the person and the provider or applicant 63011  
chooses to employ the ~~individual pursuant to division (J) of this~~ 63012  
~~section person~~. 63013

(I) The report of a criminal records check conducted pursuant 63014  
to this section is not a public record for the purposes of section 63015  
149.43 of the Revised Code and shall not be made available to any 63016  
person other than the following: 63017

(1) The person who is the subject of the criminal records 63018  
check or the person's representative; 63019

(2) The director of job and family services and the staff of 63020  
the department in the administration of the medicaid program; 63021

(3) The department's designee; 63022

(4) The provider or applicant to be a provider who required 63023  
the person who is the subject of the criminal records check to 63024  
submit to the criminal records check; 63025

(5) A court, hearing officer, or other necessary individual 63026

involved in a case dealing with ~~the~~ any of the following: 63027

(a) The denial or termination of a medicaid provider agreement; 63028  
63029

~~(4) A court, hearing officer, or other necessary individual involved in a case dealing with a~~ (b) A person's denial of 63030  
employment, termination of employment, or employment or 63031  
unemployment benefits; 63032  
63033

(c) A civil or criminal action regarding the medicaid program. 63034  
63035

(J) The ~~department~~ director of job and family services may 63036  
adopt rules in accordance with Chapter 119. of the Revised Code to 63037  
implement this section. If the director adopts such rules, the 63038  
rules shall designate the times at which a criminal records check 63039  
must be conducted under this section. The rules may ~~specify~~ do any 63040  
of the following: 63041

(1) Designate the categories of persons who are subject to a 63042  
criminal records check under this section; 63043

(2) Specify circumstances under which the department or the 63044  
department's designee may continue a medicaid provider agreement 63045  
or issue a medicaid provider agreement to an applicant when the 63046  
provider or applicant ~~has~~ is found by a criminal records check to 63047  
have been convicted of, ~~has~~ pleaded guilty to, or has been found 63048  
eligible for intervention in lieu of conviction for ~~any of the~~ 63049  
~~offenses specified in division (C)(1) or (2) of this section.~~ The 63050  
~~rules may also specify~~ a disqualifying offense; 63051

(3) Specify circumstances under which a provider or applicant 63052  
to be a provider may permit a person to be an employee, owner, 63053  
officer, or board member of the provider or applicant, when the 63054  
person ~~has~~ is found by a criminal records check conducted pursuant 63055  
to this section to have been convicted of, ~~has~~ pleaded guilty to, 63056  
or ~~has~~ been found eligible for intervention in lieu of conviction 63057

~~for any of the offenses specified in division (G)(1) or (2) of  
this section a disqualifying offense;~~ 63058  
63059

(4) Specify all of the following: 63060

(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; 63061  
63062  
63063  
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(b) The procedures for conducting the database review; 63065

(c) The databases that are to be checked; 63066

(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. 63067  
63068  
63069

**Sec. 5111.033.** (A) As used in this section: 63070

~~(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.~~ 63071  
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~~(2) "Criminal records check" has the same meaning as in  
section 109.572 of the Revised Code.~~ 63080  
63081

~~(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~~ 63082  
63083  
63084  
63085  
63086  
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~~administered home and community based waiver programs.~~ 63088

~~(4) "Home "Disqualifying offense" has the same meaning as in section 5111.032 of the Revised Code.~~ 63089  
63090

~~"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.~~ 63091  
63092  
63093

~~"Home and community-based ~~waiver~~ services medicaid waiver component" means ~~services furnished under the provision of 42 C.F.R. 441, subpart G, 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.~~ 63094  
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63101~~

~~"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.~~ 63102  
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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:~~ 63109  
63110  
63111

~~(1) A review of the databases listed in division (D) of this section reveals any of the following:~~ 63112  
63113

~~(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;~~ 63114  
63115  
63116

~~(b) That there is in the state nurse aide registry~~ 63117

established under section 3721.32 of the Revised Code a statement 63118  
detailing findings by the director of health that the applicant or 63119  
employee neglected or abused a long-term care facility or 63120  
residential care facility resident or misappropriated property of 63121  
such a resident; 63122

(c) That the applicant or employee is included in one or more 63123  
of the databases, if any, specified in rules adopted under this 63124  
section and the rules prohibit the waiver agency from employing an 63125  
applicant or continuing to employ an employee included in such a 63126  
database in a position that involves providing home and 63127  
community-based services. 63128

(2) After the applicant or employee is given the information 63129  
and notification required by divisions (E)(2)(a) and (b) of this 63130  
section, the applicant or employee fails to do either of the 63131  
following: 63132

(a) Access, complete, or forward to the superintendent of the 63133  
bureau of criminal identification and investigation the form 63134  
prescribed to division (C)(1) of section 109.572 of the Revised 63135  
Code or the standard impression sheet prescribed pursuant to 63136  
division (C)(2) of that section; 63137

(b) Instruct the superintendent to submit the completed 63138  
report of the criminal records check required by this section 63139  
directly to the chief administrator of the waiver agency. 63140

(3) Except as provided in rules adopted under this section, 63141  
the applicant or employee is found by a criminal records check 63142  
required by this section to have been convicted of, pleaded guilty 63143  
to, or been found eligible for intervention in lieu of conviction 63144  
for a disqualifying offense, regardless of the date of the 63145  
conviction, date of entry of the guilty plea, or the date the 63146  
applicant or employee was found eligible for intervention in lieu 63147  
of conviction. 63148



(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: 63149  
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63151  
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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; 63153  
63154  
63155  
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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. 63157  
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63161

(D) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver 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 waiver 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 home and community-based services. A database review shall determine whether the applicant or employee is included in any of the following: 63162  
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(1) The excluded parties list system maintained by the United States general services administration pursuant to subpart 9.4 of the federal acquisition regulation; 63173  
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63175

(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 63176  
63177  
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63179

amended, and section 1156 of the "Social Security Act," 96 Stat. 63180  
388 (1982), 42 U.S.C. 1320c-5, as amended; 63181

(3) The registry of MR/DD employees established under section 63182  
5123.52 of the Revised Code; 63183

(4) The internet-based sex offender and child-victim offender 63184  
database established under division (A)(11) of section 2950.13 of 63185  
the Revised Code; 63186

(5) The internet-based database of inmates established under 63187  
section 5120.66 of the Revised Code; 63188

(6) The state nurse aide registry established under section 63189  
3721.32 of the Revised Code; 63190

(7) Any other database, if any, specified in rules adopted 63191  
under this section. 63192

(E)(1) The As a condition of employing any applicant in a 63193  
position that involves providing home and community-based 63194  
services, the chief administrator of a waiver agency shall require 63195  
each the applicant to request that the superintendent of the 63196  
bureau of criminal identification and investigation conduct a 63197  
criminal records check with respect to of the applicant. If rules 63198  
adopted under this section so require, the chief administrator of 63199  
a waiver agency shall require an employee to request that the 63200  
superintendent conduct a criminal records check of the employee at 63201  
times specified in the rules as a condition of continuing to 63202  
employ the employee in a position that involves providing home and 63203  
community-based services. However, a criminal records check is not 63204  
required for an applicant or employee if the waiver agency is 63205  
prohibited by division (B)(1) of this section from employing the 63206  
applicant or continuing to employ the employee in a position that 63207  
involves providing home and community-based services. If an 63208  
applicant or employee for whom a criminal records check request is 63209  
required under this division by this section does not present 63210

proof of having been a resident of this state for the five-year 63211  
period immediately prior to the date the criminal records check is 63212  
requested or provide evidence that within that five-year period 63213  
the superintendent has requested information about the applicant 63214  
or employee from the federal bureau of investigation in a criminal 63215  
records check, the chief administrator shall require the applicant 63216  
or employee to request that the superintendent obtain information 63217  
from the federal bureau of investigation as part of the criminal 63218  
records check ~~of the applicant~~. Even if an applicant or employee 63219  
for whom a criminal records check request is required ~~under this~~ 63220  
~~division by this section~~ presents proof of having been a resident 63221  
of this state for the five-year period, the chief administrator 63222  
may require the applicant or employee to request that the 63223  
superintendent include information from the federal bureau of 63224  
investigation in the criminal records check. 63225

(2) The chief administrator shall provide the following to 63226  
each applicant and employee for whom a criminal records check 63227  
~~request~~ is required ~~under division (B)(1) of~~ by this section: 63228

(a) Information about accessing, completing, and forwarding 63229  
to the superintendent of the bureau of criminal identification and 63230  
investigation the form prescribed pursuant to division (C)(1) of 63231  
section 109.572 of the Revised Code and the standard ~~fingerprint~~ 63232  
impression sheet prescribed pursuant to division (C)(2) of that 63233  
section; 63234

(b) Written notification that the applicant or employee is to 63235  
instruct the superintendent to submit the completed report of the 63236  
criminal records check directly to the chief administrator. 63237

(3) ~~An applicant given information and notification under~~ 63238  
~~divisions (B)(2)(a) and (b) of this section who fails to access,~~ 63239  
~~complete, and forward to the superintendent the form or the~~ 63240  
~~standard fingerprint impression sheet, or who fails to instruct~~ 63241  
~~the superintendent to submit the completed report of the criminal~~ 63242

~~records check directly to the chief administrator, shall not be~~ 63243  
~~employed in any position in a waiver agency for which a criminal~~ 63244  
~~records check is required by this section. A waiver agency shall~~ 63245  
~~pay to the bureau of criminal identification and investigation the~~ 63246  
~~fee prescribed pursuant to division (C)(3) of section 109.572 of~~ 63247  
~~the Revised Code for any criminal records check required by this~~ 63248  
~~section. However, a waiver agency may require an applicant to pay~~ 63249  
~~to the bureau the fee for a criminal records check of the~~ 63250  
~~applicant. If the waiver agency pays the fee for an applicant, it~~ 63251  
~~may charge the applicant a fee not exceeding the amount the waiver~~ 63252  
~~agency pays to the bureau under this section if the waiver agency~~ 63253  
~~notifies the applicant at the time of initial application for~~ 63254  
~~employment of the amount of the fee and that, unless the fee is~~ 63255  
~~paid, the applicant will not be considered for employment.~~ 63256

~~(C)(1) Except as provided in rules adopted by the department~~ 63257  
~~of job and family services in accordance with division (F) of this~~ 63258  
~~section and subject to division (C)(2) of this section, no waiver~~ 63259  
~~agency shall employ a person in a position that involves providing~~ 63260  
~~home and community based waiver services to persons with~~ 63261  
~~disabilities if the person has been convicted of, has pleaded~~ 63262  
~~guilty to, or has been found eligible for intervention in lieu of~~ 63263  
~~conviction for any of the following, regardless of the date of the~~ 63264  
~~conviction, the date of entry of the guilty plea, or the date the~~ 63265  
~~person was found eligible for intervention in lieu of conviction:~~ 63266

~~(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03,~~ 63267  
~~2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16,~~ 63268  
~~2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05,~~ 63269  
~~2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06,~~ 63270  
~~2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24,~~ 63271  
~~2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02,~~ 63272  
~~2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01,~~ 63273  
~~2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04,~~ 63274

~~2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 63275~~  
~~2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 63276~~  
~~2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 63277~~  
~~2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 63278~~  
~~2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 63279~~  
~~2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 63280~~  
~~2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 63281~~  
~~2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 63282~~  
~~penetration in violation of former section 2907.12 of the Revised 63283~~  
~~Code, a violation of section 2905.04 of the Revised Code as it 63284~~  
~~existed prior to July 1, 1996, a violation of section 2919.23 of 63285~~  
~~the Revised Code that would have been a violation of section 63286~~  
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, 63287~~  
~~had the violation been committed prior to that date; 63288~~

~~(b) A violation of an existing or former municipal ordinance 63289~~  
~~or law of this state, any other state, or the United States that 63290~~  
~~is substantially equivalent to any of the offenses listed in 63291~~  
~~division (C)(1)(a) of this section. 63292~~

~~(2)(a)(F)(1) A waiver agency may employ conditionally an 63293~~  
~~applicant for whom a criminal records check request is required 63294~~  
~~under division (B) of by this section prior to obtaining the 63295~~  
~~results of a the criminal records check regarding the individual, 63296~~  
~~provided that the if both of the following apply: 63297~~

~~(a) The waiver agency is not prohibited by division (B)(1) of 63298~~  
~~this section from employing the applicant in a position that 63299~~  
~~involves providing home and community-based services. 63300~~

~~(b) The chief administrator of the waiver agency shall 63301~~  
~~require requires the individual applicant to request a criminal 63302~~  
~~records check regarding the individual applicant in accordance 63303~~  
~~with division (B)(E)(1) of this section not later than five 63304~~  
~~business days after the individual applicant begins conditional 63305~~  
~~employment. 63306~~

~~(b)(2)~~ A waiver agency that employs an individual applicant 63307  
conditionally under ~~authority of~~ division ~~(C)(2)(a)(F)(1)~~ of this 63308  
section shall terminate the ~~individual's~~ applicant's employment if 63309  
the results of the criminal records check ~~request under division~~ 63310  
~~(B) of this section~~, other than the results of any request for 63311  
information from the federal bureau of investigation, are not 63312  
obtained within the period ending sixty days after the date the 63313  
request for the criminal records check is made. Regardless of when 63314  
the results of the criminal records check are obtained, if the 63315  
results indicate that the individual applicant has been convicted 63316  
of, has pleaded guilty to, or has been found eligible for 63317  
intervention in lieu of conviction for ~~any of the offenses listed~~ 63318  
~~or described in division (C)(1) of this section~~ a disqualifying 63319  
offense, the waiver agency shall terminate the ~~individual's~~ 63320  
applicant's employment unless circumstances specified in rules 63321  
adopted under this section exist that permit the waiver agency to 63322  
employ the applicant and the waiver agency chooses to employ the 63323  
individual pursuant to division (F) of this section applicant. 63324

~~(D)(1)~~ The fee prescribed pursuant to ~~division (C)(3) of~~ 63325  
~~section 109.572 of the Revised Code for each criminal records~~ 63326  
~~check conducted pursuant to a request made under division (B) of~~ 63327  
~~this section shall be paid to the bureau of criminal~~ 63328  
~~identification and investigation by the applicant or the waiver~~ 63329  
~~agency.~~ 63330

~~(2)~~ If a waiver agency pays the fee, it may charge the 63331  
applicant a fee not exceeding the amount the agency pays under 63332  
division ~~(D)(1) of this section~~. An agency may collect a fee only 63333  
if the agency notifies the person at the time of initial 63334  
application for employment of the amount of the fee and that, 63335  
unless the fee is paid, the person will not be considered for 63336  
employment. 63337

~~(E)(G)~~ The report of any criminal records check conducted 63338

pursuant to a request made under this section is not a public 63339  
record for the purposes of section 149.43 of the Revised Code and 63340  
shall not be made available to any person other than the 63341  
following: 63342

(1) The ~~individual~~ applicant or employee who is the subject 63343  
of the criminal records check or the ~~individual's~~ representative 63344  
of the applicant or employee; 63345

(2) The chief administrator of the waiver agency ~~requesting~~ 63346  
that requires the applicant or employee to request the criminal 63347  
records check or the administrator's representative; 63348

(3) ~~An administrator at~~ The director of job and family 63349  
services and the staff of the department in the administration of 63350  
the medicaid program; 63351

(4) A court, hearing officer, or other necessary individual 63352  
involved in a case dealing with ~~a~~ any of the following: 63353

(a) A denial of employment of the applicant or ~~dealing with~~ 63354  
~~employment~~ employee; 63355

(b) Employment or unemployment benefits of the applicant or 63356  
employee; 63357

(c) A civil or criminal action regarding the medicaid 63358  
program. 63359

~~(F)~~(H) The ~~department~~ director of job and family services 63360  
shall adopt rules in accordance with Chapter 119. of the Revised 63361  
Code to implement this section. ~~The~~ 63362

(1) The rules may do the following: 63363

(a) Require employees to undergo database reviews and 63364  
criminal records checks under this section; 63365

(b) If the rules require employees to undergo database 63366  
reviews and criminal records checks under this section, exempt one 63367  
or more classes of employees from the requirements; 63368

(c) For the purpose of division (D)(7) of this section, 63369  
specify other databases that are to be checked as part of a 63370  
database review conducted under this section. 63371

(2) The rules shall specify all of the following: 63372

(a) The procedures for conducting a database review under 63373  
this section; 63374

(b) If the rules require employees to undergo database 63375  
reviews and criminal records checks under this section, the times 63376  
at which the database reviews and criminal records checks are to 63377  
be conducted; 63378

(c) If the rules specify other databases to be checked as 63379  
part of a database review, the circumstances under which a waiver 63380  
agency is prohibited from employing an applicant or continuing to 63381  
employ an employee who is found by the database review to be 63382  
included in one or more of those databases; 63383

(d) The circumstances under which a waiver agency may employ 63384  
a person an applicant or employee who has is found by a criminal 63385  
records check required by this section to have been convicted of, 63386  
has pleaded guilty to, or has been found eligible for intervention 63387  
in lieu of conviction for an offense listed or described in 63388  
division (C)(1) of this section a disqualifying offense. 63389

~~(C) The chief administrator of a waiver agency shall inform~~ 63390  
~~each person, at the time of initial application for a position~~ 63391  
~~that involves providing home and community based waiver services~~ 63392  
~~to a person with a disability, that the person is required to~~ 63393  
~~provide a set of fingerprint impressions and that a criminal~~ 63394  
~~records check is required to be conducted if the person comes~~ 63395  
~~under final consideration for employment.~~ 63396

~~(H)(1) A person who, on September 26, 2003, is an employee of~~ 63397  
~~a waiver agency in a full-time, part-time, or temporary position~~ 63398  
~~that involves providing home and community based waiver services~~ 63399



~~to a person with disabilities shall comply with this section 63400  
within sixty days after September 26, 2003, unless division (H)(2) 63401  
of this section applies. 63402~~

~~(2) This section shall not apply to a person to whom all of 63403  
the following apply: 63404~~

~~(a) On September 26, 2003, the person is an employee of a 63405  
waiver agency in a full-time, part-time, or temporary position 63406  
that involves providing home and community based waiver services 63407  
to a person with disabilities. 63408~~

~~(b) The person previously had been the subject of a criminal 63409  
background check relating to that position; 63410~~

~~(c) The person has been continuously employed in that 63411  
position since that criminal background check had been conducted. 63412~~

(I) The amendments made by ...B... to this section do not 63413  
preclude the department of job and family services from taking 63414  
action against a person for failure to comply with former division 63415  
(H) of this section as that division existed on the day preceding 63416  
the effective date of this amendment. 63417

**Sec. 5111.034.** (A) As used in this section: 63418

~~(1) "Anniversary date" means the later of the effective date 63419  
of the provider agreement relating to the independent provider or 63420  
sixty days after September 26, 2003. 63421~~

~~(2) "Criminal "Applicant" means a person who has applied for 63422  
a medicaid provider agreement to provide home and community-based 63423  
services as an independent provider under a home and 63424  
community-based medicaid waiver component administered by the 63425  
department of job and family services. 63426~~

"Criminal records check" has the same meaning as in section 63427  
109.572 of the Revised Code. 63428

~~(3) "Department" includes a designee of the department of job and family services.~~ 63429  
63430

~~(4) "Independent "Disqualifying offense" has the same meaning as in section 5111.032 of the Revised Code.~~ 63431  
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~~"Independent provider" means a person who is submitting an application for a provider agreement or who has a medicaid provider agreement to provide home and community-based services as an independent provider in a home and community-based services medicaid waiver component administered by the department of job and family services administered home and community based services program providing home and community based waiver services to consumers with disabilities.~~ 63433  
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~~(5) "Home and community-based waiver services medicaid waiver component" has the same meaning as in section ~~5111.033~~ 5111.85 of the Revised Code.~~ 63441  
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~~(B) The department of job and family services or the department's designee shall deny an applicant's application for a medicaid provider agreement and shall terminate an independent provider's medicaid provider agreement if either of the following applies:~~ 63444  
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~~(1) After the applicant or independent provider is given the information and notification required by divisions (D)(2)(a) and (b) of this section, the applicant or independent provider fails to do either of the following:~~ 63449  
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~~(a) Access, complete, or forward to the superintendent of the bureau of criminal identification and investigation the form prescribed pursuant 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;~~ 63453  
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~~(b) Instruct the superintendent to submit the completed report of the criminal records check required by this section~~ 63458  
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directly to the department or the department's designee. 63460

(2) Except as provided in rules adopted under this section, 63461  
the applicant or independent provider is found by a criminal 63462  
records check required by this section to have been convicted of, 63463  
pleaded guilty to, or been found eligible for intervention in lieu 63464  
of conviction for a disqualifying offense, regardless of the date 63465  
of the conviction, the date of entry of the guilty plea, or the 63466  
date the applicant or independent provider was found eligible for 63467  
intervention in lieu of conviction. 63468

(C)(1) The department ~~of job and family services~~ or the 63469  
department's designee shall inform each ~~independent provider~~ 63470  
applicant, at the time of initial application for a medicaid 63471  
provider agreement ~~that involves providing home and~~ 63472  
~~community-based waiver services to consumers with disabilities,~~ 63473  
that the ~~independent provider~~ applicant is required to provide a 63474  
set of the applicant's fingerprint impressions and that a criminal 63475  
records check is required to be conducted ~~if the person is to~~ 63476  
~~become an independent provider in a department administered home~~ 63477  
~~and community-based waiver program~~ as a condition of the 63478  
department's approving the application. 63479

(2) Beginning on September 26, 2003, the department or the 63480  
department's designee shall inform each ~~enrolled medicaid~~ 63481  
independent provider on or before the time of the anniversary date 63482  
of the medicaid provider agreement ~~that involves providing home~~ 63483  
~~and community-based waiver services to consumers with disabilities~~ 63484  
that the independent provider is required to provide a set of the 63485  
independent provider's fingerprint impressions and that a criminal 63486  
records check is required to be conducted. 63487

~~(C)~~(D)(1) The department or the department's designee shall 63488  
require ~~the independent provider~~ an applicant to complete a 63489  
criminal records check prior to entering into a medicaid provider 63490  
agreement with the ~~independent provider and~~ applicant. The 63491

department or the department's designee shall require an 63492  
independent provider to complete a criminal records check at least 63493  
annually ~~thereafter~~. If an applicant or independent provider for 63494  
whom a criminal records check is required ~~under this division~~ by 63495  
this section does not present proof of having been a resident of 63496  
this state for the five-year period immediately prior to the date 63497  
the criminal records check is requested or provide evidence that 63498  
within that five-year period the superintendent of the bureau of 63499  
criminal identification and investigation has requested 63500  
information about the applicant or independent provider from the 63501  
federal bureau of investigation in a criminal records check, the 63502  
department or the department's designee shall request that the 63503  
applicant or independent provider obtain through the 63504  
superintendent a criminal records request from the federal bureau 63505  
of investigation as part of the criminal records check of the 63506  
applicant or independent provider. Even if an applicant or 63507  
independent provider for whom a criminal records check request is 63508  
required ~~under this division~~ by this section presents proof of 63509  
having been a resident of this state for the five-year period, the 63510  
department or the department's designee may request that the 63511  
applicant or independent provider obtain information through the 63512  
superintendent from the federal bureau of investigation in the 63513  
criminal records check. 63514

(2) The department or the department's designee shall provide 63515  
the following to each applicant and independent provider for whom 63516  
a criminal records check ~~request~~ is required ~~under division (C)(1)~~ 63517  
~~of~~ by this section: 63518

(a) Information about accessing, completing, and forwarding 63519  
to the superintendent of the bureau of criminal identification and 63520  
investigation the form prescribed pursuant to division (C)(1) of 63521  
section 109.572 of the Revised Code and the standard ~~fingerprint~~ 63522  
impression sheet prescribed pursuant to division (C)(2) of that 63523

section; 63524

(b) Written notification that the applicant or independent 63525  
provider is to instruct the superintendent to submit the completed 63526  
report of the criminal records check directly to the department or 63527  
the department's designee. 63528

~~(3) An independent provider given information and 63529  
notification under divisions (C)(2)(a) and (b) of this section who 63530  
fails to access, complete, and forward to the superintendent the 63531  
form or the standard fingerprint impression sheet, or who fails to 63532  
instruct the superintendent to submit the completed report of the 63533  
criminal records check directly to the department, shall not be 63534  
approved as an independent provider. Each applicant and 63535  
independent provider for whom a criminal records check is required 63536  
by this section shall pay to the bureau of criminal identification 63537  
and investigation the fee prescribed pursuant to division (C)(3) 63538  
of section 109.572 of the Revised Code for the criminal records 63539  
check conducted of the applicant or independent provider. 63540~~

~~(D) Except as provided in rules adopted by the department in 63541  
accordance with division (G) of this section, the department shall 63542  
not issue a new provider agreement to, and shall terminate an 63543  
existing provider agreement of, an independent provider if the 63544  
person has been convicted of, has pleaded guilty to, or has been 63545  
found eligible for intervention in lieu of conviction for any of 63546  
the following, regardless of the date of the conviction, the date 63547  
of entry of the guilty plea, or the date the person was found 63548  
eligible for intervention in lieu of conviction:~~ 63549

~~(1) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 63550  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 63551  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 63552  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 63553  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 63554  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 63555~~

~~2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 63556~~  
~~2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 63557~~  
~~2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 63558~~  
~~2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 63559~~  
~~2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 63560~~  
~~2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 63561~~  
~~2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 63562~~  
~~2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 63563~~  
~~2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 63564~~  
~~2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 63565~~  
~~penetration in violation of former section 2907.12 of the Revised 63566~~  
~~Code, a violation of section 2905.04 of the Revised Code as it 63567~~  
~~existed prior to July 1, 1996, a violation of section 2919.23 of 63568~~  
~~the Revised Code that would have been a violation of section 63569~~  
~~2905.04 of the Revised Code as it existed prior to July 1, 1996, 63570~~  
~~had the violation been committed prior to that date; 63571~~

~~(2) A violation of an existing or former municipal ordinance 63572~~  
~~or law of this state, any other state, or the United States that 63573~~  
~~is substantially equivalent to any of the offenses listed in 63574~~  
~~division (D)(1) of this section. 63575~~

~~(E) Each independent provider shall pay to the bureau of 63576~~  
~~criminal identification and investigation the fee prescribed 63577~~  
~~pursuant to division (C)(3) of section 109.572 of the Revised Code 63578~~  
~~for each criminal records check conducted pursuant to a request 63579~~  
~~made under division (C) of this section. 63580~~

~~(F)(E) The report of any criminal records check conducted by 63581~~  
~~the bureau of criminal identification and investigation in 63582~~  
~~accordance with section 109.572 of the Revised Code and pursuant 63583~~  
~~to a request made under ~~division (C)~~ of this section is not a 63584~~  
~~public record for the purposes of section 149.43 of the Revised 63585~~  
~~Code and shall not be made available to any person other than the 63586~~  
~~following: 63587~~

(1) The person who is the subject of the criminal records check or the person's representative;	63588 63589
(2) <del>An administrator at</del> <u>The director of job and family services and the staff of the department</u> <del>or the administrator's representative in the administration of the medicaid program;</del>	63590 63591 63592
(3) <u>The department's designee;</u>	63593
(4) <u>An individual who receives home and community-based services from the person who is the subject of the criminal records check;</u>	63594 63595 63596
(5) A court, hearing officer, or other necessary individual involved in a case dealing with <del>a</del> <u>either of the following:</u>	63597 63598
(a) <u>A denial or termination of a provider agreement related to the criminal records check;</u>	63599 63600
(b) <u>A civil or criminal action regarding the medicaid program.</u>	63601 63602
<del>(G)</del> (F) <del>The department</del> <u>director of job and family services</u> shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall specify circumstances under which the department <u>or the department's designee</u> may either <del>issue a provider agreement to an independent provider</del> <u>approve an applicant's application</u> or allow an independent provider to maintain an existing <u>medicaid</u> provider agreement <del>when</del> <u>even though</u> the <u>applicant or independent provider</u> <del>has</del> <u>is found by a criminal records check required by 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>an</del> <u>offense listed or described in division (D)(1) or (2) of this section</u> <u>a disqualifying offense.</u>	63603 63604 63605 63606 63607 63608 63609 63610 63611 63612 63613 63614 63615
<b>Sec. 5111.06.</b> (A)(1) As used in this section and in sections 5111.061 and 5111.063 of the Revised Code:	63616 63617

(a) "Provider" means any person, institution, or entity that furnishes medicaid services under a provider agreement with the department of job and family services pursuant to Title XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended.

(b) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(c) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.

(2) This section does not apply to ~~any~~ either of the following:

(a) Any action taken or decision made by the department of job and family services with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5111.17 of the Revised Code;

(b) Any action taken by the department under sections 5111.16 to 5111.177 or sections 5111.35 to 5111.62 of the Revised Code.

(B) Except as provided in division (D) of this section and section 5111.914 of the Revised Code, the department shall do either of the following by issuing an order pursuant to an adjudication conducted in accordance with Chapter 119. of the Revised Code:

(1) Enter into or refuse to enter into a provider agreement with a provider, or suspend, terminate, renew, or refuse to renew an existing provider agreement with a provider;

(2) Take any action based upon a final fiscal audit of a provider.

(C) Any party who is adversely affected by the issuance of an adjudication order under division (B) of this section may appeal to the court of common pleas of Franklin county in accordance with



section 119.12 of the Revised Code. 63648

(D) The department is not required to comply with division 63649  
(B)(1) of this section whenever any of the following occur: 63650

(1) The terms of a provider agreement require the provider to 63651  
hold a license, permit, or certificate or maintain a certification 63652  
issued by an official, board, commission, department, division, 63653  
bureau, or other agency of state or federal government other than 63654  
the department of job and family services, and the license, 63655  
permit, certificate, or certification has been denied, revoked, 63656  
not renewed, suspended, or otherwise limited. 63657

(2) The terms of a provider agreement require the provider to 63658  
hold a license, permit, or certificate or maintain certification 63659  
issued by an official, board, commission, department, division, 63660  
bureau, or other agency of state or federal government other than 63661  
the department of job and family services, and the provider has 63662  
not obtained the license, permit, certificate, or certification. 63663

(3) The provider agreement is denied, terminated, or not 63664  
renewed due to the termination, refusal to renew, or denial of a 63665  
license, permit, certificate, or certification by an official, 63666  
board, commission, department, division, bureau, or other agency 63667  
of this state other than the department of job and family 63668  
services, notwithstanding the fact that the provider may hold a 63669  
license, permit, certificate, or certification from an official, 63670  
board, commission, department, division, bureau, or other agency 63671  
of another state. 63672

(4) The provider agreement is denied, terminated, or not 63673  
renewed pursuant to division (C) or (F) of section 5111.03 of the 63674  
Revised Code. 63675

(5) The provider agreement is denied, terminated, or not 63676  
renewed due to the provider's termination, suspension, or 63677  
exclusion from the medicare program established under Title XVIII 63678

of the "Social Security Act" or from another state's medicaid 63679  
program and, in either case, the termination, suspension, or 63680  
exclusion is binding on the provider's participation in the 63681  
medicaid program in this state. 63682

(6) The provider agreement is denied, terminated, or not 63683  
renewed due to the provider's pleading guilty to or being 63684  
convicted of a criminal activity materially related to either the 63685  
medicare or medicaid program. 63686

(7) The provider agreement is denied, terminated, or 63687  
suspended as a result of action by the United States department of 63688  
health and human services and that action is binding on the 63689  
provider's participation in the medicaid program. 63690

(8) Pursuant to either section 5111.031 or 5111.035 of the 63691  
Revised Code, the provider agreement is suspended and payments to 63692  
the provider are suspended pending indictment of the provider. 63693

(9) The provider agreement is denied, terminated, or not 63694  
renewed because the provider or its owner, officer, authorized 63695  
agent, associate, manager, or employee has been convicted of one 63696  
of the offenses that caused the provider agreement to be suspended 63697  
pursuant to section 5111.031 of the Revised Code. 63698

(10) The provider agreement is converted under section 63699  
5111.028 of the Revised Code from a provider agreement that is not 63700  
time-limited to a provider agreement that is time-limited. 63701

(11) The provider agreement is terminated or an application 63702  
for re-enrollment is denied because the provider has failed to 63703  
apply for re-enrollment within the time or in the manner specified 63704  
for re-enrollment pursuant to section 5111.028 of the Revised 63705  
Code. 63706

(12) The provider agreement is suspended or terminated, or an 63707  
application for enrollment or re-enrollment is denied, for any 63708  
reason authorized or required by one or more of the following: 42 63709

C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450. 63710

(13) The provider agreement is terminated or not renewed 63711  
because the provider has not billed or otherwise submitted a 63712  
medicaid claim to the department for two years or longer. 63713

(14) The provider agreement is denied, terminated, or not 63714  
renewed because the provider fails to provide to the department 63715  
the national provider identifier assigned the provider by the 63716  
national provider system pursuant to 45 C.F.R. 162.408. 63717

In the case of a provider described in division (D)(13) or 63718  
(14) of this section, the department may take its proposed action 63719  
against a provider agreement by sending a notice explaining the 63720  
proposed action to the provider. The notice shall be sent to the 63721  
provider's address on record with the department. The notice may 63722  
be sent by regular mail. 63723

(E) The department may withhold payments for services 63724  
rendered by a medicaid provider under the medicaid program during 63725  
the pendency of proceedings initiated under division (B)(1) of 63726  
this section. If the proceedings are initiated under division 63727  
(B)(2) of this section, the department may withhold payments only 63728  
to the extent that they equal amounts determined in a final fiscal 63729  
audit as being due the state. This division does not apply if the 63730  
department fails to comply with section 119.07 of the Revised 63731  
Code, requests a continuance of the hearing, or does not issue a 63732  
decision within thirty days after the hearing is completed. This 63733  
division does not apply to nursing facilities and intermediate 63734  
care facilities for the mentally retarded as defined in section 63735  
5111.20 of the Revised Code. 63736

~~Sec. 5111.091. Not later than the first day of each calendar~~ 63737  
~~quarter~~ Semiannually, the director of job and family services 63738  
shall submit ~~a report~~ to the president and minority leader of the 63739  
senate, speaker and minority leader of the house of 63740

representatives, and the chairpersons of the standing committees 63741  
of the senate and house of representatives ~~that hear bills with~~ 63742  
primary responsibility for legislation making biennial 63743  
appropriations a report on the establishment and implementation of 63744  
programs designed to control the increase of the cost of the 63745  
medicaid program, increase the efficiency of the medicaid program, 63746  
and promote better health outcomes. In each calendar year, one 63747  
report shall be submitted not later than the last day of June and 63748  
the subsequent report shall be submitted not later than the last 63749  
day of December. 63750

~~The report shall include information regarding all of the~~ 63751  
~~following:~~ 63752

~~(A) Provider network management;~~ 63753

~~(B) Electronic claims submission and payment systems;~~ 63754

~~(C) Limited provider contracts and payments based on~~ 63755  
~~performance;~~ 63756

~~(D) Efforts to enforce third party liability;~~ 63757

~~(E) Implementation of the medicaid information technology~~ 63758  
~~system;~~ 63759

~~(F) Expansion of the medicaid data warehouse and decision~~ 63760  
~~support system;~~ 63761

~~(G) Development of infrastructure policies for electronic~~ 63762  
~~health records and e-prescribing.~~ 63763

**Sec. 5111.113.** (A) As used in this section: 63764

(1) ~~"Adult care facility" has the same meaning as in section~~ 63765  
~~5119.70 of the Revised Code.~~ 63766

~~(2) "Commissioner" means a person appointed by a probate~~ 63767  
~~court under division (E) of section 2113.03 of the Revised Code to~~ 63768  
~~act as a commissioner.~~ 63769

~~(3)~~(2) "Home" has the same meaning as in section 3721.10 of the Revised Code. 63770  
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~~(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. 63772  
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(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. 63776  
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(B) Except as provided in divisions (C) and (D) of this section, the owner or operator of ~~an adult care facility or a home or residential facility~~ shall transfer to the department of job and family services the money in the personal needs allowance account of a resident of the ~~facility or home~~ or facility who was a recipient of the medical assistance program no earlier than sixty days but not later than ninety days after the resident dies. 63780  
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The ~~adult care facility or home~~ or facility shall transfer the money even though the owner or operator of the facility or home has not been issued letters testamentary or letters of administration concerning the resident's estate. 63787  
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(C) If funeral or burial expenses for a resident of ~~an adult care facility or a home~~ or residential facility who has died have not been paid and the only resource the resident had that could be used to pay for the expenses is the money in the resident's personal needs allowance account, or all other resources of the resident are inadequate to pay the full cost of the expenses, the money in the resident's personal needs allowance account shall be used to pay for the expenses rather than being transferred to the department of job and family services pursuant to division (B) of this section. 63791  
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(D) If, not later than sixty days after a resident of an ~~adult care facility or~~ a home or residential facility dies, letters testamentary or letters of administration are issued, or an application for release from administration is filed under section 2113.03 of the Revised Code, concerning the resident's estate, the owner or operator of the ~~facility or~~ home or facility shall transfer the money in the resident's personal needs allowance account to the administrator, executor, commissioner, or person who filed the application for release from administration.

(E) The transfer or use of money in a resident's personal needs allowance account in accordance with division (B), (C), or (D) of this section discharges and releases the ~~adult care facility or~~ home or residential facility, and the owner or operator of the ~~facility or~~ home, from any claim for the money from any source.

(F) If, sixty-one or more days after a resident of an ~~adult care facility or~~ a home or residential facility dies, letters testamentary or letters of administration are issued, or an application for release from administration under section 2113.03 of the Revised Code is filed, concerning the resident's estate, the department of job and family services shall transfer the funds to the administrator, executor, commissioner, or person who filed the application, unless the department is entitled to recover the money under the medicaid estate recovery program instituted under section 5111.11 of the Revised Code.

**Sec. 5111.16.** (A) As part of the medicaid program, the department of job and family services shall establish a care management system. The department shall submit, if necessary, applications to the United States department of health and human services for waivers of federal medicaid requirements that would otherwise be violated in the implementation of the system.

(B) The department shall implement the care management system 63832  
in some or all counties and shall designate the medicaid 63833  
recipients who are required or permitted to participate in the 63834  
system. In the department's implementation of the system and 63835  
designation of participants, all of the following apply: 63836

(1) In the case of individuals who receive medicaid on the 63837  
basis of being included in the category identified by the 63838  
department as covered families and children, the department shall 63839  
implement the care management system in all counties. All 63840  
individuals included in the category shall be designated for 63841  
participation, except for individuals included in one or more of 63842  
the medicaid recipient groups specified in 42 C.F.R. 438.50(d). 63843  
The department shall ensure that all participants are enrolled in 63844  
health insuring corporations under contract with the department 63845  
pursuant to section 5111.17 of the Revised Code. 63846

(2) In the case of individuals who receive medicaid on the 63847  
basis of being aged, blind, or disabled, as specified in division 63848  
~~(A)~~(C)(2) of section 5111.01 of the Revised Code, the department 63849  
shall implement the care management system in all counties. Except 63850  
as provided in division (C) of this section, all individuals 63851  
included in the category shall be designated for participation. 63852  
The department shall ensure that all participants are enrolled in 63853  
health insuring corporations under contract with the department 63854  
pursuant to section 5111.17 of the Revised Code. 63855

(3) Alcohol, drug addiction, and mental health services 63856  
covered by medicaid shall not be included in any component of the 63857  
care management system when the nonfederal share of the cost of 63858  
those services is provided by a board of alcohol, drug addiction, 63859  
and mental health services or a state agency other than the 63860  
department of job and family services, but the recipients of those 63861  
services may otherwise be designated for participation in the 63862  
system. 63863

(C)(1) In designating participants who receive medicaid on 63864  
the basis of being aged, blind, or disabled, the department shall 63865  
not include any of the following, except as provided under 63866  
division (C)(2) of this section: 63867

(a) Individuals who are under twenty-one years of age; 63868

(b) Individuals who are institutionalized; 63869

(c) Individuals who become eligible for medicaid by spending 63870  
down their income or resources to a level that meets the medicaid 63871  
program's financial eligibility requirements; 63872

(d) Individuals who are dually eligible under the medicaid 63873  
program and the medicare program established under Title XVIII of 63874  
the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as 63875  
amended; 63876

(e) Individuals to the extent that they are receiving 63877  
medicaid services through a medicaid waiver component, as defined 63878  
in section 5111.85 of the Revised Code. 63879

(2) If any necessary waiver of federal medicaid requirements 63880  
is granted, the department may designate any of the following 63881  
individuals who receive medicaid on the basis of being aged, 63882  
blind, or disabled as individuals who are permitted or required to 63883  
participate in the care management system: 63884

(a) Individuals who are under twenty-one years of age; 63885

(b) Individuals who reside in a nursing facility, as defined 63886  
in section 5111.20 of the Revised Code; 63887

(c) Individuals who, as an alternative to receiving nursing 63888  
facility services, are participating in a home and community-based 63889  
services medicaid waiver component, as defined in section 5111.85 63890  
of the Revised Code; 63891

(d) Individuals who are dually eligible under the medicaid 63892  
program and the medicare program. 63893



(D) Subject to division (B) of this section, the department may do both of the following under the care management system:	63894 63895
(1) Require or permit participants in the system to obtain health care services from providers designated by the department;	63896 63897
(2) Require or permit participants in the system to obtain health care services through managed care organizations under contract with the department pursuant to section 5111.17 of the Revised Code.	63898 63899 63900 63901
(E)(1) The department shall prepare an annual report on the care management system. The report shall address the department's ability to implement the system, including all of the following components:	63902 63903 63904 63905
(a) The required designation of participants included in the category identified by the department as covered families and children;	63906 63907 63908
(b) The required designation of participants included in the aged, blind, or disabled category of medicaid recipients;	63909 63910
(c) The use of any programs for enhanced care management.	63911
(2) The department shall submit each annual report to the general assembly. The first report shall be submitted not later than October 1, 2007.	63912 63913 63914
(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.	63915 63916 63917
<b>Sec. 5111.161.</b> (A) As used in this section:	63918
(1) "Children's care network" means any of the following:	63919
(a) A children's hospital;	63920
(b) A group of children's hospitals;	63921

(c) A group of pediatric physicians+1 63922

(2) "Children's hospital" has the same meaning as in section 63923  
2151.86 of the Revised Code. 63924

(B) If the department of job and family services includes in 63925  
the care management system, pursuant to section 5111.16 of the 63926  
Revised Code, individuals under twenty-one years of age included 63927  
in the category of individuals who receive medicaid on the basis 63928  
of being aged, blind, or disabled, as specified in division 63929  
~~(A)~~(C)(2) of section 5111.01 of the Revised Code, the department 63930  
shall develop a system to recognize entities as pediatric 63931  
accountable care organizations. The purpose of the recognition 63932  
system shall be to meet the complex medical and behavioral needs 63933  
of disabled children through new approaches to care coordination. 63934  
The department shall implement the recognition system not later 63935  
than July 1, 2012. 63936

An entity recognized by the department as a pediatric 63937  
accountable care organization may develop innovative partnerships 63938  
between relevant groups and may contract directly or subcontract 63939  
with the state to provide services to the medicaid recipients 63940  
under twenty-one years of age described in this division who are 63941  
permitted or required to participate in the care management 63942  
system. 63943

(C)(1) To be recognized by the department as a pediatric 63944  
accountable care organization, an entity shall meet the standards 63945  
established in rules adopted under this section. Unless required 63946  
by sections 2706 and 3022 of the "Patient Protection and 63947  
Affordable Care Act," 124 Stat. 325 (2010) and Title XVIII of the 63948  
"Social Security Act," 124 Stat. 395 (2010), 42 U.S.C. 1395jjj, 63949  
the regulations adopted pursuant to those sections, and the laws 63950  
of this state, the department shall not require that an entity be 63951  
a health insuring corporation as a condition of receiving the 63952  
department's recognition. 63953

(2) Any of the following entities may receive the department's recognition, if the standards for recognition have been met:

(a) A children's care network;

(b) A children's care network that may include one or more other entities, including, but not limited to, health insuring corporations or other managed care organizations;

(c) Any other entity the department determines is qualified.

(D) The department shall consult with all of the following in adopting rules under division (E) of this section necessary for an entity to be recognized by the department as a pediatric accountable care organization:

(1) The superintendent of insurance;

(2) Children's hospitals;

(3) Managed care organizations under contract pursuant to section 5111.17 of the Revised Code;

(4) Any other relevant entities, as determined necessary by the department, with interests in pediatric accountable care organizations.

(E) The department shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. In adopting the rules, the department shall do all of the following:

(1) Establish application procedures to be followed by an entity seeking recognition as a pediatric accountable care organization;

(2) Ensure that the standards for recognition as a pediatric accountable care organization are the same as and do not conflict with those specified in sections 2706 and 3022 of the "Patient Protection and Affordable Care Act," 124 Stat. 325 (2010) and

Title XVIII of the "Social Security Act," 124 Stat. 395 (2010), 42 U.S.C. 1395jjj or the regulations adopted pursuant to those sections;

(3) Establish requirements regarding the access to pediatric specialty care provided through or by a pediatric accountable care organization;

(4) Establish accountability and financial requirements for an entity recognized as a pediatric accountable care organization;

(5) Establish quality improvement initiatives consistent with any state medicaid quality plan established by the department;

(6) Establish transparency and consumer protection requirements for an entity recognized as a pediatric accountable care organization;

(7) Establish a process for sharing data.

(F) This section does not limit the authority of the department of insurance to regulate the business of insurance in this state.

**Sec. 5111.171.** ~~(A)~~ The department of job and family services may provide financial incentive awards to managed care organizations under contract with the department pursuant to section 5111.17 of the Revised Code that meet or exceed performance standards specified in provider agreements or rules adopted by the department. The department may specify in a contract with a managed care organization the amounts of financial incentive awards, methodology for distributing awards, types of awards, and standards for administration by the department.

~~(B) There is hereby created in the state treasury the health care compliance fund. The fund shall consist of all fines imposed on and collected from managed care organizations for failure to meet performance standards or other requirements specified in~~

~~provider agreements or rules adopted by the department. All 64014  
investment earnings of the fund shall be credited to the fund. 64015  
Moneys credited to the fund shall be used solely for the following 64016  
purposes: 64017~~

~~(1) To reimburse managed care organizations that have paid 64018  
fines for failures to meet performance standards or other 64019  
requirements and that have come into compliance by meeting 64020  
requirements as specified by the department; 64021~~

~~(2) To provide financial incentive awards established 64022  
pursuant to division (A) of this section and specified in 64023  
contracts between managed care organizations and the department. 64024~~

**Sec. 5111.20.** As used in sections 5111.20 to 5111.331 of the 64025  
Revised Code: 64026

(A) "Allowable costs" are those costs determined by the 64027  
department of job and family services to be reasonable and do not 64028  
include fines paid under sections 5111.35 to 5111.61 and section 64029  
5111.99 of the Revised Code. 64030

(B) "Ancillary and support costs" means all reasonable costs 64031  
incurred by a nursing facility other than direct care costs, tax 64032  
costs, or capital costs. "Ancillary and support costs" includes, 64033  
but is not limited to, costs of activities, social services, 64034  
pharmacy consultants, habilitation supervisors, qualified mental 64035  
retardation professionals, program directors, medical and 64036  
habilitation records, program supplies, incontinence supplies, 64037  
food, enterals, dietary supplies and personnel, laundry, 64038  
housekeeping, security, administration, medical equipment, 64039  
utilities, liability insurance, bookkeeping, purchasing 64040  
department, human resources, communications, travel, dues, license 64041  
fees, subscriptions, home office costs not otherwise allocated, 64042  
legal services, accounting services, minor equipment, ~~wheelchairs,~~ 64043  
~~resident transportation,~~ maintenance and repairs, help-wanted 64044

advertising, informational advertising, start-up costs, 64045  
organizational expenses, other interest, property insurance, 64046  
employee training and staff development, employee benefits, 64047  
payroll taxes, and workers' compensation premiums or costs for 64048  
self-insurance claims and related costs as specified in rules 64049  
adopted by the director of job and family services under section 64050  
5111.02 of the Revised Code, for personnel listed in this 64051  
division. "Ancillary and support costs" also means the cost of 64052  
equipment, including vehicles, acquired by operating lease 64053  
executed before December 1, 1992, if the costs are reported as 64054  
administrative and general costs on the facility's cost report for 64055  
the cost reporting period ending December 31, 1992. 64056

(C) "Capital costs" means costs of ownership and, in the case 64057  
of an intermediate care facility for the mentally retarded, costs 64058  
of nonextensive renovation. 64059

(1) "Cost of ownership" means the actual expense incurred for 64060  
all of the following: 64061

(a) Depreciation and interest on any capital assets that cost 64062  
five hundred dollars or more per item, including the following: 64063

(i) Buildings; 64064

(ii) Building improvements that are not approved as 64065  
nonextensive renovations under section 5111.251 of the Revised 64066  
Code; 64067

(iii) Except as provided in division (B) of this section, 64068  
equipment; 64069

(iv) In the case of an intermediate care facility for the 64070  
mentally retarded, extensive renovations; 64071

(v) Transportation equipment. 64072

(b) Amortization and interest on land improvements and 64073  
leasehold improvements; 64074

(c) Amortization of financing costs;	64075
(d) Except as provided in division (K) of this section, lease and rent of land, building, and equipment.	64076 64077
The costs of capital assets of less than five hundred dollars per item may be considered capital costs in accordance with a provider's practice.	64078 64079 64080
(2) "Costs of nonextensive renovation" means the actual expense incurred by an intermediate care facility for the mentally retarded for depreciation or amortization and interest on renovations that are not extensive renovations.	64081 64082 64083 64084
(D) "Capital lease" and "operating lease" shall be construed in accordance with generally accepted accounting principles.	64085 64086
(E) "Case-mix score" means the measure determined under section 5111.232 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to a resident of a nursing facility or intermediate care facility for the mentally retarded.	64087 64088 64089 64090 64091
(F)(1) "Date of licensure," for a facility originally licensed as a nursing home under Chapter 3721. of the Revised Code, means the date specific beds were originally licensed as nursing home beds under that chapter, regardless of whether they were subsequently licensed as residential facility beds under section 5123.19 of the Revised Code. For a facility originally licensed as a residential facility under section 5123.19 of the Revised Code, "date of licensure" means the date specific beds were originally licensed as residential facility beds under that section.	64092 64093 64094 64095 64096 64097 64098 64099 64100 64101
If nursing home beds licensed under Chapter 3721. of the Revised Code or residential facility beds licensed under section 5123.19 of the Revised Code were not required by law to be licensed when they were originally used to provide nursing home or	64102 64103 64104 64105

residential facility services, "date of licensure" means the date 64106  
the beds first were used to provide nursing home or residential 64107  
facility services, regardless of the date the present provider 64108  
obtained licensure. 64109

If a facility adds nursing home beds or residential facility 64110  
beds or extensively renovates all or part of the facility after 64111  
its original date of licensure, it will have a different date of 64112  
licensure for the additional beds or extensively renovated portion 64113  
of the facility, unless the beds are added in a space that was 64114  
constructed at the same time as the previously licensed beds but 64115  
was not licensed under Chapter 3721. or section 5123.19 of the 64116  
Revised Code at that time. 64117

(2) The definition of "date of licensure" in this section 64118  
applies in determinations of the medicaid reimbursement rate for a 64119  
nursing facility or intermediate care facility for the mentally 64120  
retarded but does not apply in determinations of the franchise 64121  
permit fee for a nursing facility or intermediate care facility 64122  
for the mentally retarded. 64123

(G) "Desk-reviewed" means that costs as reported on a cost 64124  
report submitted under section 5111.26 of the Revised Code have 64125  
been subjected to a desk review under division (A) of section 64126  
5111.27 of the Revised Code and preliminarily determined to be 64127  
allowable costs. 64128

(H) "Direct care costs" means all of the following: 64129

(1)(a) Costs for registered nurses, licensed practical 64130  
nurses, and nurse aides employed by the facility; 64131

(b) Costs for direct care staff, administrative nursing 64132  
staff, medical directors, respiratory therapists, and except as 64133  
provided in division (H)(2) of this section, other persons holding 64134  
degrees qualifying them to provide therapy; 64135

(c) Costs of purchased nursing services; 64136



(d) Costs of quality assurance;	64137
(e) 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 by the director of job and family services in accordance with Chapter 119. of the Revised Code, for personnel listed in divisions (H)(1)(a), (b), and (d) of this section;	64138 64139 64140 64141 64142 64143
(f) Costs of consulting and management fees related to direct care;	64144 64145
(g) Allocated direct care home office costs.	64146
(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.	64147 64148 64149 64150 64151 64152 64153 64154 64155
(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:	64156 64157 64158
(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;	64159 64160 64161 64162 64163 64164 64165
(b) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or	64166 64167

costs for self-insurance claims and related costs as specified in 64168  
rules adopted under section 5111.02 of the Revised Code, for 64169  
personnel listed in division (H)(3)(a) of this section. 64170

(4) Costs of other direct-care resources that are specified 64171  
as direct care costs in rules adopted under section 5111.02 of the 64172  
Revised Code. 64173

(I) "Fiscal year" means the fiscal year of this state, as 64174  
specified in section 9.34 of the Revised Code. 64175

(J) "Franchise permit fee" means the following: 64176

(1) In the context of nursing facilities, the fee imposed by 64177  
sections 3721.50 to 3721.58 of the Revised Code; 64178

(2) In the context of intermediate care facilities for the 64179  
mentally retarded, the fee imposed by sections 5112.30 to 5112.39 64180  
of the Revised Code. 64181

(K) "Indirect care costs" means all reasonable costs incurred 64182  
by an intermediate care facility for the mentally retarded other 64183  
than direct care costs, other protected costs, or capital costs. 64184  
"Indirect care costs" includes but is not limited to costs of 64185  
habilitation supplies, pharmacy consultants, medical and 64186  
habilitation records, program supplies, incontinence supplies, 64187  
food, enterals, dietary supplies and personnel, laundry, 64188  
housekeeping, security, administration, liability insurance, 64189  
bookkeeping, purchasing department, human resources, 64190  
communications, travel, dues, license fees, subscriptions, home 64191  
office costs not otherwise allocated, legal services, accounting 64192  
services, minor equipment, maintenance and repairs, help-wanted 64193  
advertising, informational advertising, start-up costs, 64194  
organizational expenses, other interest, property insurance, 64195  
employee training and staff development, employee benefits, 64196  
payroll taxes, and workers' compensation premiums or costs for 64197  
self-insurance claims and related costs as specified in rules 64198

adopted under section 5111.02 of the Revised Code, for personnel 64199  
listed in this division. Notwithstanding division (C)(1) of this 64200  
section, "indirect care costs" also means the cost of equipment, 64201  
including vehicles, acquired by operating lease executed before 64202  
December 1, 1992, if the costs are reported as administrative and 64203  
general costs on the facility's cost report for the cost reporting 64204  
period ending December 31, 1992. 64205

(L) "Inpatient days" means ~~all~~ the following: 64206

(1) In the context of a nursing facility, both of the 64207  
following: 64208

(a) All days during which a resident, regardless of payment 64209  
source, occupies a bed in a nursing facility ~~or intermediate care~~ 64210  
~~facility for the mentally retarded~~ that is included in the nursing 64211  
facility's certified capacity under Title XIX. ~~Therapeutic or~~ 64212  
~~hospital leave;~~ 64213

(b) Fifty per cent of the days for which payment is made 64214  
under section ~~5111.33 or~~ 5111.331 of the Revised Code ~~are~~ 64215  
~~considered inpatient days proportionate to the percentage of the~~ 64216  
~~facility's per resident per day rate paid for those days.~~ 64217

(2) In the context of an intermediate care facility for the 64218  
mentally retarded, both of the following: 64219

(a) All days during which a resident, regardless of payment 64220  
source, occupies a bed in an intermediate care facility for the 64221  
mentally retarded that is included in the facility's certified 64222  
capacity under Title XIX; 64223

(b) All days for which payment is made under section 5111.33 64224  
of the Revised Code. 64225

(M) "Intermediate care facility for the mentally retarded" 64226  
means an intermediate care facility for the mentally retarded 64227  
certified as in compliance with applicable standards for the 64228

medicaid program by the director of health in accordance with 64229  
Title XIX. 64230

(N) "Maintenance and repair expenses" means, except as 64231  
provided in division (BB)(2) of this section, expenditures that 64232  
are necessary and proper to maintain an asset in a normally 64233  
efficient working condition and that do not extend the useful life 64234  
of the asset two years or more. "Maintenance and repair expenses" 64235  
includes but is not limited to the cost of ordinary repairs such 64236  
as painting and wallpapering. 64237

(O) "Medicaid days" means ~~all~~ the following: 64238

(1) In the context of a nursing facility, both of the 64239  
following: 64240

(a) All days during which a resident who is a medicaid 64241  
recipient eligible for nursing facility services occupies a bed in 64242  
a nursing facility that is included in the nursing facility's 64243  
certified capacity under Title XIX. ~~Therapeutic or hospital leave;~~ 64244

(b) Fifty per cent of the days for which payment is made 64245  
under section ~~5111.33~~ or 5111.331 of the Revised Code ~~are~~ 64246  
~~considered medicaid days proportionate to the percentage of the~~ 64247  
~~nursing facility's per resident per day rate paid for those days.~~ 64248

(2) In the context of an intermediate care facility for the 64249  
mentally retarded, both of the following: 64250

(a) All days during which a resident who is a medicaid 64251  
recipient eligible for intermediate care facility for the mentally 64252  
retarded services occupies a bed in an intermediate care facility 64253  
for the mentally retarded that is included in the facility's 64254  
certified capacity under Title XIX; 64255

(b) All days for which payment is made under section 5111.33 64256  
of the Revised Code. 64257

(P) "Nursing facility" means a facility, or a distinct part 64258

of a facility, that is certified as a nursing facility by the 64259  
director of health in accordance with Title XIX and is not an 64260  
intermediate care facility for the mentally retarded. "Nursing 64261  
facility" includes a facility, or a distinct part of a facility, 64262  
that is certified as a nursing facility by the director of health 64263  
in accordance with Title XIX and is certified as a skilled nursing 64264  
facility by the director in accordance with Title XVIII. 64265

(Q) "Operator" means the person or government entity 64266  
responsible for the daily operating and management decisions for a 64267  
nursing facility or intermediate care facility for the mentally 64268  
retarded. 64269

(R) "Other protected costs" means costs incurred by an 64270  
intermediate care facility for the mentally retarded for medical 64271  
supplies; real estate, franchise, and property taxes; natural gas, 64272  
fuel oil, water, electricity, sewage, and refuse and hazardous 64273  
medical waste collection; allocated other protected home office 64274  
costs; and any additional costs defined as other protected costs 64275  
in rules adopted under section 5111.02 of the Revised Code. 64276

(S)(1) "Owner" means any person or government entity that has 64277  
at least five per cent ownership or interest, either directly, 64278  
indirectly, or in any combination, in any of the following 64279  
regarding a nursing facility or intermediate care facility for the 64280  
mentally retarded: 64281

(a) The land on which the facility is located; 64282

(b) The structure in which the facility is located; 64283

(c) Any mortgage, contract for deed, or other obligation 64284  
secured in whole or in part by the land or structure on or in 64285  
which the facility is located; 64286

(d) Any lease or sublease of the land or structure on or in 64287  
which the facility is located. 64288

(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.

(T) "Patient" includes "resident."

(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 64320  
intermediate care facility services for the mentally retarded 64321  
under the medicaid program. 64322

(X) "Purchased nursing services" means services that are 64323  
provided in a nursing facility by registered nurses, licensed 64324  
practical nurses, or nurse aides who are not employees of the 64325  
facility. 64326

(Y) "Reasonable" means that a cost is an actual cost that is 64327  
appropriate and helpful to develop and maintain the operation of 64328  
patient care facilities and activities, including normal standby 64329  
costs, and that does not exceed what a prudent buyer pays for a 64330  
given item or services. Reasonable costs may vary from provider to 64331  
provider and from time to time for the same provider. 64332

(Z) "Related party" means an individual or organization that, 64333  
to a significant extent, has common ownership with, is associated 64334  
or affiliated with, has control of, or is controlled by, the 64335  
provider. 64336

(1) An individual who is a relative of an owner is a related 64337  
party. 64338

(2) Common ownership exists when an individual or individuals 64339  
possess significant ownership or equity in both the provider and 64340  
the other organization. Significant ownership or equity exists 64341  
when an individual or individuals possess five per cent ownership 64342  
or equity in both the provider and a supplier. Significant 64343  
ownership or equity is presumed to exist when an individual or 64344  
individuals possess ten per cent ownership or equity in both the 64345  
provider and another organization from which the provider 64346  
purchases or leases real property. 64347

(3) Control exists when an individual or organization has the 64348  
power, directly or indirectly, to significantly influence or 64349  
direct the actions or policies of an organization. 64350

(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.

(c) The types of goods or services are commonly obtained by other nursing facilities or intermediate care facilities for the mentally retarded from outside organizations and are not a basic element of patient care ordinarily furnished directly to patients by the facilities.

(d) The charge to the provider is in line with the charge for the goods or services in the open market and no more than the charge made under comparable circumstances to others by the supplier.

(AA) "Relative of owner" means an individual who is related to an owner of a nursing facility or intermediate care facility for the mentally retarded by one of the following relationships:

(1) Spouse;

(2) Natural parent, child, or sibling;

(3) Adopted parent, child, or sibling;

(4) Stepparent, stepchild, stepbrother, or stepsister;

(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;

(6) Grandparent or grandchild;

(7) Foster caregiver, foster child, foster brother, or foster sister.



(BB) "Renovation" and "extensive renovation" mean: 64380

(1) Any betterment, improvement, or restoration of an 64381  
intermediate care facility for the mentally retarded started 64382  
before July 1, 1993, that meets the definition of a renovation or 64383  
extensive renovation established in rules adopted by the director 64384  
of job and family services in effect on December 22, 1992. 64385

(2) In the case of betterments, improvements, and 64386  
restorations of intermediate care facilities for the mentally 64387  
retarded started on or after July 1, 1993: 64388

(a) "Renovation" means the betterment, improvement, or 64389  
restoration of an intermediate care facility for the mentally 64390  
retarded beyond its current functional capacity through a 64391  
structural change that costs at least five hundred dollars per 64392  
bed. A renovation may include betterment, improvement, 64393  
restoration, or replacement of assets that are affixed to the 64394  
building and have a useful life of at least five years. A 64395  
renovation may include costs that otherwise would be considered 64396  
maintenance and repair expenses if they are an integral part of 64397  
the structural change that makes up the renovation project. 64398  
"Renovation" does not mean construction of additional space for 64399  
beds that will be added to a facility's licensed or certified 64400  
capacity. 64401

(b) "Extensive renovation" means a renovation that costs more 64402  
than sixty-five per cent and no more than eighty-five per cent of 64403  
the cost of constructing a new bed and that extends the useful 64404  
life of the assets for at least ten years. 64405

For the purposes of division (BB)(2) of this section, the 64406  
cost of constructing a new bed shall be considered to be forty 64407  
thousand dollars, adjusted for the estimated rate of inflation 64408  
from January 1, 1993, to the end of the calendar year during which 64409  
the renovation is completed, using the consumer price index for 64410

shelter costs for all urban consumers for the north central 64411  
region, as published by the United States bureau of labor 64412  
statistics. 64413

The department of job and family services may treat a 64414  
renovation that costs more than eighty-five per cent of the cost 64415  
of constructing new beds as an extensive renovation if the 64416  
department determines that the renovation is more prudent than 64417  
construction of new beds. 64418

(CC) "Tax costs" means the costs of taxes imposed under 64419  
Chapter 5751. of the Revised Code, real estate taxes, personal 64420  
property taxes, and corporate franchise taxes. 64421

(DD) "Title XIX" means Title XIX of the "Social Security 64422  
Act," 79 Stat. 286 (1965), 42 U.S.C. 1396, as amended. 64423

~~(DD)~~(EE) "Title XVIII" means Title XVIII of the "Social 64424  
Security Act," 79 Stat. 286 (1965), 42 U.S.C. 1395, as amended. 64425

**Sec. 5111.222.** (A) Except as otherwise provided by sections 64426  
5111.20 to 5111.331 of the Revised Code and by division (B) of 64427  
this section, the total rate that the department of job and family 64428  
services shall agree to pay for a fiscal year to the provider of a 64429  
nursing facility pursuant to a provider agreement shall equal the 64430  
sum of all of the following: 64431

(1) The rate for direct care costs determined for the nursing 64432  
facility under section 5111.231 of the Revised Code; 64433

(2) The rate for ancillary and support costs determined for 64434  
the nursing facility's ancillary and support cost peer group under 64435  
section 5111.24 of the Revised Code; 64436

(3) The rate for tax costs determined for the nursing 64437  
facility under section 5111.242 of the Revised Code; 64438

(4) The quality incentive payment paid to the nursing 64439  
facility under section 5111.244 of the Revised Code; 64440

(5) 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: 64441  
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(6) The rate for capital costs determined for the nursing facility's capital costs peer group under section 5111.25 of the Revised Code. 64444  
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(B) The department shall adjust the rates otherwise determined under division (A) of this section as directed by the general assembly through the enactment of law governing medicaid payments to providers of nursing facilities, including any law that establishes factors by which the rates are to be adjusted. 64447  
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(C) In addition to paying a nursing facility provider the total rate determined for the nursing facility under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5111.245 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate. 64452  
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**Sec. 5111.23.** (A) The department of job and family services shall pay a provider for each of the provider's eligible intermediate care facilities for the mentally retarded a per resident per day rate for direct care costs established prospectively for each facility. The department shall establish each facility's rate for direct care costs quarterly. 64460  
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(B) Each facility's rate for direct care costs shall be based on the facility's cost per case-mix unit, subject to the maximum costs per case-mix unit established under division (B)(2) of this section, from the calendar year preceding the fiscal year in which the rate is paid. To determine the rate, the department shall do all of the following: 64466  
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(1) Determine each facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid by dividing the facility's desk-reviewed, actual, allowable, per diem direct care costs for that year by its average case-mix score determined under section 5111.232 of the Revised Code for the same calendar year.

(2)(a) Set the maximum cost per case-mix unit for each peer group of intermediate care facilities for the mentally retarded with more than eight beds specified in rules adopted under division (F) of this section at a percentage above the cost per case-mix unit of the facility in the group that has the group's median medicaid ~~inpatient~~ day for the calendar year preceding the fiscal year in which the rate will be paid, as calculated under division (B)(1) of this section, that is no less than the percentage calculated under division (E)(2) of this section.

(b) Set the maximum cost per case-mix unit for each peer group of intermediate care facilities for the mentally retarded with eight or fewer beds specified in rules adopted under division (F) of this section at a percentage above the cost per case-mix unit of the facility in the group that has the group's median medicaid ~~inpatient~~ day for the calendar year preceding the fiscal year in which the rate will be paid, as calculated under division (B)(1) of this section, that is no less than the percentage calculated under division (E)(3) of this section.

(c) In calculating the maximum cost per case-mix unit under divisions (B)(2)(a) and (b) of this section for each peer group, the department shall exclude from its calculations the cost per case-mix unit of any facility in the group that participated in the medicaid program under the same operator for less than twelve months during the calendar year preceding the fiscal year in which the rate will be paid.

(3) Estimate the rate of inflation for the eighteen-month

period beginning on the first day of July of the calendar year 64504  
preceding the fiscal year in which the rate will be paid and 64505  
ending on the thirty-first day of December of the fiscal year in 64506  
which the rate will be paid, using the index specified in division 64507  
(C) of this section. If the estimated inflation rate for the 64508  
eighteen-month period is different from the actual inflation rate 64509  
for that period, as measured using the same index, the difference 64510  
shall be added to or subtracted from the inflation rate estimated 64511  
under division (B)(3) of this section for the following fiscal 64512  
year. 64513

(4) The department shall not recalculate a maximum cost per 64514  
case-mix unit under division (B)(2) of this section or a 64515  
percentage under division (E) of this section based on additional 64516  
information that it receives after the maximum costs per case-mix 64517  
unit or percentages are set. The department shall recalculate a 64518  
maximum cost per case-mix units or percentage only if it made an 64519  
error in computing the maximum cost per case-mix unit or 64520  
percentage based on information available at the time of the 64521  
original calculation. 64522

(C) The department shall use the following index for the 64523  
purpose of division (B)(3) of this section: 64524

(1) The employment cost index for total compensation, health 64525  
services component, published by the United States bureau of labor 64526  
statistics; 64527

(2) If the United States bureau of labor statistics ceases to 64528  
publish the index specified in division (C)(1) of this section, 64529  
the index that is subsequently published by the bureau and covers 64530  
nursing facilities' staff costs. 64531

(D) Each facility's rate for direct care costs shall be 64532  
determined as follows for each calendar quarter within a fiscal 64533  
year: 64534

(1) Multiply the lesser of the following by the facility's average case-mix score determined under section 5111.232 of the Revised Code for the calendar quarter that preceded the immediately preceding calendar quarter:

(a) The facility's cost per case-mix unit for the calendar year preceding the fiscal year in which the rate will be paid, as determined under division (B)(1) of this section;

(b) The maximum cost per case-mix unit established for the fiscal year in which the rate will be paid for the facility's peer group under division (B)(2) of this section;

(2) Adjust the product determined under division (D)(1) of this section by the inflation rate estimated under division (B)(3) of this section.

(E)(1) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid ~~inpatient~~ day for calendar year 1992 for all intermediate care facilities for the mentally retarded with more than eight beds that would result in payment of all desk-reviewed, actual, allowable direct care costs for eighty and one-half per cent of the medicaid ~~inpatient~~ days for such facilities for calendar year 1992.

(2) The department shall calculate the percentage above the median cost per case-mix unit determined under division (B)(1) of this section for the facility that has the median medicaid ~~inpatient~~ day for calendar year 1992 for all intermediate care facilities for the mentally retarded with eight or fewer beds that would result in payment of all desk-reviewed, actual, allowable direct care costs for eighty and one-half per cent of the medicaid ~~inpatient~~ days for such facilities for calendar year 1992.

(F) The director of job and family services shall adopt rules

under section 5111.02 of the Revised Code that specify peer groups 64566  
of intermediate care facilities for the mentally retarded with 64567  
more than eight beds and intermediate care facilities for the 64568  
mentally retarded with eight or fewer beds, based on findings of 64569  
significant per diem direct care cost differences due to geography 64570  
and facility bed-size. The rules also may specify peer groups 64571  
based on findings of significant per diem direct care cost 64572  
differences due to other factors which may include case-mix. 64573

(G) The department, in accordance with division (D) of 64574  
section 5111.232 of the Revised Code and rules adopted under 64575  
division (F) of that section, may assign case-mix scores or costs 64576  
per case-mix unit if a provider fails to submit assessment data 64577  
necessary to calculate an intermediate care facility for the 64578  
mentally retarded's case-mix score in accordance with that 64579  
section. 64580

**Sec. 5111.242.** (A) As used in this section+ 64581

~~(1) "Applicable, "applicable~~ calendar year" means the 64582  
following: 64583

~~(a)(1)~~ For the purpose of the department of job and family 64584  
services' initial determination under this section of nursing 64585  
facilities' rate for tax costs, calendar year 2003; 64586

~~(b)(2)~~ For the purpose of the department's subsequent 64587  
determinations under division (C) of this section of nursing 64588  
facilities' rate for tax costs, the calendar year the department 64589  
selects. 64590

~~(2) "Tax costs" means the costs of taxes imposed under 64591  
Chapter 5751. of the Revised Code, real estate taxes, personal 64592  
property taxes, and corporate franchise taxes. 64593~~

(B) The department of job and family services shall pay a 64594  
provider for each of the provider's eligible nursing facilities a 64595

per resident per day rate for tax costs determined under division 64596  
(C) of this section. 64597

(C) At least once every ten years, the department shall 64598  
determine the rate for tax costs for each nursing facility. The 64599  
rate for tax costs determined under this division for a nursing 64600  
facility shall be used for subsequent years until the department 64601  
redetermines it. To determine a nursing facility's rate for tax 64602  
costs and except as provided in division (D) of this section, the 64603  
department shall divide the nursing facility's desk-reviewed, 64604  
actual, allowable tax costs paid for the applicable calendar year 64605  
by the number of inpatient days the nursing facility would have 64606  
had if its occupancy rate had been one hundred per cent during the 64607  
applicable calendar year. 64608

(D) If a nursing facility had a credit regarding its real 64609  
estate taxes reflected on its cost report for calendar year 2003, 64610  
the department shall determine its rate for tax costs for the 64611  
period beginning on July 1, 2010, and ending on the first day of 64612  
the fiscal year for which the department first redetermines all 64613  
nursing facilities' rate for tax costs under division (C) of this 64614  
section by dividing the nursing facility's desk-reviewed, actual, 64615  
allowable tax costs paid for calendar year 2004 by the number of 64616  
inpatient days the nursing facility would have had if its 64617  
occupancy rate had been one hundred per cent during calendar year 64618  
2004. 64619

Sec. 5111.246. (A) Each fiscal year, the department of job 64620  
and family services shall pay a critical access incentive payment 64621  
to the provider of each nursing facility that qualifies as a 64622  
critical access nursing facility. To qualify as a critical access 64623  
nursing facility for a fiscal year, a nursing facility must meet 64624  
all of the following requirements: 64625

(1) The nursing facility must be located in an area that, on 64626



December 31, 2011, was designated an empowerment zone under 64627  
section 1391 of the "Internal Revenue Code of 1986," 107 Stat. 64628  
543, 26 U.S.C. 1391, as amended. 64629

(2) The nursing facility must have an occupancy rate of at 64630  
least eighty-five per cent as of the last day of the calendar year 64631  
preceding the fiscal year. 64632

(3) The nursing facility must have a medicaid utilization 64633  
rate of at least sixty-five per cent as of the last day of the 64634  
calendar year preceding the fiscal year. 64635

(B) A critical access nursing facility's critical access 64636  
incentive payment for a fiscal year shall equal five per cent of 64637  
the portion of the nursing facility's total rate for the fiscal 64638  
year that is the sum of the rates and payment identified in 64639  
divisions (A)(1) to (4) and (6) of section 5111.222 of the Revised 64640  
Code. 64641

**Sec. 5111.254.** (A) The department of job and family services 64642  
shall establish initial rates for a nursing facility with a first 64643  
date of licensure that is on or after July 1, 2006, including a 64644  
facility that replaces one or more existing facilities, or for a 64645  
nursing facility with a first date of licensure before that date 64646  
that was initially certified for the medicaid program on or after 64647  
that date, in the following manner: 64648

(1) The rate for direct care costs shall be the product of 64649  
the cost per case-mix unit determined under division (D) of 64650  
section 5111.231 of the Revised Code for the facility's peer group 64651  
and the nursing facility's case-mix score. For the purpose of 64652  
division (A)(1) of this section, the nursing facility's case-mix 64653  
score shall be the following: 64654

(a) Unless the nursing facility replaces an existing nursing 64655  
facility that participated in the medicaid program immediately 64656

before the replacement nursing facility begins participating in 64657  
the medicaid program, the median annual average case-mix score for 64658  
the nursing facility's peer group; 64659

(b) If the nursing facility replaces an existing nursing 64660  
facility that participated in the medicaid program immediately 64661  
before the replacement nursing facility begins participating in 64662  
the medicaid program, the semiannual case-mix score most recently 64663  
determined under section 5111.232 of the Revised Code for the 64664  
replaced nursing facility as adjusted, if necessary, to reflect 64665  
any difference in the number of beds in the replaced and 64666  
replacement nursing facilities. 64667

(2) The rate for ancillary and support costs shall be the 64668  
rate for the facility's peer group determined under division (D) 64669  
of section 5111.24 of the Revised Code. 64670

(3) The rate for capital costs shall be the rate for the 64671  
facility's peer group determined under division (D) of section 64672  
5111.25 of the Revised Code. 64673

(4) The rate for tax costs ~~as defined in section 5111.242 of~~ 64674  
~~the Revised Code~~ shall be the median rate for tax costs for the 64675  
facility's peer group in which the facility is placed under 64676  
division (C) of section 5111.24 of the Revised Code. 64677

(5) The quality incentive payment shall be the mean payment 64678  
made to nursing facilities under section 5111.244 of the Revised 64679  
Code. 64680

(B) Subject to division (C) of this section, the department 64681  
shall adjust the rates established under division (A) of this 64682  
section effective the first day of July, to reflect new rate 64683  
calculations for all nursing facilities under sections 5111.20 to 64684  
5111.331 of the Revised Code. 64685

(C) If a rate for direct care costs is determined under this 64686  
section for a nursing facility using the median annual average 64687

case-mix score for the nursing facility's peer group, the rate 64688  
shall be redetermined to reflect the replacement nursing 64689  
facility's actual semiannual case-mix score determined under 64690  
section 5111.232 of the Revised Code after the nursing facility 64691  
submits its first two quarterly assessment data that qualify for 64692  
use in calculating a case-mix score in accordance with rules 64693  
authorized by division (E) of section 5111.232 of the Revised 64694  
Code. If the nursing facility's quarterly submissions do not 64695  
qualify for use in calculating a case-mix score, the department 64696  
shall continue to use the median annual average case-mix score for 64697  
the nursing facility's peer group in lieu of the nursing 64698  
facility's semiannual case-mix score until the nursing facility 64699  
submits two consecutive quarterly assessment data that qualify for 64700  
use in calculating a case-mix score. 64701

**Sec. 5111.862.** (A) As used in this section: 64702

"Hospital long-term care unit" has the same meaning as in 64703  
section 3721.50 of the Revised Code. 64704

"Nursing facility" has the same meaning as in section 5111.20 64705  
of the Revised Code. 64706

"Ohio home care program" means the medicaid waiver component 64707  
created under section 5111.861 of the Revised Code. 64708

"Residential treatment facility" means a residential facility 64709  
licensed by the department of mental health under section 5119.22 64710  
of the Revised Code, or an institution certified by the department 64711  
of job and family services under section 5103.03 of the Revised 64712  
Code, that serves children and either has more than sixteen beds 64713  
or is part of a campus of multiple facilities or institutions 64714  
that, combined, have a total of more than sixteen beds. 64715

(B) Subject to division (C) of section 5111.861 of the 64716  
Revised Code, the department of job and family services shall 64717

establish a home first component for the Ohio home care program. 64718  
An individual is eligible for the Ohio home care program's home 64719  
first component if the individual has been determined to be 64720  
eligible for the Ohio home care program and at least one of the 64721  
following applies: 64722

(1) If the individual is under twenty-one years of age, the 64723  
individual received inpatient hospital services for at least 64724  
fourteen consecutive days, or had at least three inpatient 64725  
hospital stays during the twelve months, immediately preceding the 64726  
date the individual applies for the Ohio home care program. 64727

(2) If the individual is at least twenty-one but less than 64728  
sixty years of age, the individual received inpatient hospital 64729  
services for at least fourteen consecutive days immediately 64730  
preceding the date the individual applies for the Ohio home care 64731  
program. 64732

(3) The individual received private duty nursing services 64733  
under the medicaid program for at least twelve consecutive months 64734  
immediately preceding the date the individual applies for the Ohio 64735  
home care program. 64736

(4) The individual does not reside in a nursing facility or 64737  
hospital long-term care unit at the time the individual applies 64738  
for the Ohio home care program but is at risk of imminent 64739  
admission to a nursing facility or hospital long-term care unit 64740  
due to a documented loss of a primary caregiver. 64741

(5) The individual resides in a nursing facility at the time 64742  
the individual applies for the Ohio home care program. 64743

(6) At the time the individual applies for the Ohio home care 64744  
program, the individual participates in the money follows the 64745  
person demonstration project authorized by section 6071 of the 64746  
"Deficit Reduction Act of 2005," Pub. L. No. 109-171, as amended, 64747  
and either resides in a residential treatment facility or 64748

inpatient hospital setting. 64749

(C) An individual determined to be eligible for the home 64750  
first component of the Ohio home care program shall be enrolled in 64751  
the Ohio home care program in accordance with rules adopted under 64752  
section 5111.85 of the Revised Code. 64753

**Sec. 5111.874.** (A) As used in sections 5111.874 to 5111.8710 64754  
of the Revised Code: 64755

"Home and community-based services" has the same meaning as 64756  
in section 5123.01 of the Revised Code. 64757

"ICF/MR services" means intermediate care facility for the 64758  
mentally retarded services covered by the medicaid program that an 64759  
intermediate care facility for the mentally retarded provides to a 64760  
resident of the facility who is a medicaid recipient eligible for 64761  
medicaid-covered intermediate care facility for the mentally 64762  
retarded services. 64763

"Intermediate care facility for the mentally retarded" means 64764  
an intermediate care facility for the mentally retarded that is 64765  
certified as in compliance with applicable standards for the 64766  
medicaid program by the director of health in accordance with 64767  
Title XIX of the "Social Security Act," 79 Stat. 286 (1965), 42 64768  
U.S.C. 1396, as amended, and licensed as a residential facility 64769  
under section 5123.19 of the Revised Code. 64770

"Residential facility" has the same meaning as in section 64771  
5123.19 of the Revised Code. 64772

(B) For the purpose of increasing the number of slots 64773  
available for home and community-based services and subject to 64774  
sections 5111.877 and 5111.878 of the Revised Code, the operator 64775  
of an intermediate care facility for the mentally retarded may 64776  
convert some or all of the beds in the facility from providing 64777  
ICF/MR services to providing home and community-based services if 64778

all of the following requirements are met: 64779

(1) The operator provides the directors of health, ~~job and family services~~, and developmental disabilities at least ninety days' notice of the operator's intent to make the conversion. 64780  
64781  
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(2) The operator complies with the requirements of sections 5111.65 to 5111.689 of the Revised Code regarding a voluntary termination as defined in section 5111.65 of the Revised Code if those requirements are applicable. 64783  
64784  
64785  
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(3) If the operator intends to convert all of the facility's beds, the operator notifies each of the facility's residents that the facility is to cease providing ICF/MR services and inform each resident that the resident may do either of the following: 64787  
64788  
64789  
64790

(a) Continue to receive ICF/MR services by transferring to another facility that is an intermediate care facility for the mentally retarded willing and able to accept the resident if the resident continues to qualify for ICF/MR services; 64791  
64792  
64793  
64794

(b) Begin to receive home and community-based services instead of ICF/MR services from any provider of home and community-based services that is willing and able to provide the services to the resident if the resident is eligible for the services and a slot for the services is available to the resident. 64795  
64796  
64797  
64798  
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(4) If the operator intends to convert some but not all of the facility's beds, the operator notifies each of the facility's residents that the facility is to convert some of its beds from providing ICF/MR services to providing home and community-based services and inform each resident that the resident may do either of the following: 64800  
64801  
64802  
64803  
64804  
64805

(a) Continue to receive ICF/MR services from any provider of ICF/MR services that is willing and able to provide the services to the resident if the resident continues to qualify for ICF/MR services; 64806  
64807  
64808  
64809

(b) Begin to receive home and community-based services 64810  
instead of ICF/MR services from any provider of home and 64811  
community-based services that is willing and able to provide the 64812  
services to the resident if the resident is eligible for the 64813  
services and a slot for the services is available to the resident. 64814

(5) The operator meets the requirements for providing home 64815  
and community-based services, including the following: 64816

(a) Such requirements applicable to a residential facility if 64817  
the operator maintains the facility's license as a residential 64818  
facility; 64819

(b) Such requirements applicable to a facility that is not 64820  
licensed as a residential facility if the operator surrenders the 64821  
facility's license as a residential facility ~~license~~ under section 64822  
5123.19 of the Revised Code. 64823

(6) The ~~directors~~ director of developmental disabilities ~~and~~ 64824  
~~job and family services~~ approves the conversion. 64825

(C) A decision by the ~~directors~~ director of developmental 64826  
disabilities to approve or refuse to approve a proposed conversion 64827  
of beds is final. In making a decision, the ~~directors~~ director 64828  
shall consider all of the following: 64829

(1) The fiscal impact on the facility if some but not all of 64830  
the beds are converted; 64831

(2) The fiscal impact on the medical assistance program; 64832

(3) The availability of home and community-based services. 64833

(D) The notice provided to the directors under division 64834  
(B)(1) of this section shall specify whether some or all of the 64835  
facility's beds are to be converted. If some but not all of the 64836  
beds are to be converted, the notice shall specify how many of the 64837  
facility's beds are to be converted and how many of the beds are 64838  
to continue to provide ICF/MR services. The notice to the director 64839

of developmental disabilities shall specify whether the operator 64840  
wishes to surrender the facility's license as a residential 64841  
facility under section 5123.19 of the Revised Code. 64842

(E)(1) If the ~~directors~~ director of developmental 64843  
disabilities ~~and job and family services approve~~ approves a 64844  
conversion under division (C) of this section, the director of 64845  
health shall do the following: 64846

(a) Terminate the certification of the intermediate care 64847  
facility for the mentally retarded if the notice specifies that 64848  
all of the facility's beds are to be converted; 64849

(b) Reduce the facility's certified capacity by the number of 64850  
beds being converted if the notice specifies that some but not all 64851  
of the beds are to be converted. 64852

(2) The director of health shall notify the director of job 64853  
and family services of the termination or reduction. On receipt of 64854  
the director of health's notice, the director of job and family 64855  
services shall do the following: 64856

(a) Terminate the operator's medicaid provider agreement that 64857  
authorizes the operator to provide ICF/MR services at the facility 64858  
if the facility's certification was terminated; 64859

(b) Amend the operator's medicaid provider agreement to 64860  
reflect the facility's reduced certified capacity if the 64861  
facility's certified capacity is reduced. 64862

(3) In the case of action taken under division (E)(2)(a) of 64863  
this section, the operator is not entitled to notice or a hearing 64864  
under Chapter 119. of the Revised Code before the director of job 64865  
and family services terminates the medicaid provider agreement. 64866

**Sec. 5111.877.** The director of job and family services may 64867  
seek approval from the United States secretary of health and human 64868  
services for not more than a total of ~~two~~ five hundred slots for 64869



home and community-based services for the purposes of sections 64870  
5111.874, 5111.875, and 5111.876 of the Revised Code. 64871

**Sec. 5111.878.** Not more than a total of ~~one~~ five hundred beds 64872  
may be converted from providing ICF/MR services to providing home 64873  
and community-based services under sections 5111.874 and 5111.875 64874  
of the Revised Code. 64875

**Sec. 5111.89.** (A) As used in sections 5111.89 to 5111.894 of 64876  
the Revised Code: 64877

"Area agency on aging" has the same meaning as in section 64878  
173.14 of the Revised Code. 64879

"Assisted living program" means the program created under 64880  
this section. 64881

"Assisted living services" means the following home and 64882  
community-based services: personal care, homemaker, chore, 64883  
attendant care, companion, medication oversight, and therapeutic 64884  
social and recreational programming. 64885

"Assisted living waiver" means the federal medicaid waiver 64886  
granted by the United States secretary of health and human 64887  
services that authorizes the medicaid-funded component of the 64888  
assisted living program. 64889

"County or district home" means a county or district home 64890  
operated under Chapter 5155. of the Revised Code. 64891

"Long-term care consultation program" means the program the 64892  
department of aging is required to develop under section 173.42 of 64893  
the Revised Code. 64894

"Long-term care consultation program administrator" or 64895  
"administrator" means the department of aging or, if the 64896  
department contracts with an area agency on aging or other entity 64897

to administer the long-term care consultation program for a particular area, that agency or entity.

"Medicaid waiver component" has the same meaning as in section 5111.85 of the Revised Code.

"Nursing facility" has the same meaning as in section 5111.20 of the Revised Code.

"Residential care facility" has the same meaning as in section 3721.01 of the Revised Code.

"Unified long-term services and support medicaid waiver component" means the medicaid waiver component authorized by section 5111.864 of the Revised Code.

(B) There is hereby created the assisted living program. The program shall provide assisted living services to individuals who meet the program's applicable eligibility requirements. Subject to division (C) of this section, the program shall have a medicaid-funded component and a state-funded component.

(C)(1) Unless the medicaid-funded component of the assisted living program is terminated under division (C)(2) of this section, all of the following apply:

(a) The department of aging shall administer the medicaid-funded component through a contract entered into with the department of job and family services under section 5111.91 of the Revised Code.

(b) The contract shall include an estimate of the medicaid-funded component's costs.

(c) The medicaid-funded component shall be operated as a separate medicaid waiver component.

(d) The medicaid-funded component may not serve more individuals than is set by the United States secretary of health and human services in the assisted living waiver.

(e) The director of job and family services may adopt rules 64928  
under section 5111.85 of the Revised Code regarding the 64929  
medicaid-funded component. 64930

(f) The director of aging may adopt rules under Chapter 119. 64931  
of the Revised Code regarding the medicaid-funded component that 64932  
the rules adopted by the director of job and family services under 64933  
division (C)(1)(e) of this section authorize the director of aging 64934  
to adopt. 64935

(2) If the unified long-term services and support medicaid 64936  
waiver component is created, the departments of aging and job and 64937  
family services shall work together to determine whether the 64938  
medicaid-funded component of the assisted living program should 64939  
continue to operate as a separate medicaid waiver component or be 64940  
terminated. If the departments determine that the medicaid-funded 64941  
component of the assisted living program should be terminated, the 64942  
medicaid-funded component shall cease to exist on a date the 64943  
departments shall specify. 64944

(D) The department of aging shall administer the state-funded 64945  
component of the assisted living program. The state-funded 64946  
component shall not be administered as part of the medicaid 64947  
program. 64948

An individual who is eligible for the state-funded component 64949  
may participate in the component for not more than ~~three months~~ 64950  
ninety days. 64951

The director of aging shall adopt rules in accordance with 64952  
section 111.15 of the Revised Code to implement the state-funded 64953  
component. 64954

**Sec. 5111.894.** (A) Subject to division (C)(2) of section 64955  
5111.89 of the Revised Code, the department of aging shall 64956  
establish a home first component of the assisted living program 64957

under which eligible individuals may be enrolled in the 64958  
medicaid-funded component of the assisted living program in 64959  
accordance with this section. An individual is eligible for the 64960  
assisted living program's home first component if both of the 64961  
following apply: 64962

(1) The individual has been determined to be eligible for the 64963  
medicaid-funded component of the assisted living program. 64964

(2) At least one of the following applies: 64965

(a) The individual has been admitted to a nursing facility. 64966

(b) A physician has determined and documented in writing that 64967  
the individual has a medical condition that, unless the individual 64968  
is enrolled in home and community-based services such as the 64969  
assisted living program, will require the individual to be 64970  
admitted to a nursing facility within thirty days of the 64971  
physician's determination. 64972

(c) The individual has been hospitalized and a physician has 64973  
determined and documented in writing that, unless the individual 64974  
is enrolled in home and community-based services such as the 64975  
assisted living program, the individual is to be transported 64976  
directly from the hospital to a nursing facility and admitted. 64977

(d) Both of the following apply: 64978

(i) The individual is the subject of a report made under 64979  
section 5101.61 of the Revised Code regarding abuse, neglect, or 64980  
exploitation or such a report referred to a county department of 64981  
job and family services under section 5126.31 of the Revised Code 64982  
or has made a request to a county department for protective 64983  
services as defined in section 5101.60 of the Revised Code. 64984

(ii) A county department of job and family services and an 64985  
area agency on aging have jointly documented in writing that, 64986  
unless the individual is enrolled in home and community-based 64987

services such as the assisted living program, the individual 64988  
should be admitted to a nursing facility. 64989

~~(c) The individual resided in a residential care facility for 64990  
at least six months immediately before applying for the 64991  
medicaid funded component of the assisted living program and is at 64992  
risk of imminent admission to a nursing facility because the costs 64993  
of residing in the residential care facility have depleted the 64994  
individual's resources such that the individual is unable to 64995  
continue to afford the cost of residing in the residential care 64996  
facility. 64997~~

(B) Each month, each area agency on aging shall identify 64998  
individuals residing in the area that the area agency on aging 64999  
serves who are eligible for the home first component of the 65000  
assisted living program. When an area agency on aging identifies 65001  
such an individual and determines that there is a vacancy in a 65002  
residential care facility participating in the medicaid-funded 65003  
component of the assisted living program that is acceptable to the 65004  
individual, the agency shall notify the long-term care 65005  
consultation program administrator serving the area in which the 65006  
individual resides. The administrator shall determine whether the 65007  
assisted living program is appropriate for the individual and 65008  
whether the individual would rather participate in the assisted 65009  
living program than continue or begin to reside in a nursing 65010  
facility. If the administrator determines that the assisted living 65011  
program is appropriate for the individual and the individual would 65012  
rather participate in the assisted living program than continue or 65013  
begin to reside in a nursing facility, the administrator shall so 65014  
notify the department of aging. On receipt of the notice from the 65015  
administrator, the department shall approve the individual's 65016  
enrollment in the medicaid-funded component of the assisted living 65017  
program regardless of the unified waiting list established under 65018  
section 173.404 of the Revised Code, unless the enrollment would 65019

cause the component to exceed any limit on the number of 65020  
individuals who may participate in the component as set by the 65021  
United States secretary of health and human services in the 65022  
assisted living waiver. 65023

**Sec. 5111.941.** ~~(A) The medicaid revenue and collections~~ 65024  
health care/medicaid support and recoveries fund is hereby created 65025  
in the state treasury. ~~Except~~ All of the following shall be 65026  
credited to the fund: 65027

(1) Except as otherwise provided by statute or as authorized 65028  
by the controlling board, the nonfederal share of all 65029  
medicaid-related revenues, collections, and recoveries ~~shall be~~ 65030  
~~credited to the fund;~~ 65031

(2) Federal reimbursement received for payment adjustments 65032  
made pursuant to section 1923 of the "Social Security Act," 101 65033  
Stat. 1330-148 (1987), 42 U.S.C. 1396r-4, as amended, under the 65034  
medicaid program to state mental health hospitals maintained and 65035  
operated by the department of mental health under division (A) of 65036  
section 5119.02 of the Revised Code; 65037

(3) Revenues the department of job and family services 65038  
receives from another state agency for medicaid services pursuant 65039  
to an interagency agreement, other than such revenues required to 65040  
be deposited into the health care services administration fund 65041  
created under section 5111.94 of the Revised Code; 65042

(4) The first seven hundred fifty thousand dollars the 65043  
department receives in a fiscal year for performing eligibility 65044  
verification services necessary for compliance with the 65045  
independent, certified audit requirement of 42 C.F.R. 455.304. 65046

(B) The department of job and family services shall use money 65047  
credited to the ~~medicaid revenue and collections~~ health 65048  
care/medicaid support and recoveries fund to pay for medicaid 65049

services and contracts. 65050

Sec. 5111.946. (A) As used in this section, "medicaid managed care organization" means a managed care organization under contract with the department of job and family services pursuant to section 5111.17 of the Revised Code. 65051  
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(B) There is hereby created in the state treasury the health care compliance fund. All of the following shall be credited to the fund: 65055  
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(1) All fines imposed on and collected from medicaid managed care organizations for failure to meet performance standards or other requirements specified in provider agreements or rules adopted by the department; 65058  
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(2) Money the department receives in a fiscal year for performing eligibility verification services necessary for compliance with the independent, certified audit requirement of 42 C.F.R. 455.304, other than the amounts of such money that are to be credited to the health care/medicaid support and recoveries fund under section 5111.941 of the Revised Code; 65062  
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(3) All investment earnings of the fund. 65068

(C) Money credited to the health care compliance fund shall be used solely for the following purposes: 65069  
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(1) To reimburse medicaid managed care organizations that have paid fines for failure to meet performance standards or other requirements and have come into compliance by meeting requirements as specified by the department; 65071  
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(2) To provide financial incentive awards established pursuant to section 5111.171 of the Revised Code and specified in contracts between medicaid managed care organizations and the department. 65075  
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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 65109  
participation in the project, but may limit the number of project 65110  
participants. 65111

The director shall ensure that an assessment of an applicant 65112  
is conducted as soon as practicable to determine whether the 65113  
applicant is eligible for participation in the project. To the 65114  
maximum extent possible, the assessment and eligibility 65115  
determination shall be completed not later than the date that 65116  
occurs six months after the applicant became a recipient of 65117  
medicaid-funded nursing facility services. 65118

(C) To be eligible for benefits under the project, a medicaid 65119  
recipient must satisfy all of the following requirements: 65120

(1) The medicaid recipient must be a recipient of 65121  
medicaid-funded nursing facility services, at the time of applying 65122  
for the project benefits. 65123

(2) If the project is established as a nonmedicaid program, 65124  
the medicaid recipient must be able to remain in the community as 65125  
a result of receiving project benefits and the projected cost of 65126  
the benefits to the project does not exceed eighty per cent of the 65127  
average monthly medicaid cost of a medicaid recipient in a nursing 65128  
facility. 65129

(3) If the project is integrated into a ~~medicaid-funded~~ home 65130  
and community-based services medicaid waiver ~~program~~ component, 65131  
the medicaid recipient must meet the waiver component's enrollment 65132  
criteria. 65133

(D) If the director establishes the Ohio access success 65134  
project, the benefits provided under the project may include 65135  
payment of all of the following: 65136

(1) The first month's rent in a community setting; 65137

(2) Rental deposits; 65138

(3) Utility deposits; 65139

(4) Moving expenses; 65140

(5) Other expenses not covered by the medicaid program that facilitate a medicaid recipient's move from a nursing facility to a community setting. 65141  
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(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. 65144  
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(F) 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. 65147  
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(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 ~~medicaid~~ home and community-based services medicaid waiver program component to serve individuals who meet the criteria for participation in the Ohio access success project. ~~The~~ 65153  
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(H) 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. 65160  
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**Sec. 5112.31.** The department of job and family services shall do all of the following: 65165  
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(A) Subject to section 5112.331 of the Revised Code and divisions (B) and (C) of this section and for the purposes 65167  
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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 65200  
impermissible health care-related tax under section 1903(w) of the 65201  
"Social Security Act," 105 Stat. 1793 (1991), 42 U.S.C.A- 65202  
1396b(w), as amended, take all necessary actions to cease 65203  
implementation of those sections in accordance with rules adopted 65204  
under section 5112.39 of the Revised Code. 65205

**Sec. 5112.33.** (A) Not later than the fifteenth day of August 65206  
of each year, the department of job and family services shall 65207  
determine the annual franchise permit fee for each intermediate 65208  
care facility for the mentally retarded in accordance with section 65209  
5112.31 of the Revised Code. 65210

(B) Not later than the first day of September of each year, 65211  
the department shall mail to each intermediate care facility for 65212  
the mentally retarded notice of the amount of the franchise permit 65213  
fee the facility has been assessed under section 5112.31 of the 65214  
Revised Code. 65215

(C) ~~Each~~ Subject to section 5112.331 of the Revised Code, 65216  
each intermediate care facility for the mentally retarded shall 65217  
pay its fee under section 5112.31 of the Revised Code to the 65218  
department in quarterly installment payments not later than 65219  
forty-five days after the last day of each September, December, 65220  
March, and June. 65221

**Sec. 5112.331.** (A) If, during the period beginning on the 65222  
first day of May of a calendar year and ending on the first day of 65223  
January of the immediately following calendar year, the operator 65224  
of an intermediate care facility for the mentally retarded 65225  
converts, pursuant to section 5111.874 of the Revised Code, one or 65226  
more of the facility's beds to providing home and community-based 65227  
services, the department of job and family services shall do the 65228  
following: 65229

(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; 65230  
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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. 65235  
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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: 65240  
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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; 65244  
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(b) The number of days in the second half of the fiscal year for which the redetermination is made. 65247  
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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. 65249  
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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: 65254  
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(1) Withhold an amount less than or equal to the installment 65259

and penalty assessed under section 5112.34 of the Revised Code 65260  
from a medicaid payment due the facility until the facility pays 65261  
the installment and penalty; 65262

(2) Offset an amount less than or equal to the installment 65263  
and penalty assessed under section 5112.34 of the Revised Code 65264  
from a ~~Medicaid~~ medicaid payment due the ~~nursing~~ facility ~~or~~ 65265  
~~hospital~~; 65266

(3) Terminate the facility's medicaid provider agreement. 65267

(B) The department may offset a medicaid payment under 65268  
division (A) of this section without providing notice to the 65269  
intermediate care facility for the mentally retarded and without 65270  
conducting an adjudication under Chapter 119. of the Revised Code. 65271

**Sec. 5112.37.** There is hereby created in the state treasury 65272  
the home and community-based services for the mentally retarded 65273  
and developmentally disabled fund. ~~Eighty one and seventy seven~~ 65274  
~~hundredths per cent of all~~ All installment payments and penalties 65275  
paid by an intermediate care facility for the mentally retarded 65276  
under sections 5112.33 and 5112.34 of the Revised Code ~~for state~~ 65277  
~~fiscal year 2012~~ shall be deposited into the fund. ~~Eighty two and~~ 65278  
~~two tenths per cent of all installment payments and penalties paid~~ 65279  
~~by an intermediate care facility for the mentally retarded under~~ 65280  
~~sections 5112.33 and 5112.34 of the Revised Code for state fiscal~~ 65281  
~~year 2013 and thereafter shall be deposited into the fund. The~~ 65282  
~~department~~ As soon as possible after the end of each quarter, the 65283  
director of job and family services shall ~~distribute~~ certify to 65284  
the director of budget and management the amount of money in that 65285  
is in the fund ~~in accordance with rules adopted under section~~ 65286  
~~5112.39 of the Revised Code as of the last day of that quarter.~~ 65287  
~~The departments of job and family services and developmental~~ 65288  
~~disabilities shall use the money for the medicaid program~~ 65289  
~~established under Chapter 5111. of the Revised Code and home and~~ 65290

~~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.~~ 65291  
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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. 65298  
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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: 65311  
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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; 65314  
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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;~~ 65322  
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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. 65326  
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**Sec. 5119.22.** (A)~~(1)~~ As used in this section and section 5119.221 of the Revised Code: 65329  
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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. 65331  
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(2) "ADAMHS board" means a board of alcohol, drug addiction, and mental health services. 65336  
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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. 65338  
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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. 65341  
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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. 65344  
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~~(b)~~(6) "Community mental health services" means any of the services listed in section 340.09 of the Revised Code. 65347  
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~~(c)~~(7) "Operator" means the person that is responsible for the administration and management of a residential facility. 65349  
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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 and personal care services for only one or two adults who are unrelated to the owner of the facility; accommodations, supervision, and personal care services to for three to sixteen unrelated adults; or

accommodations, supervision, and personal care services for one or 65381  
two of the following unrelated persons: 65382

(i) Persons of any age with mental illness ~~or persons with~~ 65383  
~~severe mental disabilities~~ who are referred by or are receiving 65384  
community mental health services from a community mental health 65385  
agency, hospital, or practitioner; 65386

~~(iii) Room and board to~~ (ii) Persons of any age with severe 65387  
mental disabilities who are referred by or are receiving community 65388  
mental health services from a community mental health agency, 65389  
hospital, or practitioner. 65390

(c) Room and board for five or more of the following 65391  
unrelated persons: 65392

(i) Adults with mental illness ~~or persons with severe mental~~ 65393  
~~disabilities~~ who are referred by or are receiving community mental 65394  
health services from a community mental health agency, hospital, 65395  
or practitioner; 65396

(ii) Adults with severe mental disabilities who are referred 65397  
by or are receiving community mental health services from a 65398  
community mental health agency, hospital, or practitioner. 65399

~~The following are not residential facilities (10)~~ 65400  
"Residential facility" does not include any of the following: the 65401  
~~residence of a relative or guardian of a mentally ill individual,~~ 65402  
~~a~~ 65403

(a) A hospital subject to licensure under section 5119.20 of 65404  
the Revised Code, ~~a;~~ 65405

(b) A residential facility as defined in licensed under 65406  
section 5123.19 of the Revised Code, ~~a facility providing care for~~ 65407  
~~a child in the custody of a public children services agency or a~~ 65408  
~~private agency certified under section 5103.03 of the Revised~~ 65409  
Code, a foster care facility or otherwise regulated by the 65410

<u>department of developmental disabilities;</u>	65411
<u>(c) An institution or association subject to certification</u>	65412
<u>under section 5103.03 of the Revised Code, <del>an adult care facility</del></u>	65413
<u><del>subject to licensure under sections 5119.70 to 5119.88 of the</del></u>	65414
<u>Revised Code, and a;</u>	65415
<u>(d) A facility operated by a hospice care program licensed</u>	65416
<u>under section 3712.04 of the Revised Code that is used exclusively</u>	65417
<u>for care of hospice patients;</u>	65418
<u>(e) A nursing home, residential care facility, or home for</u>	65419
<u>the aging <del>subject to licensure under</del> as defined in section 3721.02</u>	65420
<u>of the Revised Code;</u>	65421
<u>(f) An alcohol or drug addiction program as defined in</u>	65422
<u>section 3793.01 of the Revised Code;</u>	65423
<u>(g) A facility licensed to provide methadone treatment under</u>	65424
<u>section 3793.11 of the Revised Code;</u>	65425
<u>(h) Any facility that receives funding for operating costs</u>	65426
<u>from the department of development under any program established</u>	65427
<u>to provide emergency shelter housing or transitional housing for</u>	65428
<u>the homeless;</u>	65429
<u>(i) A terminal care facility for the homeless that has</u>	65430
<u>entered into an agreement with a hospice care program under</u>	65431
<u>section 3712.07 of the Revised Code;</u>	65432
<u>(j) A facility approved by the veterans administration under</u>	65433
<u>section 104(a) of the "Veterans Health Care Amendments of 1983,"</u>	65434
<u>97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for</u>	65435
<u>the placement and care of veterans.</u>	65436
<u>(11) "Room and board" means the provision of sleeping and</u>	65437
<u>living space, meals or meal preparation, laundry services,</u>	65438
<u>housekeeping services, or any combination thereof.</u>	65439
<u>(12) "Supervision" means any of the following:</u>	65440

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of daily living or other activities; 65441  
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(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities; 65444  
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(c) Assisting a resident in making or keeping an appointment. 65447

(13) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle. 65448  
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~~(2)(B)~~ Nothing in division (A)~~(1)(d)(9)~~ of this section shall be construed to permit personal care services to be imposed on a resident who is capable of performing the activity in question without assistance. 65453  
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~~(3)(C)~~ Except in the case of a residential facility described in division (A)~~(1)(d)(i)(9)(a)~~ of this section, members of the staff of a residential facility shall not administer medication to the facility's residents, all medication taken by residents of a residential facility shall be self-administered, and no person shall be admitted to or retained by a residential facility unless the person is capable of taking the person's own medication and biologicals, as determined in writing by the person's personal physician. Members of the staff of a residential facility but may do any of the following: 65457  
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~~(a)(1)~~ Remind a resident when to take medication and watch to ensure that the resident follows the directions on the container; 65467  
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~~(b)(2)~~ Assist a resident in the self-administration of medication by taking the medication from the locked area where it is stored, in accordance with rules adopted pursuant to this 65469  
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section, and handing it to the resident. If the resident is 65472  
physically unable to open the container, a staff member may open 65473  
the container for the resident. 65474

~~(e)~~(3) Assist a physically impaired but mentally alert 65475  
resident, such as a resident with arthritis, cerebral palsy, or 65476  
Parkinson's disease, in removing oral or topical medication from 65477  
containers and in consuming or applying the medication, upon 65478  
request by or with the consent of the resident. If a resident is 65479  
physically unable to place a dose of medicine to the resident's 65480  
mouth without spilling it, a staff member may place the dose in a 65481  
container and place the container to the mouth of the resident. 65482

~~(B) Every (D)(1) Except as provided in division (D)(2) of~~ 65483  
~~this section, a person operating or desiring seeking to operate a~~ 65484  
residential facility shall apply for licensure of the facility to 65485  
the department of mental health ~~and. The application shall be~~ 65486  
~~submitted by the operator. When applying for the license, the~~ 65487  
~~applicant shall pay to the department the application fee~~ 65488  
~~specified in rules adopted under division (L) of this section. The~~ 65489  
~~fee is nonrefundable.~~ 65490

~~The department shall send a copy of the an application to the~~ 65491  
~~ADAMHS board of alcohol, drug addiction, and mental health~~ 65492  
~~services whose service district includes serving the county in~~ 65493  
which the person operates or ~~desires seeks~~ to operate a 65494  
residential ~~the~~ facility. The ADAMHS board shall review ~~such~~ 65495  
~~applications and recommend approval or disapproval to the~~ 65496  
~~department. Each recommendation shall be consistent with the~~ 65497  
~~board's community mental health plan.~~ 65498

~~(C) the application and provide to the department any~~ 65499  
~~information about the applicant or the facility that the board~~ 65500  
~~would like the department to consider in reviewing the~~ 65501  
~~application.~~ 65502

(2) A person may not apply for a license to operate a residential facility if the person is or has been the owner, operator, or manager of a residential facility for which a license to operate was revoked or for which renewal of a license was refused for any reason other than nonpayment of the license renewal fee, unless both of the following conditions are met: 65503  
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(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. 65509  
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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. 65512  
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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. 65516  
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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 65526  
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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 zoning ordinance or resolution to:

(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;

(b) Require compliance with yard, parking, and sign regulation.

(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.

(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.

(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 65566  
of this section. 65567

(F)(1) The department of mental health shall inspect and 65568  
license the operation of residential facilities. The department 65569  
shall consider the past record of the facility and the applicant 65570  
or licensee in arriving at its licensure decision. ~~The~~ 65571

The department may issue full, probationary, and interim 65572  
licenses. A full license shall expire two years after the date of 65573  
issuance, a probationary license shall expire in a shorter period 65574  
of time as ~~prescribed by rule~~ specified in rules adopted by the 65575  
director of mental health ~~pursuant to Chapter 119. of the Revised~~ 65576  
~~Code~~ under division (L) of this section, and an interim license 65577  
shall expire ninety days after the date of issuance. ~~The A license~~ 65578  
may be renewed in accordance with rules adopted by the director 65579  
under division (L) of this section. The renewal application shall 65580  
be submitted by the operator. When applying for renewal of a 65581  
license, the applicant shall pay to the department the renewal fee 65582  
specified in rules adopted under division (L) of this section. The 65583  
fee is nonrefundable. 65584

(2) The department may issue an order suspending the 65585  
admission of residents to the facility or refuse to issue or renew 65586  
and may revoke a license if it finds the facility is not in 65587  
compliance with rules adopted by the ~~department~~ director pursuant 65588  
to division ~~(G)~~(L) of this section or if any facility operated by 65589  
the applicant or licensee has ~~had~~ been cited for repeated 65590  
violations of statutes or rules during the period of previous 65591  
licenses. Proceedings initiated to deny applications for full or 65592  
probationary licenses or to revoke such licenses are governed by 65593  
Chapter 119. of the Revised Code. 65594

~~(D)~~(G) The department may issue an interim license to operate 65595  
a residential facility if both of the following conditions are 65596  
met: 65597



(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available.

(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under ~~Chapter 119. of the Revised Code~~ division (L) of this section.

An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code.

~~(E)~~(H)(1) The department of mental health may conduct an inspection of a residential facility as follows:

~~(1)~~(a) Prior to ~~the~~ issuance of a license ~~to a prospective operator~~ for the facility;

~~(2)~~(b) Prior to ~~the~~ renewal of ~~any operator's~~ the license;

~~(3)~~(c) To determine whether a the facility has completed a plan of correction required pursuant to ~~this~~ division (H)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;

~~(4)~~(d) Upon complaint by any individual or agency;

~~(5)~~(e) At any time the director considers an inspection to be necessary in order to determine whether ~~a residential~~ the facility is in compliance with this section and rules adopted pursuant to this section.

(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility, and its personnel, activities, and services. The department shall

have access to examine and copy all records, accounts, and any 65628  
other documents relating to the operation of the residential 65629  
facility, including records pertaining to residents, and shall 65630  
have access to the facility in order to conduct interviews with 65631  
the operator, staff, and residents. Following each inspection and 65632  
review, the department shall complete a report listing any 65633  
deficiencies, and including, when appropriate, a time table within 65634  
which the operator shall correct the deficiencies. The department 65635  
may require the operator to submit a plan of correction describing 65636  
how the deficiencies will be corrected. 65637

~~(F)~~(I) No person shall do any of the following: 65638

(1) Operate a residential facility unless the facility holds 65639  
a valid license; 65640

(2) Violate any of the conditions of licensure after having 65641  
been granted a license; 65642

(3) Interfere with a state or local official's inspection or 65643  
investigation of a residential facility; 65644

(4) Violate any of the provisions of this section or any 65645  
rules adopted pursuant to this section. 65646

~~(G)~~(J) The following may enter a residential facility at any 65647  
time: 65648

(1) Employees designated by the director of mental health; 65649

(2) Employees of an ADAMHS board under either of the 65650  
following circumstances: 65651

(a) When a resident of the facility is receiving services 65652  
from a community mental health agency under contract with that 65653  
ADAMHS board or another ADAMHS board; 65654

(b) When authorized by section 340.05 of the Revised Code. 65655

(3) Employees of a community mental health agency under 65656  
either of the following circumstances: 65657

(a) When the agency has a client residing in the facility; 65658

(b) When the agency is acting as an agent of an ADAMHS board other than the board with which it is under contract. 65659  
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(4) Representatives of the state long-term care ombudsperson program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program. 65661  
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The persons specified in division (J) of this section shall 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. 65666  
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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. 65670  
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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: 65676  
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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~~ 65680  
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(2) Procedures for the issuance, renewal or revocation of the licenses of ~~such residential~~ facilities; ~~establishing the~~ 65684  
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(3) Procedures for conducting criminal records checks for prospective operators, staff, and other individuals who, if 65686  
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<u>employed by a residential facility, would have unsupervised access</u>	65688
<u>to facility residents;</u>	65689
<u>(4) The fee to be paid when applying for a new residential</u>	65690
<u>facility license or renewing the license;</u>	65691
<u>(5) Procedures for the operator of a residential facility to</u>	65692
<u>follow when notifying the ADAMHS board serving the county in which</u>	65693
<u>the facility is located when the facility is serving residents</u>	65694
<u>with mental illness or severe mental disability, including the</u>	65695
<u>circumstances under which the operator is required to make such a</u>	65696
<u>notification;</u>	65697
<u>(6) Procedures for the issuance and termination of orders of</u>	65698
<u>suspension of admission of residents to a residential facility;</u>	65699
<u>(7) Measures to be taken by residential facilities relative</u>	65700
<u>to residents' medication;</u>	65701
<u>(8) Requirements relating to preparation of special diets;</u>	65702
<u>(9) The maximum number of residents of who may be served in a</u>	65703
<u>residential facility; establishing the</u>	65704
<u>(10) The rights of residents of residential facilities and</u>	65705
<u>procedures to protect such rights; and requiring</u>	65706
<u>(11) Procedures for obtaining an affiliation agreement</u>	65707
<u>approved by the board between a residential facility and a</u>	65708
<u>community mental health agency. Such affiliation agreement must be</u>	65709
<u>consistent with the residential portion of the community mental</u>	65710
<u>health plan submitted pursuant to section 340.03 of the Revised</u>	65711
<u>Code;</u>	65712
<u>(12) Standards and procedures under which the director may</u>	65713
<u>waive the requirements of any of the rules adopted.</u>	65714
<del>(H) The department may investigate any facility that has been</del>	65715
<del>reported to the department or that the department has reasonable</del>	65716
<del>cause to believe is operating as a residential facility without a</del>	65717

~~valid license.~~ 65718

~~(I)(M)(1)~~ The department may withhold the source of any 65719  
complaint reported as a violation of this ~~act~~ section when the 65720  
department determines that disclosure could be detrimental to the 65721  
department's purposes or could jeopardize the investigation. The 65722  
department may disclose the source of any complaint if the 65723  
complainant agrees in writing to such disclosure and shall 65724  
disclose the source upon order by a court of competent 65725  
jurisdiction. 65726

~~(J)(2)~~ Any person who makes a complaint under division (M)(1) 65727  
of this section, or any person who participates in an 65728  
administrative or judicial proceeding resulting from such a 65729  
complaint, is immune from civil liability and is not subject to 65730  
criminal prosecution, other than for perjury, unless the person 65731  
has acted in bad faith or with malicious purpose. 65732

~~(N)(1)~~ The director of mental health may petition the court 65733  
of common pleas of the county in which a residential facility is 65734  
located for an order enjoining any person from operating a 65735  
residential facility without a license or from operating a 65736  
licensed facility when, in the director's judgment, there is a 65737  
~~real and~~ present danger to the health or safety of any of the 65738  
occupants of the facility. The court shall have jurisdiction to 65739  
grant such injunctive relief upon a showing that the respondent 65740  
named in the petition is operating a facility without a license or 65741  
there is a ~~real and~~ present danger to the health or safety of any 65742  
residents of the facility. 65743

~~(K)~~ ~~Whoever violates division (F) of this section or any rule~~ 65744  
~~adopted under this section is liable for a civil penalty of one~~ 65745  
~~hundred dollars for the first offense; for each subsequent~~ 65746  
~~offense, such violator is liable for a civil penalty of five~~ 65747  
~~hundred dollars. If the violator does not pay, the attorney~~ 65748  
~~general, upon the request of the director of mental health, shall~~ 65749

~~bring a civil action to collect the penalty. Fines collected 65750  
pursuant to this section shall be deposited into the state 65751  
treasury to the credit of the mental health sale of goods and 65752  
services fund. 65753~~

(2) When the court grants injunctive relief in the case of a 65754  
facility operating without a license, the court shall issue, at a 65755  
minimum, an order enjoining the facility from admitting new 65756  
residents to the facility and an order requiring the facility to 65757  
assist with the safe and orderly relocation of the facility's 65758  
residents. 65759

(3) If injunctive relief is granted against a facility for 65760  
operating without a license and the facility continues to operate 65761  
without a license, the director shall refer the case to the 65762  
attorney general for further action. 65763

(O) The director may fine a person for violating division (I) 65764  
of this section. The fine shall be five hundred dollars for a 65765  
first offense; for each subsequent offense, the fine shall be one 65766  
thousand dollars. The director's actions in imposing a fine shall 65767  
be taken in accordance with Chapter 119. of the Revised Code. 65768

**Sec. 5119.61.** Any provision in this chapter that refers to a 65769  
board of alcohol, drug addiction, and mental health services also 65770  
refers to the community mental health board in an alcohol, drug 65771  
addiction, and mental health service district that has a community 65772  
mental health board. 65773

The director of mental health with respect to all facilities 65774  
and programs established and operated under Chapter 340. of the 65775  
Revised Code for mentally ill and emotionally disturbed persons, 65776  
shall do all of the following: 65777

(A) Adopt rules pursuant to Chapter 119. of the Revised Code 65778  
that may be necessary to carry out the purposes of Chapter 340. 65779

and sections 5119.61 to 5119.63 of the Revised Code. 65780

(1) The rules shall include ~~all of~~ the following: 65781

(a) Rules governing a community mental health agency's 65782  
services under section 340.091 of the Revised Code to an 65783  
individual referred to the agency under division ~~(C)~~(D)(2) of 65784  
section 5119.69 of the Revised Code; 65785

(b) For the purpose of division (A)(16) of section 340.03 of 65786  
the Revised Code, rules governing the duties of mental health 65787  
agencies and boards of alcohol, drug addiction, and mental health 65788  
services ~~under section 5119.88 of the Revised Code~~ regarding 65789  
referrals of individuals with mental illness or severe mental 65790  
disability to ~~adult care~~ residential facilities as defined in 65791  
division (A)(9)(b) of section 5119.22 of the Revised Code and 65792  
effective arrangements for ongoing mental health services for the 65793  
individuals. ~~The rules shall do at least the following:~~ 65794

~~(i) Provide for agencies and boards to participate fully in 65795  
the procedures owners and managers of adult care facilities must 65796  
follow under division (A) of section 5119.88 of the Revised Code;~~ 65797

~~(ii) Specify the manner in which boards are accountable for 65798  
ensuring that ongoing mental health services are effectively 65799  
arranged for individuals with mental illness or severe mental 65800  
disability who are referred by the board or mental health agency 65801  
under contract with the board to an adult care facility.~~ 65802

~~(c) Rules governing a board of alcohol, drug addiction, and 65803  
mental health services when making a report to the director of 65804  
mental health under section 5119.87 of the Revised Code regarding 65805  
the quality of care and services provided by an adult care 65806  
facility to a person with mental illness or a severe mental 65807  
disability.~~ 65808

(2) Rules may be adopted to govern the method of paying a 65809  
community mental health facility, as defined in section 5111.023 65810

of the Revised Code, for providing services listed in division (B) 65811  
of that section. Such rules must be consistent with the contract 65812  
entered into between the departments of job and family services 65813  
and mental health under section 5111.91 of the Revised Code and 65814  
include requirements ensuring appropriate service utilization. 65815

(B) Review and evaluate, and, taking into account the 65816  
findings and recommendations of the board of alcohol, drug 65817  
addiction, and mental health services of the district served by 65818  
the program and the requirements and priorities of the state 65819  
mental health plan, including the needs of residents of the 65820  
district now residing in state mental institutions, and make 65821  
recommendations for needed improvements to boards of alcohol, drug 65822  
addiction, and mental health services; 65823

(C) Provide consultative services to community mental health 65824  
agencies with the knowledge and cooperation of the board of 65825  
alcohol, drug addiction, and mental health services; 65826

(D) At the director's discretion, provide to boards of 65827  
alcohol, drug addiction, and mental health services state or 65828  
federal funds, in addition to those allocated under section 65829  
5119.62 of the Revised Code, for special programs or projects the 65830  
director considers necessary but for which local funds are not 65831  
available; 65832

(E) Establish criteria by which a board of alcohol, drug 65833  
addiction, and mental health services reviews and evaluates the 65834  
quality, effectiveness, and efficiency of services provided 65835  
through its community mental health plan. The criteria shall 65836  
include requirements ensuring appropriate service utilization. The 65837  
department shall assess a board's evaluation of services and the 65838  
compliance of each board with this section, Chapter 340. or 65839  
section 5119.62 of the Revised Code, and other state or federal 65840  
law and regulations. The department, in cooperation with the 65841  
board, periodically shall review and evaluate the quality, 65842



effectiveness, and efficiency of services provided through each 65843  
board. The department shall collect information that is necessary 65844  
to perform these functions. 65845

(F) To the extent the director determines necessary and after 65846  
consulting with boards of alcohol, drug addiction, and mental 65847  
health services, develop and operate, or contract for the 65848  
operation of, a community mental health information system or 65849  
systems. 65850

Boards of alcohol, drug ~~abuse~~ addiction, and mental health 65851  
services shall submit information requested by the department in 65852  
the form and manner prescribed by the department. Information 65853  
collected by the department shall include, but not be limited to, 65854  
all of the following: 65855

(1) Information regarding units of services provided in whole 65856  
or in part under contract with a board, including diagnosis and 65857  
special needs, demographic information, the number of units of 65858  
service provided, past treatment, financial status, and service 65859  
dates in accordance with rules adopted by the department in 65860  
accordance with Chapter 119. of the Revised Code; 65861

(2) Financial information other than price or price-related 65862  
data regarding expenditures of boards and community mental health 65863  
agencies, including units of service provided, budgeted and actual 65864  
expenses by type, and sources of funds. 65865

Boards shall submit the information specified in division 65866  
(F)(1) of this section no less frequently than annually for each 65867  
client, and each time the client's case is opened or closed. The 65868  
department shall not collect any personal information from the 65869  
boards except as required or permitted by state or federal law for 65870  
purposes related to payment, health care operations, program and 65871  
service evaluation, reporting activities, research, system 65872  
administration, and oversight. 65873

(G) Review each board's community mental health plan 65874  
submitted pursuant to section 340.03 of the Revised Code and 65875  
approve or disapprove it in whole or in part. Periodically, in 65876  
consultation with representatives of boards and after considering 65877  
the recommendations of the medical director, the director shall 65878  
issue criteria for determining when a plan is complete, criteria 65879  
for plan approval or disapproval, and provisions for conditional 65880  
approval. The factors that the director considers may include, but 65881  
are not limited to, the following: 65882

(1) The mental health needs of all persons residing within 65883  
the board's service district, especially severely mentally 65884  
disabled children, adolescents, and adults; 65885

(2) The demonstrated quality, effectiveness, efficiency, and 65886  
cultural relevance of the services provided in each service 65887  
district, the extent to which any services are duplicative of 65888  
other available services, and whether the services meet the needs 65889  
identified above; 65890

(3) The adequacy of the board's accounting for the 65891  
expenditure of funds. 65892

If the director disapproves all or part of any plan, the 65893  
director shall provide the board an opportunity to present its 65894  
position. The director shall inform the board of the reasons for 65895  
the disapproval and of the criteria that must be met before the 65896  
plan may be approved. The director shall give the board a 65897  
reasonable time within which to meet the criteria, and shall offer 65898  
technical assistance to the board to help it meet the criteria. 65899

If the approval of a plan remains in dispute, the board or 65900  
the director may request that the dispute be submitted to a 65901  
mutually agreed upon third-party mediator with the cost to be 65902  
shared by the board and the department. The mediator shall issue 65903  
to the board and the department recommendations for resolution of 65904

the dispute. The director, taking into consideration the 65905  
recommendations of the mediator, shall make a final determination 65906  
and approve or disapprove the plan, in whole or in part. 65907

**Sec. 5119.69.** (A) As used in this section and section 65908  
5119.691 of the Revised Code: 65909

(1) "Long-term care consultation program" means the program 65910  
the department of aging is required to develop under section 65911  
173.42 of the Revised Code. 65912

(2) "Long-term care consultation program administrator" or 65913  
"administrator" means the department of aging or, if the 65914  
department contracts with an area agency on aging or other entity 65915  
to administer the long-term care consultation program for a 65916  
particular area, that agency or entity. 65917

(3) "Nursing facility" has the same meaning as in section 65918  
5111.20 of the Revised Code. 65919

(4) "Residential state supplement administrative agency" 65920  
means the department of mental health or, if the department 65921  
designates an entity under division (C) of this section for a 65922  
particular area, the designated entity. 65923

(5) "Residential state supplement program" means the program 65924  
administered pursuant to this section. 65925

(B) The department of mental health shall implement the 65926  
residential state supplement program under which the state 65927  
supplements the supplemental security income payments received by 65928  
aged, blind, or disabled adults under Title XVI of the "Social 65929  
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A., as amended. 65930  
Residential state supplement payments shall be used for the 65931  
provision of accommodations, supervision, and personal care 65932  
services to supplemental security income recipients who the 65933  
department determines are at risk of needing institutional care. 65934

~~(B)~~(C) In implementing the program, the department may 65935  
designate one or more entities to be responsible for providing 65936  
administrative services regarding the program. The department may 65937  
designate an entity to be a residential state supplement 65938  
administrative agency under this division either by entering into 65939  
a contract with the entity to serve in that capacity or by 65940  
otherwise delegating to the entity the responsibility to serve in 65941  
that capacity. 65942

~~(C)~~(D) For an individual to be eligible for residential state 65943  
supplement payments, all of the following must be the case: 65944

(1) Except as provided by division ~~(G)~~(H) of this section, 65945  
the individual must reside in one of the following: 65946

(a) ~~An adult foster home certified under section 5119.692 of  
the Revised Code;~~ 65947  
65948

~~(b)~~ A home or facility, other than a nursing home or nursing 65949  
home unit of a home for the aging, licensed by the department of 65950  
health under Chapter 3721. of the Revised Code ~~or the department~~ 65951  
~~of mental health under sections 5119.70 to 5119.88 of the Revised~~ 65952  
~~Code;~~ 65953

~~(c)~~(b) A residential facility as defined in division 65954  
(A)~~(1)~~~~(d)~~~~(ii)~~(9)(b) of section 5119.22 of the Revised Code 65955  
licensed by the department of mental health; 65956

~~(d)~~(c) An apartment or room used to provide community mental 65957  
health housing services certified by the department of mental 65958  
health under section 5119.611 of the Revised Code and approved by 65959  
a board of alcohol, drug addiction, and mental health services 65960  
under division (A)(14) of section 340.03 of the Revised Code. 65961

(2) A residential state supplement administrative agency must 65962  
have determined that the environment in which the individual will 65963  
be living while receiving the payments is appropriate for the 65964  
individual's needs. If the individual is eligible for supplemental 65965

security income payments or social security disability insurance 65966  
benefits because of a mental disability, the residential state 65967  
supplement administrative agency shall refer the individual to a 65968  
community mental health agency for ~~the community mental health~~ 65969  
~~agency to issue in accordance with an assessment under division~~ 65970  
(A) of section 340.091 of the Revised Code ~~a recommendation on~~ 65971  
~~whether the residential state supplement administrative agency~~ 65972  
~~should determine that the environment in which the individual will~~ 65973  
~~be living while receiving the payments is appropriate for the~~ 65974  
~~individual's needs.~~ 65975

(3) The individual satisfies all eligibility requirements 65976  
established by rules adopted under division ~~(D)~~(E) of this 65977  
section. 65978

~~(D)~~(E) The directors of mental health and job and family 65979  
services shall adopt rules in accordance with section 111.15 of 65980  
the Revised Code as necessary to implement the residential state 65981  
supplement program. 65982

To the extent permitted by Title XVI of the "Social Security 65983  
Act," and any other provision of federal law, the director of job 65984  
and family services may adopt rules establishing standards for 65985  
adjusting the eligibility requirements concerning the level of 65986  
impairment a person must have so that the amount appropriated for 65987  
the program by the general assembly is adequate for the number of 65988  
eligible individuals. The rules shall not limit the eligibility of 65989  
disabled persons solely on a basis classifying disabilities as 65990  
physical or mental. The director of job and family services also 65991  
may adopt rules that establish eligibility standards for aged, 65992  
blind, or disabled individuals who reside in one of the homes or 65993  
facilities specified in division ~~(C)~~(D)(1) of this section but 65994  
who, because of their income, do not receive supplemental security 65995  
income payments. The rules may provide that these individuals may 65996  
include individuals who receive other types of benefits, 65997

including, social security disability insurance benefits provided 65998  
under Title II of the "Social Security Act," 49 Stat. 620 (1935), 65999  
42 U.S.C.A. 401, as amended. Notwithstanding division ~~(A)~~(B) of 66000  
this section, such payments may be made if funds are available for 66001  
them. 66002

The director of mental health may adopt rules establishing 66003  
the method to be used to determine the amount an eligible 66004  
individual will receive under the program. The amount the general 66005  
assembly appropriates for the program may be a factor included in 66006  
the method that director establishes. 66007

~~(E)~~(F) The county department of job and family services of 66008  
the county in which an applicant for the residential state 66009  
supplement program resides shall determine whether the applicant 66010  
meets income and resource requirements for the program. 66011

~~(F)~~(G) The department of mental health shall maintain a 66012  
waiting list of any individuals eligible for payments under this 66013  
section but not receiving them because moneys appropriated to the 66014  
department for the purposes of this section are insufficient to 66015  
make payments to all eligible individuals. An individual may apply 66016  
to be placed on the waiting list even though the individual does 66017  
not reside in one of the homes or facilities specified in division 66018  
~~(C)~~(D)(1) of this section at the time of application. The director 66019  
of mental health, by rules adopted in accordance with Chapter 119. 66020  
of the Revised Code, may specify procedures and requirements for 66021  
placing an individual on the waiting list and priorities for the 66022  
order in which individuals placed on the waiting list are to begin 66023  
to receive residential state supplement payments. The rules 66024  
specifying priorities may give priority to individuals placed on 66025  
the waiting list on or after July 1, 2006, who receive 66026  
supplemental security income benefits under Title XVI of the 66027  
"Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C. 1381, as 66028  
amended. The rules shall not affect the place on the waiting list 66029

of any person who was on the list on July 1, 2006. The rules 66030  
specifying priorities may also set additional priorities based on 66031  
living arrangement, such as whether an individual resides in a 66032  
facility listed in division ~~(C)~~(D)(1) of this section or has been 66033  
admitted to a nursing facility. 66034

~~(G)~~(H) An individual in a licensed or certified living 66035  
arrangement receiving state supplementation on November 15, 1990, 66036  
under former section 5101.531 of the Revised Code shall not become 66037  
ineligible for payments under this section solely by reason of the 66038  
individual's living arrangement as long as the individual remains 66039  
in the living arrangement in which the individual resided on 66040  
November 15, 1990. 66041

~~(H)~~(I) The department of mental health shall notify each 66042  
person denied approval for payments under this section of the 66043  
person's right to a hearing. On request, the hearing shall be 66044  
provided in accordance with Chapter 119. of the Revised Code. 66045

**Sec. 5119.691.** ~~(A) As used in this section:~~ 66046

~~"Long term care consultation program" means the program the 66047  
department of aging is required to develop under section 173.42 of 66048  
the Revised Code.~~ 66049

~~"Long term care consultation program administrator" or 66050  
"administrator" means the department of aging or, if the 66051  
department contracts with an area agency on aging or other entity 66052  
to administer the long term care consultation program for a 66053  
particular area, that agency or entity.~~ 66054

~~"Nursing facility" has the same meaning as in section 5111.20 66055  
of the Revised Code.~~ 66056

~~"Residential state supplement administrative agency" means an 66057  
entity designated as such by the department of mental health under 66058  
section 5119.69 of the Revised Code.~~ 66059

~~"Residential state supplement program" means the program administered pursuant to section 5119.69 of the Revised Code.~~ 66060  
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~~(B)~~ On a periodic schedule determined by the department of mental health, each residential state supplement administrative agency shall determine whether individuals who reside in the area that the agency serves and are on a waiting list for the residential state supplement program have been admitted to a nursing facility. If a residential state supplement administrative agency determines that such an individual has been admitted to a nursing facility, the agency shall notify the long-term care consultation program administrator serving the area in which the individual resides about the determination. The administrator shall determine whether the residential state supplement program is appropriate for the individual and whether the individual would rather participate in the program than continue residing in the nursing facility. If the administrator determines that the residential state supplement program is appropriate for the individual and the individual would rather participate in the program than continue residing in the nursing facility, the administrator shall so notify the department of mental health. On receipt of the notice from the administrator, the department of mental health shall approve the individual's enrollment in the residential state supplement program in accordance with the priorities specified in rules adopted under division ~~(F)~~(G) of section 5119.69 of the Revised Code. Each quarter, the department of mental health shall certify to the director of budget and management the estimated increase in costs of the residential state supplement program resulting from enrollment of individuals in the program pursuant to this section. 66062  
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**Sec. 5119.99.** ~~(A)~~ Whoever violates section 5119.21 of the Revised Code is guilty of a misdemeanor of the first degree. 66089  
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~~(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 section, the department shall release the offender to ~~supervised~~ release post-release control under one or more post-release

control sanctions after the offender has served each mandatory 66122  
prison term to which the offender was sentenced, if any, and a 66123  
minimum of eighty per cent of the aggregated nonmandatory prison 66124  
terms to which the offender was sentenced. The placement under 66125  
post-release control sanctions shall be under terms set by the 66126  
parole board in accordance with section 2967.28 of the Revised 66127  
Code and shall be subject to the provisions of that section and 66128  
sections 2929.141 and 2967.15 of the Revised Code regarding 66129  
violation of post-release control sanctions. No mandatory prison 66130  
term shall be reduced by, or as a result of, an offender's service 66131  
of a risk reduction sentence. The department shall notify the 66132  
sentencing court that the offender has successfully completed the 66133  
terms of the risk reduction sentence at least thirty days prior to 66134  
the date upon which the offender is to be released. 66135

(D) As used in this section: 66136

(1) "Mandatory prison term" has the same meaning as in 66137  
section 2929.01 of the Revised Code. 66138

(2) "Nonmandatory prison term" means a prison term that is 66139  
not a mandatory prison term. 66140

(3) "Post-release control" and "post-release control 66141  
sanction" have the same meanings as in section 2967.01 of the 66142  
Revised Code. 66143

**Sec. 5120.105.** (A) ~~The department of administrative services~~ 66144  
Ohio facilities construction commission shall provide for the 66145  
construction of a halfway house facility in conformity with 66146  
Chapter 153. of the Revised Code, except that construction 66147  
services may be provided by the department of rehabilitation and 66148  
correction. 66149

(B) The director of rehabilitation and correction may enter 66150  
into an agreement with a halfway house organization for the 66151

management of a halfway house facility. The halfway house 66152  
organization that occupies, will occupy, or is responsible for the 66153  
management of a halfway house facility shall pay the costs of 66154  
management of and general building services for the halfway house 66155  
facility as provided in an agreement between the department of 66156  
rehabilitation and correction and the halfway house organization. 66157

(C) No state funds, including state bond proceeds, shall be 66158  
spent on the construction of a halfway house facility under 66159  
sections 5120.102 to 5120.105 of the Revised Code, unless the 66160  
general assembly has specifically authorized the spending of money 66161  
on, or has made an appropriation to the department of 66162  
rehabilitation and correction for, the construction of the halfway 66163  
house facility or rental payments relating to the financing of the 66164  
construction of that facility. An authorization to spend money or 66165  
an appropriation for planning a halfway house facility does not 66166  
constitute an authorization to spend money on, or an appropriation 66167  
for, the construction of that facility. Capital funds for the 66168  
construction of halfway house facilities under sections 5120.102 66169  
to 5120.105 of the Revised Code shall be paid from the adult 66170  
correctional building fund created in division (F) of section 66171  
154.24 of the Revised Code. 66172

**Sec. 5120.132.** (A) There is hereby created in the state 66173  
treasury the prisoner programs fund. The director of 66174  
rehabilitation and correction shall deposit in the fund all moneys 66175  
received by the department from commissions on telephone systems 66176  
established for the use of prisoners and services provided to 66177  
prisoners in relation to electronic mail, prisoner trust fund 66178  
deposits, and the purchase of music, digital music players, and 66179  
other electronic devices. The money in the fund shall be used only 66180  
to pay for the costs of the following: 66181

(1) The purchase of material, supplies, and equipment used in 66182

any library program, educational program, religious program, 66183  
recreational program, or pre-release program operated by the 66184  
department for the benefit of prisoners; 66185

(2) The construction, alteration, repair, or reconstruction 66186  
of buildings and structures owned by the department for use in any 66187  
library program, educational program, religious program, 66188  
recreational program, or pre-release program operated by the 66189  
department for the benefit of prisoners; 66190

(3) The payment of salary, wages, and other compensation to 66191  
employees of the department who are employed in any library 66192  
program, educational program, religious program, recreational 66193  
program, or pre-release program operated by the department for the 66194  
benefit of prisoners; 66195

(4) The compensation to vendors that contract with the 66196  
department for the provision of services for the benefit of 66197  
prisoners in any library program, educational program, religious 66198  
program, recreational program, or pre-release program operated by 66199  
the department; 66200

(5) The payment of prisoner release payments in an 66201  
appropriate amount as determined pursuant to rule; 66202

(6) The purchase of other goods and the payment of other 66203  
services that are determined, in the discretion of the director, 66204  
to be goods and services that may provide additional benefit to 66205  
prisoners. 66206

(B) The director shall establish rules for the operation of 66207  
the prisoner programs fund. 66208

**Sec. 5120.66.** (A) Within ninety days after November 23, 2005, 66209  
but not before January 1, 2006, the department of rehabilitation 66210  
and correction shall establish and operate on the internet a 66211  
database that contains all of the following: 66212

(1) For each inmate in the custody of the department under a sentence imposed for a conviction of or plea of guilty to any offense, all of the following information:

(a) The inmate's name;

(b) For each offense for which the inmate was sentenced to a prison term or term of imprisonment and is in the department's custody, the name of the offense, the Revised Code section of which the offense is a violation, the gender of each victim of the offense if those facts are known, whether each victim of the offense was an adult or child if those facts are known, the range of the possible prison terms or term of imprisonment that could have been imposed for the offense, the actual prison term or term of imprisonment imposed for the offense, the county in which the offense was committed, the date on which the inmate began serving the prison term or term of imprisonment imposed for the offense, and either the date on which the inmate will be eligible for parole relative to the offense if the prison term or term of imprisonment is an indefinite term or life term or the date on which the term ends if the prison term is a definite term;

(c) All of the following information that is applicable regarding the inmate:

(i) If known to the department prior to the conduct of any hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code in relation to any prison term or term of imprisonment the inmate is serving for any offense or any hearing for release of the defendant pursuant to section 2967.19 of the Revised Code in relation to any such term, notice of the fact that the inmate will be having a hearing regarding a possible grant of judicial release or release, the date of the hearing, and the right of any person pursuant to division (J) of section 2929.20 or division (H) of section 2967.19 of the Revised Code, whichever is applicable, to submit to the court a written

statement regarding the possible judicial release or release. The 66245  
department also shall post notice of the filing submission to a 66246  
sentencing court of any ~~petition~~ recommendation for early release 66247  
of the inmate pursuant to section 2967.19 of the Revised Code, as 66248  
required by division (E) of that section. 66249

(ii) If the inmate is serving a prison term pursuant to 66250  
division (A)(3), (B)(1)(a), (b), or (c), (B)(2)(a), (b), or (c), 66251  
or (B)(3)(a), (b), (c), or (d) of section 2971.03 of the Revised 66252  
Code, prior to the conduct of any hearing pursuant to section 66253  
2971.05 of the Revised Code to determine whether to modify the 66254  
requirement that the inmate serve the entire prison term in a 66255  
state correctional facility in accordance with division (C) of 66256  
that section, whether to continue, revise, or revoke any existing 66257  
modification of that requirement, or whether to terminate the 66258  
prison term in accordance with division (D) of that section, 66259  
notice of the fact that the inmate will be having a hearing 66260  
regarding those determinations and of the date of the hearing; 66261

(iii) At least three weeks before the adult parole authority 66262  
recommends a pardon or commutation of sentence for the inmate or 66263  
at least three weeks prior to a hearing before the adult parole 66264  
authority regarding a grant of parole to the inmate in relation to 66265  
any prison term or term of imprisonment the inmate is serving for 66266  
any offense, notice of the fact that the inmate might be under 66267  
consideration for a pardon or commutation of sentence or will be 66268  
having a hearing regarding a possible grant of parole, of the date 66269  
of any hearing regarding a possible grant of parole, and of the 66270  
right of any person to submit a written statement regarding the 66271  
pending action; 66272

(iv) At least three weeks before the inmate is transferred to 66273  
transitional control under section 2967.26 of the Revised Code in 66274  
relation to any prison term or term of imprisonment the inmate is 66275  
serving for any offense, notice of the pendency of the transfer, 66276

of the date of the possible transfer, and of the right of any person to submit a statement regarding the possible transfer; 66277  
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(v) Prompt notice of the inmate's escape from any facility in which the inmate was incarcerated and of the capture of the inmate after an escape; 66279  
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(vi) Notice of the inmate's death while in confinement; 66282

(vii) Prior to the release of the inmate from confinement, notice of the fact that the inmate will be released, of the date of the release, and, if applicable, of the standard terms and conditions of the release; 66283  
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(viii) Notice of the inmate's judicial release pursuant to section 2929.20 of the Revised Code or release pursuant to section 2967.19 of the Revised Code. 66287  
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(2) Information as to where a person can send written statements of the types referred to in divisions (A)(1)(c)(i), (iii), and (iv) of this section. 66290  
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(B)(1) The department shall update the database required under division (A) of this section every twenty-four hours to ensure that the information it contains is accurate and current. 66293  
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(2) The database required under division (A) of this section is a public record open for inspection under section 149.43 of the Revised Code. The department shall make the database searchable by inmate name and by the county and zip code where the offender intends to reside after release from a state correctional institution if this information is known to the department. 66296  
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(3) The database required under division (A) of this section may contain information regarding inmates who are listed in the database in addition to the information described in that division. 66302  
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(4) No information included on the database required under 66306

division (A) of this section shall identify or enable the 66307  
identification of any victim of any offense committed by an 66308  
inmate. 66309

(C) The failure of the department to comply with the 66310  
requirements of division (A) or (B) of this section does not give 66311  
any rights or any grounds for appeal or post-conviction relief to 66312  
any inmate. 66313

(D) This section, and the related provisions of sections 66314  
2929.20, 2967.03, 2967.12, and 2967.26 of the Revised Code enacted 66315  
in the act in which this section was enacted, shall be known as 66316  
"Laura's Law." 66317

**Sec. 5122.31.** (A) All certificates, applications, records, 66318  
and reports made for the purpose of this chapter and sections 66319  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 66320  
Code, other than court journal entries or court docket entries, 66321  
and directly or indirectly identifying a patient or former patient 66322  
or person whose hospitalization has been sought under this 66323  
chapter, shall be kept confidential and shall not be disclosed by 66324  
any person except: 66325

(1) If the person identified, or the person's legal guardian, 66326  
if any, or if the person is a minor, the person's parent or legal 66327  
guardian, consents, and if the disclosure is in the best interests 66328  
of the person, as may be determined by the court for judicial 66329  
records and by the chief clinical officer for medical records; 66330

(2) When disclosure is provided for in this chapter or 66331  
section 5123.60 of the Revised Code; 66332

(3) That hospitals, boards of alcohol, drug addiction, and 66333  
mental health services, and community mental health agencies may 66334  
release necessary medical information to insurers and other 66335  
third-party payers, including government entities responsible for 66336



processing and authorizing payment, to obtain payment for goods 66337  
and services furnished to the patient; 66338

(4) Pursuant to a court order signed by a judge; 66339

(5) That a patient shall be granted access to the patient's 66340  
own psychiatric and medical records, unless access specifically is 66341  
restricted in a patient's treatment plan for clear treatment 66342  
reasons; 66343

(6) That hospitals and other institutions and facilities 66344  
within the department of mental health may exchange psychiatric 66345  
records and other pertinent information with other hospitals, 66346  
institutions, and facilities of the department, and with community 66347  
mental health agencies and boards of alcohol, drug addiction, and 66348  
mental health services with which the department has a current 66349  
agreement for patient care or services. Records and information 66350  
that may be released pursuant to this division shall be limited to 66351  
medication history, physical health status and history, financial 66352  
status, summary of course of treatment in the hospital, summary of 66353  
treatment needs, and a discharge summary, if any. 66354

(7) That hospitals within the department, other institutions 66355  
and facilities within the department, hospitals licensed by the 66356  
department under section 5119.20 of the Revised Code, and 66357  
community mental health agencies may exchange psychiatric records 66358  
and other pertinent information with payers and other providers of 66359  
treatment and health services if the purpose of the exchange is to 66360  
facilitate continuity of care for a patient; 66361

(8) That a patient's family member who is involved in the 66362  
provision, planning, and monitoring of services to the patient may 66363  
receive medication information, a summary of the patient's 66364  
diagnosis and prognosis, and a list of the services and personnel 66365  
available to assist the patient and the patient's family, if the 66366  
patient's treating physician determines that the disclosure would 66367

be in the best interests of the patient. No such disclosure shall 66368  
be made unless the patient is notified first and receives the 66369  
information and does not object to the disclosure. 66370

(9) That community mental health agencies may exchange 66371  
psychiatric records and certain other information with the board 66372  
of alcohol, drug addiction, and mental health services and other 66373  
agencies in order to provide services to a person involuntarily 66374  
committed to a board. Release of records under this division shall 66375  
be limited to medication history, physical health status and 66376  
history, financial status, summary of course of treatment, summary 66377  
of treatment needs, and discharge summary, if any. 66378

(10) That information may be disclosed to the executor or the 66379  
administrator of an estate of a deceased patient when the 66380  
information is necessary to administer the estate; 66381

(11) That records in the possession of the Ohio historical 66382  
society may be released to the closest living relative of a 66383  
deceased patient upon request of that relative; 66384

(12) That information may be disclosed to staff members of 66385  
the appropriate board or to staff members designated by the 66386  
director of mental health for the purpose of evaluating the 66387  
quality, effectiveness, and efficiency of services and determining 66388  
if the services meet minimum standards. Information obtained 66389  
during such evaluations shall not be retained with the name of any 66390  
patient. 66391

(13) That records pertaining to the patient's diagnosis, 66392  
course of treatment, treatment needs, and prognosis shall be 66393  
disclosed and released to the appropriate prosecuting attorney if 66394  
the patient was committed pursuant to section 2945.38, 2945.39, 66395  
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 66396  
attorney designated by the board for proceedings pursuant to 66397  
involuntary commitment under this chapter. 66398

(14) That the department of mental health may exchange 66399  
psychiatric hospitalization records, other mental health treatment 66400  
records, and other pertinent information with the department of 66401  
rehabilitation and correction to ensure continuity of care for 66402  
inmates who are receiving mental health services in an institution 66403  
of the department of rehabilitation and correction and may 66404  
exchange psychiatric hospitalization records, other mental health 66405  
treatment records, and other pertinent information with boards of 66406  
alcohol, drug addiction, and mental health services and community 66407  
mental health agencies to ensure continuity of care for inmates or 66408  
offenders who are receiving mental health services in an 66409  
institution and are scheduled for release within six months. The 66410  
~~department shall not disclose those records unless the inmate is~~ 66411  
~~notified, receives the information, and does not object to the~~ 66412  
~~disclosure.~~ The release of records under this division is limited 66413  
to records regarding an inmate's or offender's medication history, 66414  
physical health status and history, summary of course of 66415  
treatment, summary of treatment needs, and a discharge summary, if 66416  
any. 66417

(15) That a community mental health agency that ceases to 66418  
operate may transfer to either a community mental health agency 66419  
that assumes its caseload or to the board of alcohol, drug 66420  
addiction, and mental health services of the service district in 66421  
which the patient resided at the time services were most recently 66422  
provided any treatment records that have not been transferred 66423  
elsewhere at the patient's request. 66424

(B) Before records are disclosed pursuant to divisions 66425  
(A)(3), (6), ~~(7)~~, and (9) of this section, the custodian of the 66426  
records shall attempt to obtain the patient's consent for the 66427  
disclosure. No person shall reveal the contents of a medical 66428  
record of a patient except as authorized by law. 66429

(C) The managing officer of a hospital who releases necessary 66430

medical information under division (A)(3) of this section to allow 66431  
an insurance carrier or other third party payor to comply with 66432  
section 5121.43 of the Revised Code shall neither be subject to 66433  
criminal nor civil liability. 66434

**Sec. 5123.01.** As used in this chapter: 66435

(A) "Chief medical officer" means the licensed physician 66436  
appointed by the managing officer of an institution for the 66437  
mentally retarded with the approval of the director of 66438  
developmental disabilities to provide medical treatment for 66439  
residents of the institution. 66440

(B) "Chief program director" means a person with special 66441  
training and experience in the diagnosis and management of the 66442  
mentally retarded, certified according to division (C) of this 66443  
section in at least one of the designated fields, and appointed by 66444  
the managing officer of an institution for the mentally retarded 66445  
with the approval of the director to provide habilitation and care 66446  
for residents of the institution. 66447

(C) "Comprehensive evaluation" means a study, including a 66448  
sequence of observations and examinations, of a person leading to 66449  
conclusions and recommendations formulated jointly, with 66450  
dissenting opinions if any, by a group of persons with special 66451  
training and experience in the diagnosis and management of persons 66452  
with mental retardation or a developmental disability, which group 66453  
shall include individuals who are professionally qualified in the 66454  
fields of medicine, psychology, and social work, together with 66455  
such other specialists as the individual case may require. 66456

(D) "Education" means the process of formal training and 66457  
instruction to facilitate the intellectual and emotional 66458  
development of residents. 66459

(E) "Habilitation" means the process by which the staff of 66460

the institution assists the resident in acquiring and maintaining 66461  
those life skills that enable the resident to cope more 66462  
effectively with the demands of the resident's own person and of 66463  
the resident's environment and in raising the level of the 66464  
resident's physical, mental, social, and vocational efficiency. 66465  
Habilitation includes but is not limited to programs of formal, 66466  
structured education and training. 66467

(F) "Health officer" means any public health physician, 66468  
public health nurse, or other person authorized or designated by a 66469  
city or general health district. 66470

(G) "Home and community-based services" means medicaid-funded 66471  
home and community-based services specified in division (B)(1) of 66472  
section 5111.87 of the Revised Code provided under the medicaid 66473  
waiver components the department of developmental disabilities 66474  
administers pursuant to section 5111.871 of the Revised Code. 66475  
~~However~~ Except as provided in section 5123.0412 of the Revised 66476  
Code, home and community-based services provided under the 66477  
medicaid waiver component known as the transitions developmental 66478  
disabilities waiver are to be considered to be home and 66479  
community-based services for the purposes of this chapter only to 66480  
the extent, if any, provided by the contract required by section 66481  
5111.871 of the Revised Code regarding the waiver. 66482

(H) "Indigent person" means a person who is unable, without 66483  
substantial financial hardship, to provide for the payment of an 66484  
attorney and for other necessary expenses of legal representation, 66485  
including expert testimony. 66486

(I) "Institution" means a public or private facility, or a 66487  
part of a public or private facility, that is licensed by the 66488  
appropriate state department and is equipped to provide 66489  
residential habilitation, care, and treatment for the mentally 66490  
retarded. 66491

(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.

(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.

(L) "Medicaid" has the same meaning as in section 5111.01 of the Revised Code.

(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.

(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.

(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:

(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 needs is not available in the community;

(2) The person needs and is susceptible to significant

habilitation in an institution. 66523

(P) "A person who is at least moderately mentally retarded" 66524  
means a person who is found, following a comprehensive evaluation, 66525  
to be impaired in adaptive behavior to a moderate degree and to be 66526  
functioning at the moderate level of intellectual functioning in 66527  
accordance with standard measurements as recorded in the most 66528  
current revision of the manual of terminology and classification 66529  
in mental retardation published by the American association on 66530  
mental retardation. 66531

(Q) As used in this division, "substantial functional 66532  
limitation," "developmental delay," and "established risk" have 66533  
the meanings established pursuant to section 5123.011 of the 66534  
Revised Code. 66535

"Developmental disability" means a severe, chronic disability 66536  
that is characterized by all of the following: 66537

(1) It is attributable to a mental or physical impairment or 66538  
a combination of mental and physical impairments, other than a 66539  
mental or physical impairment solely caused by mental illness as 66540  
defined in division (A) of section 5122.01 of the Revised Code. 66541

(2) It is manifested before age twenty-two. 66542

(3) It is likely to continue indefinitely. 66543

(4) It results in one of the following: 66544

(a) In the case of a person under three years of age, at 66545  
least one developmental delay or an established risk; 66546

(b) In the case of a person at least three years of age but 66547  
under six years of age, at least two developmental delays or an 66548  
established risk; 66549

(c) In the case of a person six years of age or older, a 66550  
substantial functional limitation in at least three of the 66551  
following areas of major life activity, as appropriate for the 66552

person's age: self-care, receptive and expressive language, 66553  
learning, mobility, self-direction, capacity for independent 66554  
living, and, if the person is at least sixteen years of age, 66555  
capacity for economic self-sufficiency. 66556

(5) It causes the person to need a combination and sequence 66557  
of special, interdisciplinary, or other type of care, treatment, 66558  
or provision of services for an extended period of time that is 66559  
individually planned and coordinated for the person. 66560

(R) "Developmentally disabled person" means a person with a 66561  
developmental disability. 66562

(S) "State institution" means an institution that is 66563  
tax-supported and under the jurisdiction of the department. 66564

(T) "Residence" and "legal residence" have the same meaning 66565  
as "legal settlement," which is acquired by residing in Ohio for a 66566  
period of one year without receiving general assistance prior to 66567  
July 17, 1995, under former Chapter 5113. of the Revised Code, 66568  
financial assistance under Chapter 5115. of the Revised Code, or 66569  
assistance from a private agency that maintains records of 66570  
assistance given. A person having a legal settlement in the state 66571  
shall be considered as having legal settlement in the assistance 66572  
area in which the person resides. No adult person coming into this 66573  
state and having a spouse or minor children residing in another 66574  
state shall obtain a legal settlement in this state as long as the 66575  
spouse or minor children are receiving public assistance, care, or 66576  
support at the expense of the other state or its subdivisions. For 66577  
the purpose of determining the legal settlement of a person who is 66578  
living in a public or private institution or in a home subject to 66579  
licensing by the department of job and family services, the 66580  
department of mental health, or the department of developmental 66581  
disabilities, the residence of the person shall be considered as 66582  
though the person were residing in the county in which the person 66583  
was living prior to the person's entrance into the institution or 66584



home. Settlement once acquired shall continue until a person has 66585  
been continuously absent from Ohio for a period of one year or has 66586  
acquired a legal residence in another state. A woman who marries a 66587  
man with legal settlement in any county immediately acquires the 66588  
settlement of her husband. The legal settlement of a minor is that 66589  
of the parents, surviving parent, sole parent, parent who is 66590  
designated the residential parent and legal custodian by a court, 66591  
other adult having permanent custody awarded by a court, or 66592  
guardian of the person of the minor, provided that: 66593

(1) A minor female who marries shall be considered to have 66594  
the legal settlement of her husband and, in the case of death of 66595  
her husband or divorce, she shall not thereby lose her legal 66596  
settlement obtained by the marriage. 66597

(2) A minor male who marries, establishes a home, and who has 66598  
resided in this state for one year without receiving general 66599  
assistance prior to July 17, 1995, under former Chapter 5113. of 66600  
the Revised Code, financial assistance under Chapter 5115. of the 66601  
Revised Code, or assistance from a private agency that maintains 66602  
records of assistance given shall be considered to have obtained a 66603  
legal settlement in this state. 66604

(3) The legal settlement of a child under eighteen years of 66605  
age who is in the care or custody of a public or private child 66606  
caring agency shall not change if the legal settlement of the 66607  
parent changes until after the child has been in the home of the 66608  
parent for a period of one year. 66609

No person, adult or minor, may establish a legal settlement 66610  
in this state for the purpose of gaining admission to any state 66611  
institution. 66612

(U)(1) "Resident" means, subject to division (R)(2) of this 66613  
section, a person who is admitted either voluntarily or 66614  
involuntarily to an institution or other facility pursuant to 66615

section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code subsequent to a finding of not guilty by reason of insanity or incompetence to stand trial or under this chapter who is under observation or receiving habilitation and care in an institution.

(2) "Resident" does not include a person admitted to an institution or other facility under section 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code to the extent that the reference in this chapter to resident, or the context in which the reference occurs, is in conflict with any provision of sections 2945.37 to 2945.402 of the Revised Code.

(V) "Respondent" means the person whose detention, commitment, or continued commitment is being sought in any proceeding under this chapter.

(W) "Working day" and "court day" mean Monday, Tuesday, Wednesday, Thursday, and Friday, except when such day is a legal holiday.

(X) "Prosecutor" means the prosecuting attorney, village solicitor, city director of law, or similar chief legal officer who prosecuted a criminal case in which a person was found not guilty by reason of insanity, who would have had the authority to prosecute a criminal case against a person if the person had not been found incompetent to stand trial, or who prosecuted a case in which a person was found guilty.

(Y) "Court" means the probate division of the court of common pleas.

(Z) "Supported living" and "residential services" have the same meanings as in section 5126.01 of the Revised Code.

**Sec. 5123.033.** The program fee fund is hereby created in the state treasury. All fees collected pursuant to sections 5123.161, 5123.164, and 5123.19, ~~and 5126.25~~ of the Revised Code shall be

credited to the fund. Money credited to the fund shall be used 66646  
solely for the department of developmental disabilities' duties 66647  
under sections 5123.16 to ~~5123.169~~ 5123.1610, and 5123.19, ~~and~~ 66648  
~~5126.25~~ of the Revised Code and to provide continuing education 66649  
and professional training to ~~employees of county boards of~~ 66650  
~~developmental disabilities for the purpose of section 5126.25 of~~ 66651  
~~the Revised Code and other~~ providers of services to individuals 66652  
with mental retardation or a developmental disability. If the 66653  
money credited to the fund is inadequate to pay all of the 66654  
department's costs in performing those duties and providing the 66655  
continuing education and professional training, the department may 66656  
use other available funds appropriated to the department to pay 66657  
the remaining costs of performing those duties and providing the 66658  
continuing education and professional training. 66659

**Sec. 5123.042.** ~~(A) The~~ Except as provided in section 5123.197 66660  
of the Revised Code, each person or government entity seeking to 66661  
develop new or modify existing residential services shall submit 66662  
to the department of developmental disabilities a plan for the 66663  
development or modification. The department shall approve a plan 66664  
that is submitted in accordance with rules adopted under this 66665  
section and meets the uniform standards for plans established in 66666  
those rules. 66667

The director of developmental disabilities shall adopt rules 66668  
in accordance with Chapter 119. of the Revised Code establishing 66669  
the following: 66670

~~(1)~~ (A) Procedures for submitting plans under this section; 66671

(B) Uniform standards under which: 66672

~~(a) A person or agency shall submit plans to the county board~~ 66673  
~~of developmental disabilities for the development of residential~~ 66674  
~~services for individuals with mental retardation or a~~ 66675  
~~developmental disability within the county;~~ 66676

~~(b) The county board must review the plans and recommend providers for the services for the plans.~~ 66677  
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~~(2) The eligibility criteria for selecting persons and agencies to provide residential services, which shall take into consideration the recommendations of the county board.~~ 66679  
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~~(B) The county board, in accordance with its comprehensive service plan, shall review all proposals for the development of residential services that are submitted to it and shall, if the proposals are acceptable to the county board, recommend providers for the development of residential services within the county. The department shall approve proposals for the development of residential services within counties based upon the availability of funds and in accordance with rules adopted under division (A)(2) of this section.~~ 66682  
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~~No county board shall recommend providers for the development of residential services if the county board is an applicant to provide services. In cases of possible conflict of interest, the director shall appoint a committee that shall, in accordance with the approved county comprehensive service plan, review and recommend to the director providers for the services.~~ 66691  
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~~If a county board fails to establish an approved comprehensive service plan, the director may establish residential services development goals for the county board based on documented need as determined by the department. If a county board fails to develop or implement such a plan in accordance with the rules adopted under this section, the department may, without the involvement of the county board, review and select providers for the development of residential services in the county.~~ 66697  
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**Sec. 5123.044.** The department of developmental disabilities shall determine whether county boards of developmental disabilities are in compliance with violate the rights that 66705  
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individuals with mental retardation or other developmental 66708  
disabilities have under section 5126.046 of the Revised Code to 66709  
obtain home and community-based services, nonmedicaid residential 66710  
services, or nonmedicaid supported living from qualified and 66711  
willing providers. The department shall provide assistance to an 66712  
individual with mental retardation or other developmental 66713  
disability who requests assistance with the individual's ~~right~~ 66714  
~~rights~~ under ~~that~~ section ~~5126.046~~ of the Revised Code to choose a 66715  
~~provider of habilitation, vocational, community employment,~~ 66716  
~~residential, or supported living services~~ if the department is 66717  
notified of a county board's alleged violation of the individual's 66718  
~~right to choose such a provider~~ rights under that section. 66719

**Sec. 5123.0412.** (A) The department of developmental 66720  
disabilities shall charge each county board of developmental 66721  
disabilities an annual fee equal to one and one-quarter per cent 66722  
of the total value of all medicaid paid claims for home and 66723  
community-based services provided during the year to an individual 66724  
eligible for services from the county board. However, the 66725  
department shall not charge the fee for home and community-based 66726  
services provided under the medicaid waiver component known as the 66727  
transitions developmental disabilities waiver. No county board 66728  
shall pass the cost of a fee charged to the county board under 66729  
this section on to another provider of these services. 66730

(B) The fees collected under this section shall be deposited 66731  
into the ODDD administration and oversight fund and the ODJFS 66732  
administration and oversight fund, both of which are hereby 66733  
created in the state treasury. The portion of the fees to be 66734  
deposited into the ODDD administration and oversight fund and the 66735  
portion of the fees to be deposited into the ODJFS administration 66736  
and oversight fund shall be the portion specified in an 66737  
interagency agreement entered into under division (C) of this 66738  
section. The department of developmental disabilities shall use 66739

the money in the ODDD administration and oversight fund and the 66740  
department of job and family services shall use the money in the 66741  
ODJFS administration and oversight fund for both of the following 66742  
purposes: 66743

(1) Medicaid administrative costs, including administrative 66744  
and oversight costs of medicaid case management services and home 66745  
and community-based services. The administrative and oversight 66746  
costs of medicaid case management services and home and 66747  
community-based services shall include costs for staff, systems, 66748  
and other resources the departments need and dedicate solely to 66749  
the following duties associated with the services: 66750

(a) Eligibility determinations; 66751

(b) Training; 66752

(c) Fiscal management; 66753

(d) Claims processing; 66754

(e) Quality assurance oversight; 66755

(f) Other duties the departments identify. 66756

(2) Providing technical support to county boards' local 66757  
administrative authority under section 5126.055 of the Revised 66758  
Code for the services. 66759

(C) The departments of developmental disabilities and job and 66760  
family services shall enter into an interagency agreement to do 66761  
both of the following: 66762

(1) Specify which portion of the fees collected under this 66763  
section is to be deposited into the ODDD administration and 66764  
oversight fund and which portion is to be deposited into the ODJFS 66765  
administration and oversight fund; 66766

(2) Provide for the departments to coordinate the staff whose 66767  
costs are paid for with money in the ODDD administration and 66768  
oversight fund and the ODJFS administration and oversight fund. 66769

(D) The departments shall submit an annual report to the 66770  
director of budget and management certifying how the departments 66771  
spent the money in the ODDD administration and oversight fund and 66772  
the ODJFS administration and oversight fund for the purposes 66773  
specified in division (B) of this section. 66774

**Sec. 5123.0414.** (A) When the director of developmental 66775  
disabilities, under section 119.07 of the Revised Code, sends a 66776  
party a notice by registered mail, return receipt requested, that 66777  
the director intends to take action against the party authorized 66778  
by section ~~5123.082~~, 5123.166, 5123.168, 5123.19, 5123.45, 66779  
5123.51, or 5126.25 of the Revised Code and the notice is returned 66780  
to the director with an endorsement indicating that the notice was 66781  
refused or unclaimed, the director shall resend the notice by 66782  
ordinary mail to the party. 66783

(B) If the original notice was refused, the notice shall be 66784  
deemed received as of the date the director resends the notice. 66785

(C) If the original notice was unclaimed, the notice shall be 66786  
deemed received as of the date the director resends the notice 66787  
unless, not later than thirty days after the date the director 66788  
sent the original notice, the resent notice is returned to the 66789  
director for failure of delivery. 66790

If the notice concerns taking action under section 5123.51 of 66791  
the Revised Code and the resent notice is returned to the director 66792  
for failure of delivery not later than thirty days after the date 66793  
the director sent the original notice, the director shall cause 66794  
the notice to be published in a newspaper of general circulation 66795  
in the county of the party's last known residence or business and 66796  
shall mail a dated copy of the published notice to the party at 66797  
the last known address. The notice shall be deemed received as of 66798  
the date of the publication. 66799

If the notice concerns taking action under section ~~5123.082~~, 66800

5123.166, 5123.168, 5123.19, 5123.45, or 5126.25 of the Revised Code and the resent notice is returned to the director for failure of delivery not later than thirty days after the date the director sent the original notice, the director shall resend the notice to the party a second time. The notice shall be deemed received as of the date the director resends the notice the second time.

**Sec. 5123.0415.** ~~As used in this section, "license" means a license, certificate, or evidence of registration.~~

Each person and each government entity that applies for or holds a valid license, certification, or registration issued under section ~~5123.082~~, 5123.161, 5123.19, 5123.45, or 5126.25, ~~or 5126.252~~ of the Revised Code shall notify the director of developmental disabilities of any change in the ~~person~~ person's or government entity's address.

**Sec. 5123.081.** (A) As used in this section:

(1)(a) "Applicant" means a any of the following:

(i) A person who is under final consideration for appointment to or employment with the department of developmental disabilities, including, but not limited to, a or a county board of developmental disabilities;

(ii) A person who is being transferred to the department and an or a county board;

(iii) An employee who is being recalled to or reemployed by the department or a county board after a layoff;

(iv) A person under final consideration for a direct services position with a provider or subcontractor.

(b) Neither of the following is an applicant:

(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 66830  
with the responsible entity or is returning after a leave of 66831  
absence or seasonal break in employment, unless the responsible 66832  
entity has reason to believe that the person has committed a 66833  
disqualifying offense; 66834

(ii) A person who is to provide only respite care under a 66835  
family support services program established under section 5126.11 66836  
of the Revised Code if a family member of the individual with 66837  
mental retardation or a developmental disability who is to receive 66838  
the respite care selects the person. 66839

(2) "Criminal records check" has the same meaning as in 66840  
section 109.572 of the Revised Code. 66841

(3) "Direct services position" means an employment position 66842  
in which the employee has the opportunity to be alone with or 66843  
exercises supervision or control over one or more individuals with 66844  
mental retardation or a developmental disability. 66845

(4) "Disqualifying offense" means any of the following: 66846

(a) One or more violations of section 959.13, 959.131, 66847  
2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 66848  
2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 66849  
2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 66850  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 66851  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 66852  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 66853  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 66854  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 66855  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 66856  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 66857  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 66858  
2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21, 66859  
2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 66860

2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code; 66861  
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(b) One or more violations of section 2905.04 of the Revised Code as it existed prior to July 1, 1996; 66865  
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(c) One or more violations 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 occurred prior to that date; 66867  
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(d) One violation of section 2925.11 of the Revised Code that is not a minor drug possession offense; 66871  
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(e) Two or more violations of section 2925.11 of the Revised Code, regardless of whether any of the violations are a minor drug possession offense; 66873  
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(f) One or more violations of felonious sexual penetration under former section 2907.12 of the Revised Code; 66876  
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(g) One or more violations of section 2923.01, 2923.02, or 2923.03 of the Revised Code when the underlying offense that is the object of the conspiracy, attempt, or complicity is one of the offenses listed in divisions (A)(4)(a) to (f) of this section; 66878  
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(h) One or more felonies contained in the Revised Code that are not listed in divisions (A)(4)(a) to (g) of this section, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled; 66882  
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(i) One or more offenses contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided by the responsible 66886  
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entity; 66891

(j) One or more violations 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 divisions (A)(4)(a) to (i) of this section. 66892  
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(5)(a) "Employee" means either of the following: 66897

(i) A person appointed to or employed by the department of developmental disabilities or a county board of developmental disabilities; 66898  
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(ii) A person employed in a direct services position by a provider or subcontractor. 66901  
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(b) "Employee" does not mean a person who provides 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 receives the respite care selected the person. 66903  
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(6) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 66908  
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(7) "Provider" means a person that provides specialized services to individuals with mental retardation or a developmental disability and employs one or more persons in direct services positions. 66910  
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(8) "Responsible entity" means the following: 66914

(a) The department of developmental disabilities in the case of either of the following: 66915  
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(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; 66917  
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<u>(ii) A person who is an employee because the person is appointed to or employed by the department.</u>	66921 66922
<u>(b) A county board of developmental disabilities in the case of either of the following:</u>	66923 66924
<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>	66925 66926 66927 66928
<u>(ii) A person who is an employee because the person is appointed to or employed by the county board.</u>	66929 66930
<u>(c) A provider in the case of either of the following:</u>	66931
<u>(i) A person who is an applicant because the person is under final consideration for a direct services position with the provider;</u>	66932 66933 66934
<u>(ii) A person who is an employee because the person is employed in a direct services position by the provider.</u>	66935 66936
<u>(d) A subcontractor in the case of either of the following:</u>	66937
<u>(i) A person who is an applicant because the person is under final consideration for a direct services position with the subcontractor;</u>	66938 66939 66940
<u>(ii) A person who is an employee because the person is employed in a direct services position by the subcontractor.</u>	66941 66942
<u>(9) "Specialized services" means any program or service designed and operated to serve primarily individuals with mental retardation or a developmental disability, including a program or service provided by an entity licensed or certified by the department of developmental disabilities. If there is a question as to whether a provider or subcontractor is providing specialized services, the provider or subcontractor may request that the director of developmental disabilities make a determination. The</u>	66943 66944 66945 66946 66947 66948 66949 66950

director's determination is final. 66951

(10) "Subcontractor" means a person to which both of the 66952  
following apply: 66953

(a) The person has either of the following: 66954

(i) A subcontract with a provider to provide specialized 66955  
services included in the contract between the provider and the 66956  
department of developmental disabilities or a county board of 66957  
developmental disabilities; 66958

(ii) A subcontract with another subcontractor to provide 66959  
specialized services included in a subcontract between the other 66960  
subcontractor and a provider or other subcontractor. 66961

(b) The person employs one or more persons in direct services 66962  
positions. 66963

(B) ~~The director of developmental disabilities~~ A responsible 66964  
entity shall not employ an applicant or continue to employ an 66965  
employee if either of the following applies: 66966

(1) The applicant or employee fails to comply with division 66967  
(D)(3) of this section. 66968

(2) Except as provided in rules adopted under this section, 66969  
the applicant or employee is found by a criminal records check 66970  
required by this section to have been convicted of, pleaded guilty 66971  
to, or been found eligible for intervention in lieu of conviction 66972  
for a disqualifying offense. 66973

(C) Before employing an applicant in a position for which a 66974  
criminal records check is required by this section, a responsible 66975  
entity shall require the applicant to submit a statement with the 66976  
applicant's signature attesting that the applicant has not been 66977  
convicted of, pleaded guilty to, or been found eligible for 66978  
intervention in lieu of conviction for a disqualifying offense. 66979  
The responsible entity also shall require the applicant to sign an 66980

agreement under which the applicant agrees to notify the 66981  
responsible entity within fourteen calendar days if, while 66982  
employed by the responsible entity, the applicant is formally 66983  
charged with, is convicted of, pleads guilty to, or is found 66984  
eligible for intervention in lieu of conviction for a 66985  
disqualifying offense. The agreement shall provide that the 66986  
applicant's failure to provide the notification may result in 66987  
termination of the applicant's employment. 66988

(D)(1) As a condition of employing any applicant in a 66989  
position for which a criminal records check is required by this 66990  
section, a responsible entity shall request the superintendent of 66991  
the bureau of criminal identification and investigation to conduct 66992  
a criminal records check ~~with respect to each applicant, except~~ 66993  
~~that the director is not required to request a criminal records~~ 66994  
~~check for an employee of the department who is being considered~~ 66995  
~~for a different position or is returning after a leave of absence~~ 66996  
~~or seasonal break in employment, as long as the director has no~~ 66997  
~~reason to believe that the employee has committed any of the~~ 66998  
~~offenses listed or described in division (E) of this section.~~ 66999

~~If the~~ of the applicant. If rules adopted under this section 67000  
require an employee to undergo a criminal records check, a 67001  
responsible entity shall request the superintendent to conduct a 67002  
criminal records check of the employee at times specified in the 67003  
rules as a condition of the responsible entity's continuing to 67004  
employ the employee in a position for which a criminal records 67005  
check is required by this section. If an applicant or employee 67006  
does not present proof that the applicant or employee has been a 67007  
resident of this state for the five-year period immediately prior 67008  
to the date upon which the criminal records check is requested, 67009  
the ~~director~~ responsible entity shall request that the 67010  
superintendent ~~of the bureau~~ obtain information from the federal 67011  
bureau of investigation as a part of the criminal records check 67012

~~for the applicant.~~ If the applicant or employee presents proof 67013  
that the applicant or employee has been a resident of this state 67014  
for that five-year period, the ~~director~~ responsible entity may 67015  
request that the superintendent ~~of the bureau~~ include information 67016  
from the federal bureau of investigation in the criminal records 67017  
check. For purposes of this division, an applicant or employee may 67018  
provide proof of residency in this state by presenting, with a 67019  
notarized statement asserting that the applicant or employee has 67020  
been a resident of this state for that five-year period, a valid 67021  
driver's license, notification of registration as an elector, a 67022  
copy of an officially filed federal or state tax form identifying 67023  
the applicant's or employee's permanent residence, or any other 67024  
document the ~~director~~ responsible entity considers acceptable. 67025

~~(C) The director~~ (2) A responsible entity shall provide do 67026  
all of the following: 67027

(a) Provide to each applicant and employee for whom a 67028  
criminal records check is required by this section a copy of the 67029  
form prescribed pursuant to division (C)(1) of section 109.572 of 67030  
the Revised Code, ~~provide to each applicant and~~ a standard 67031  
impression sheet to obtain fingerprint impressions prescribed 67032  
pursuant to division (C)(2) of section 109.572 of the Revised 67033  
Code, ~~obtain;~~ 67034

(b) Obtain the completed form and standard impression sheet 67035  
from ~~each the~~ applicant, ~~and forward~~ or employee; 67036

(c) Forward the completed form and standard impression sheet 67037  
to the superintendent ~~of the bureau of criminal identification and~~ 67038  
~~investigation~~ at the time the criminal records check is requested. 67039

(3) Any applicant or employee who receives pursuant to this 67040  
division a copy of the form prescribed pursuant to division (C)(1) 67041  
of section 109.572 of the Revised Code and a copy of ~~an~~ the 67042  
standard impression sheet prescribed pursuant to division (C)(2) 67043

of that section and who is requested to complete the form and 67044  
provide a set of the applicant's or employee's fingerprint 67045  
impressions shall complete the form or provide all the information 67046  
necessary to complete the form and shall provide the ~~material~~ 67047  
standard impression sheet with the impressions of the applicant's 67048  
or employee's fingerprints. ~~If an applicant, upon request, fails~~ 67049  
~~to provide the information necessary to complete the form or fails~~ 67050  
~~to provide impressions of the applicant's fingerprints, the~~ 67051  
~~director shall not employ the applicant.~~ 67052

~~(D) The director~~ (4) A responsible entity shall pay to the 67053  
bureau of criminal identification and investigation the fee 67054  
prescribed pursuant to division (C)(3) of section 109.572 of the 67055  
Revised Code for each criminal records check requested and 67056  
conducted pursuant to this section. 67057

(E) A responsible entity may request any other state or 67058  
federal agency to supply the ~~director~~ responsible entity with a 67059  
written report regarding the criminal record of ~~each~~ an applicant 67060  
or employee. ~~With regard to an applicant who becomes a department~~ 67061  
~~employee, if the~~ If an employee holds an occupational or 67062  
professional license or other credentials, the ~~director~~ 67063  
responsible entity may request that the state or federal agency 67064  
that regulates the employee's occupation or profession supply the 67065  
~~director~~ responsible entity with a written report of any 67066  
information pertaining to the employee's criminal record that the 67067  
agency obtains in the course of conducting an investigation or in 67068  
the process of renewing the employee's license or other 67069  
credentials. The responsible entity may consider the reports when 67070  
determining whether to employ the applicant or to continue to 67071  
employ the employee. 67072

~~(E) Except as provided in division (K)(2) of this section and~~ 67073  
~~in rules adopted by the director in accordance with division (M)~~ 67074  
~~of this section, the director shall not employ a person to fill a~~ 67075



~~position with the department who has been convicted of or pleaded guilty to any of the following:~~ 67076  
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~~(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 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 occurred prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious sexual penetration in violation of former section 2907.12 of the Revised Code;~~ 67078  
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~~(2) A felony contained in the Revised Code that is not listed in this division, if the felony bears a direct and substantial relationship to the duties and responsibilities of the position being filled;~~ 67094  
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~~(3) Any offense contained in the Revised Code constituting a misdemeanor of the first degree on the first offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided by the department;~~ 67098  
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~~(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.~~ 67103  
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(F) ~~Prior to employing an applicant, the director shall~~ 67108  
~~require the applicant to submit a statement with the applicant's~~ 67109  
~~signature attesting that the applicant has not been convicted of~~ 67110  
~~or pleaded guilty to any of the offenses listed or described in~~ 67111  
~~division (E) of this section. The director also shall require the~~ 67112  
~~applicant to sign an agreement under which the applicant agrees to~~ 67113  
~~notify the director within fourteen calendar days if, while~~ 67114  
~~employed with the department, the applicant is ever formally~~ 67115  
~~charged with, convicted of, or pleads guilty to any of the~~ 67116  
~~offenses listed or described in division (E) of this section. The~~ 67117  
~~agreement shall inform the applicant that failure to report formal~~ 67118  
~~charges, a conviction, or a guilty plea may result in being~~ 67119  
~~dismissed from employment. As a condition of employing an~~ 67120  
~~applicant in a position for which a criminal records check is~~ 67121  
~~required by this section and that involves transporting~~ 67122  
~~individuals with mental retardation or developmental disabilities~~ 67123  
~~or operating a responsible entity's vehicles for any purpose, the~~ 67124  
~~responsible entity shall obtain the applicant's driving record~~ 67125  
~~from the bureau of motor vehicles. If rules adopted under this~~ 67126  
~~section require a responsible entity to obtain an employee's~~ 67127  
~~driving record, the responsible entity shall obtain the employee's~~ 67128  
~~driving record from the bureau at times specified in the rules as~~ 67129  
~~a condition of continuing to employ the employee. The responsible~~ 67130  
~~entity may consider the applicant's or employee's driving record~~ 67131  
~~when determining whether to employ the applicant or to continue to~~ 67132  
~~employ the employee.~~ 67133

(G) ~~The director shall pay to the bureau of criminal~~ 67134  
~~identification and investigation the fee prescribed pursuant to~~ 67135  
~~division (C)(3) of section 109.572 of the Revised Code for each~~ 67136  
~~criminal records check requested and conducted pursuant to this~~ 67137  
~~section. A responsible entity may employ an applicant~~ 67138  
~~conditionally pending receipt of a report regarding the applicant~~ 67139  
~~requested under this section. The responsible entity shall~~ 67140

terminate the applicant's employment if it is determined from a 67141  
report that the applicant failed to inform the responsible entity 67142  
that the applicant had been convicted of, pleaded guilty to, or 67143  
been found eligible for intervention in lieu of conviction for a 67144  
disqualifying offense. 67145

(H) A responsible entity may charge an applicant a fee for 67146  
costs the responsible entity incurs in obtaining a report 67147  
regarding the applicant under this section if the responsible 67148  
entity notifies the applicant of the amount of the fee at the time 67149  
of the applicant's initial application for employment and that, 67150  
unless the fee is paid, the responsible entity will not consider 67151  
the applicant for employment. The fee shall not exceed the amount 67152  
of the fee, if any, the responsible entity pays for the report. 67153

(I)(1) Any report obtained pursuant to this section is not a 67154  
public record for purposes of section 149.43 of the Revised Code 67155  
and shall not be made available to any person, other than the 67156  
following: 67157

(a) The applicant or employee who is the subject of the 67158  
records check or criminal records check report or the applicant's 67159  
or employee's representative, the department; 67160

(b) The responsible entity that requested the report or its 67161  
representative, a county board of developmental disabilities, and 67162  
any; 67163

(c) The department if a county board, provider, or 67164  
subcontractor is the responsible entity that requested the report 67165  
and the department requests the responsible entity to provide a 67166  
copy of the report to the department; 67167

(d) A county board if a provider or subcontractor is the 67168  
responsible entity that requested the report and the county board 67169  
requests the responsible entity to provide a copy of the report to 67170  
the county board; 67171

(e) Any court, hearing officer, or other necessary individual 67172  
involved in a case dealing with ~~the~~ any of the following: 67173

(i) The denial of employment to the applicant or ~~the~~ 67174  
employee; 67175

(ii) The denial, suspension, or revocation of a certificate 67176  
~~or evidence of registration~~ under section ~~5123.082~~ 5123.166 or 67177  
5123.45 of the Revised Code; 67178

(iii) A civil or criminal action regarding the medicaid 67179  
program or a program the department administers. 67180

(2) An ~~individual~~ applicant or employee for whom ~~the director~~ 67181  
responsible entity has obtained reports under this section may 67182  
submit a written request to the ~~director~~ responsible entity to 67183  
have copies of the reports sent to any state agency, entity of 67184  
local government, or private entity. The ~~individual~~ applicant or 67185  
employee shall specify in the request the agencies or entities to 67186  
which the copies are to be sent. On receiving the request, the 67187  
~~director~~ responsible entity shall send copies of the reports to 67188  
the agencies or entities specified. 67189

~~The director~~ (3) A responsible entity may request that a 67190  
state agency, entity of local government, or private entity send 67191  
copies to the ~~director~~ responsible entity of any report regarding 67192  
a records check or criminal records check that the agency or 67193  
entity possesses, if the ~~director~~ responsible entity obtains the 67194  
written consent of the individual who is the subject of the 67195  
report. 67196

~~(I) The director shall request the registrar of motor~~ 67197  
~~vehicles to supply the director with a certified abstract~~ 67198  
~~regarding the record of convictions for violations of motor~~ 67199  
~~vehicle laws of each applicant who will be required by the~~ 67200  
~~applicant's employment to transport individuals with mental~~ 67201  
~~retardation or a developmental disability or to operate the~~ 67202

~~department's vehicles for any other purpose. For each abstract 67203  
provided under this section, the director shall pay the amount 67204  
specified in section 4509.05 of the Revised Code. 67205~~

~~(J) The director (4) A responsible entity shall provide each 67206  
applicant and employee with a copy of any report ~~or abstract~~ 67207  
obtained about the applicant or employee under this section. 67208~~

~~(K)(1) The director shall inform each person, at the time of 67209  
the person's initial application for employment, that the person 67210  
is required to provide a set of impressions of the person's 67211  
fingerprints and that a criminal records check is required to be 67212  
conducted and satisfactorily completed in accordance with section 67213  
109.572 of the Revised Code if the person comes under final 67214  
consideration for employment as a precondition to employment in a 67215  
position. 67216~~

~~(2) The director may employ an applicant pending receipt of 67217  
reports requested under this section. The director shall terminate 67218  
employment of any such applicant if it is determined from the 67219  
reports that the applicant failed to inform the director that the 67220  
applicant had been convicted of or pleaded guilty to any of the 67221  
offenses listed or described in division (E) of this section. 67222~~

~~(L) The director may charge an applicant a fee for costs the 67223  
director incurs in obtaining reports, abstracts, or fingerprint 67224  
impressions under this section. A fee charged under this division 67225  
shall not exceed the amount of the fees the director pays under 67226  
divisions (G) and (I) of this section. If a fee is charged under 67227  
this division, the director shall notify the applicant of the 67228  
amount of the fee at the time of the applicant's initial 67229  
application for employment and that, unless the fee is paid, the 67230  
director will not consider the applicant for employment. 67231~~

~~(M)(J) The director of developmental disabilities shall adopt 67232  
rules in accordance with Chapter 119. of the Revised Code to 67233~~

implement this section, ~~including rules specifying.~~ 67234

(1) The rules may do the following: 67235

(a) Require employees to undergo criminal records checks 67236  
under this section; 67237

(b) Require responsible entities to obtain the driving 67238  
records of employees under this section; 67239

(c) If the rules require employees to undergo criminal 67240  
records checks, require responsible entities to obtain the driving 67241  
records of employees, or both, exempt one or more classes of 67242  
employees from the requirements. 67243

(2) The rules shall do both of the following: 67244

(a) If the rules require employees to undergo criminal 67245  
records checks, require responsible entities to obtain the driving 67246  
records of employees, or both, specify the times at which the 67247  
criminal records checks are to be conducted and the driving 67248  
records are to be obtained; 67249

(b) Specify circumstances under which ~~the director a~~ 67250  
responsible entity may employ a ~~person who has an applicant or~~ 67251  
employee who is found by a criminal records check required by this 67252  
section to have been convicted of ~~or~~, pleaded guilty to ~~an~~, or 67253  
been found eligible for intervention in lieu of conviction for a 67254  
disqualifying offense listed or described in division (E) of this 67255  
section but ~~who~~ meets standards in regard to rehabilitation set by 67256  
the director. 67257

**Sec. 5123.16.** (A) As used in sections 5123.16 to ~~5123.169~~ 67258  
~~5123.1610~~ of the Revised Code: 67259

(1) "Applicant" means any of the following: 67260

(a) The chief executive officer of a business that applies 67261  
under section 5123.161 of the Revised Code for a certificate to 67262

<u>provide supported living;</u>	67263
<u>(b) The chief executive officer of a business that seeks renewal of the business's supported living certificate under section 5123.164 of the Revised Code;</u>	67264 67265 67266
<u>(c) An individual who applies under section 5123.161 of the Revised Code for a certificate to provide supported living as an independent provider;</u>	67267 67268 67269
<u>(d) An independent provider who seeks renewal of the independent provider's supported living certificate under section 5123.164 of the Revised Code.</u>	67270 67271 67272
<u>(2)(a) "Business" means either of the following:</u>	67273
<u>(i) An association, corporation, nonprofit organization, partnership, trust, or other group of persons;</u>	67274 67275
<u>(ii) An individual who employs, directly or through contract, one or more other individuals to provide supported living.</u>	67276 67277
<u>(b) "Business" does not mean an independent provider.</u>	67278
<u>(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.</u>	67279 67280
<u>(4) "Disqualifying offense" means any of the following:</u>	67281
<u>(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, 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,</u>	67282 67283 67284 67285 67286 67287 67288 67289 67290 67291 67292

<u>2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,</u>	67293
<u>2919.22, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2921.21,</u>	67294
<u>2921.24, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12,</u>	67295
<u>2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32,</u>	67296
<u>2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06,</u>	67297
<u>2925.09, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36,</u>	67298
<u>2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;</u>	67299
<u>(b) One or more violations of section 2905.04 of the Revised</u>	67300
<u>Code as it existed prior to July 1, 1996;</u>	67301
<u>(c) One or more violations of section 2919.23 of the Revised</u>	67302
<u>Code that would have been a violation of section 2905.04 of the</u>	67303
<u>Revised Code as it existed prior to July 1, 1996, had the</u>	67304
<u>violation occurred prior to that date;</u>	67305
<u>(d) One violation of section 2925.11 of the Revised Code that</u>	67306
<u>is not a minor drug possession offense;</u>	67307
<u>(e) Two or more violations of section 2925.11 of the Revised</u>	67308
<u>Code, regardless of whether any of the violations are a minor drug</u>	67309
<u>possession offense;</u>	67310
<u>(f) One or more violations of felonious sexual penetration</u>	67311
<u>under former section 2907.12 of the Revised Code;</u>	67312
<u>(g) One or more violations of section 2923.01, 2923.02, or</u>	67313
<u>2923.03 of the Revised Code when the underlying offense that is</u>	67314
<u>the object of the conspiracy, attempt, or complicity is one of the</u>	67315
<u>offenses listed in divisions (A)(4)(a) to (f) of this section;</u>	67316
<u>(h) One or more felonies contained in the Revised Code that</u>	67317
<u>are not listed in divisions (A)(4)(a) to (g) of this section, if</u>	67318
<u>the felony bears a direct and substantial relationship to the</u>	67319
<u>duties and responsibilities of the position being filled;</u>	67320
<u>(i) One or more offenses contained in the Revised Code</u>	67321
<u>constituting a misdemeanor of the first degree on the first</u>	67322



offense and a felony on a subsequent offense, if the offense bears a direct and substantial relationship to the position being filled and the nature of the services being provided by the responsible entity; 67323  
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(j) One or more violations 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 divisions (A)(4)(a) to (i) of this section. 67327  
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(5) "Independent provider" means a provider who provides supported living on a self-employed basis and does not employ, directly or through contract, another individual to provide the supported living. 67332  
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(6) "Provider" means a person or government entity certified by the director of developmental disabilities to provide supported living. 67336  
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~~(2)~~(7) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. 67339  
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(8) "Related party" means any of the following: 67341

(a) In the case of a provider who is an individual, any of the following: 67342  
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(i) The spouse of the provider; 67344

(ii) A parent or stepparent of the provider or provider's spouse; 67345  
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(iii) A child of the provider or provider's spouse; 67347

(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse; 67348  
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(v) A grandparent of the provider or provider's spouse; 67350

(vi) A grandchild of the provider or provider's spouse; 67351

(vii) An employee or employer of the provider or provider's spouse.	67352 67353
(b) In the case of a provider that is a person other than an individual, any of the following:	67354 67355
(i) An employee of the person;	67356
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	67357 67358 67359
(iii) A member of the provider's board of directors or trustees;	67360 67361
(iv) A person owning a financial interest of five per cent or more in the provider;	67362 67363
(v) A corporation that has a subsidiary relationship with the provider;	67364 67365
(vi) A person or government entity that has control over the provider's day-to-day operation;	67366 67367
(vii) A person over which the provider has control of the day-to-day operation.	67368 67369
(c) In the case of a provider that is a government entity, any of the following:	67370 67371
(i) An employee of the provider;	67372
(ii) An officer of the provider;	67373
(iii) A member of the provider's governing board;	67374
(iv) A government entity that has control over the provider's day-to-day operation;	67375 67376
(v) A person or government entity over which the provider has control of the day-to-day operation.	67377 67378
(B) No person or government entity may provide supported	67379

living without a valid supported living certificate issued by the 67380  
director of developmental disabilities. 67381

(C) A county board of developmental disabilities may provide 67382  
supported living only to the extent permitted by rules adopted 67383  
under section ~~5123.169~~ 5123.1610 of the Revised Code. 67384

**Sec. 5123.161.** A person or government entity that seeks to 67385  
provide supported living shall apply to the director of 67386  
developmental disabilities for a supported living certificate. 67387

Except as provided in ~~section~~ sections 5123.166 and ~~5123.169~~ 67388  
of the Revised Code, the director shall issue to the applicant 67389  
person or government entity a supported living certificate if the 67390  
applicant person or government entity follows the application 67391  
process established in rules adopted under section ~~5123.169~~ 67392  
5123.1610 of the Revised Code, meets the applicable certification 67393  
standards established in those rules, and pays the certification 67394  
fee established in those rules. 67395

**Sec. 5123.162.** The director of developmental disabilities may 67396  
conduct surveys of persons and government entities that seek a 67397  
supported living certificate to determine whether the persons and 67398  
government entities meet the certification standards. The director 67399  
may also conduct surveys of providers to determine whether the 67400  
providers continue to meet the certification standards. The 67401  
director shall conduct the surveys in accordance with rules 67402  
adopted under section ~~5123.169~~ 5123.1610 of the Revised Code. 67403

The records of surveys conducted under this section are 67404  
public records for the purpose of section 149.43 of the Revised 67405  
Code and shall be made available on the request of any person or 67406  
government entity. 67407

**Sec. 5123.163.** A supported living certificate is valid for a 67408

period of time established in rules adopted under section ~~5123.169~~ 67409  
5123.1610 of the Revised Code, unless any of the following occur 67410  
before the end of that period of time: 67411

(A) The director of developmental disabilities issues an 67412  
order requiring that action be taken against the certificate 67413  
holder under section 5123.166 of the Revised Code. 67414

(B) The director issues an order terminating the certificate 67415  
under section 5123.168 of the Revised Code. 67416

(C) The certificate holder voluntarily surrenders the 67417  
certificate to the director. 67418

**Sec. 5123.164.** Except as provided in ~~section~~ sections 67419  
5123.166 and 5123.169 of the Revised Code, the director of 67420  
developmental disabilities shall renew a supported living 67421  
certificate if the certificate holder follows the renewal process 67422  
established in rules adopted under section ~~5123.169~~ 5123.1610 of 67423  
the Revised Code, continues to meet the applicable certification 67424  
standards established in those rules, and pays the renewal fee 67425  
established in those rules. 67426

**Sec. 5123.166.** (A) If good cause exists as specified in 67427  
division (B) of this section and determined in accordance with 67428  
procedures established in rules adopted under section ~~5123.169~~ 67429  
5123.1610 of the Revised Code, the director of developmental 67430  
disabilities may issue an adjudication order requiring that one of 67431  
the following actions be taken against a person or government 67432  
entity seeking or holding a supported living certificate: 67433

(1) Refusal to issue or renew a supported living certificate; 67434

(2) Revocation of a supported living certificate; 67435

(3) Suspension of a supported living certificate holder's 67436  
authority to do either or both of the following: 67437

(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;	67438 67439 67440 67441
(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.	67442 67443 67444 67445
(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:	67446 67447 67448
(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;	67449 67450 67451 67452
(2) The person or government entity violates section 5123.165 of the Revised Code;	67453 67454
(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;	67455 67456 67457
(4) Misfeasance;	67458
(5) Malfeasance;	67459
(6) Nonfeasance;	67460
(7) Confirmed abuse or neglect;	67461
(8) Financial irresponsibility;	67462
(9) Other conduct the director determines is or would be injurious to individuals who receive or would receive supported living from the person or government entity.	67463 67464 67465
(C) Except as provided in division (D) of this section, the	67466

director shall issue an adjudication order under division (A) of 67467  
this section in accordance with Chapter 119. of the Revised Code. 67468

(D)(1) The director may issue an order requiring that action 67469  
specified in division (A)(3) of this section be taken before a 67470  
provider is provided notice and an opportunity for a hearing if 67471  
all of the following are the case: 67472

(a) The director determines such action is warranted by the 67473  
provider's failure to continue to meet the applicable 67474  
certification standards; 67475

(b) The director determines that the failure either 67476  
represents a pattern of serious noncompliance or creates a 67477  
substantial risk to the health or safety of an individual who 67478  
receives or would receive supported living from the provider; 67479

(c) If the order will suspend the provider's authority to 67480  
continue to provide supported living to an individual who receives 67481  
supported living from the provider at the time the director issues 67482  
the order, both of the following are the case: 67483

(i) The director makes the individual, or the individual's 67484  
guardian, aware of the director's determination under division 67485  
(D)(1)(b) of this section and the individual or guardian does not 67486  
select another provider. 67487

(ii) A county board of developmental disabilities has filed a 67488  
complaint with a probate court under section ~~5123.33~~ 5126.33 of 67489  
the Revised Code that includes facts describing the nature of 67490  
abuse or neglect that the individual has suffered due to the 67491  
provider's actions that are the basis for the director making the 67492  
determination under division (D)(1)(b) of this section and the 67493  
probate court does not issue an order authorizing the county board 67494  
to arrange services for the individual pursuant to an 67495  
individualized service plan developed for the individual under 67496  
section ~~5123.31~~ 5126.31 of the Revised Code. 67497

(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it within ten days of the time of receiving the notice.

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing.

(c) The date of the hearing shall be not later than thirty days after the director receives the provider's timely request for the hearing.

(d) The hearing shall be conducted in accordance with section 119.09 of the Revised Code, except for all of the following:

(i) The hearing shall continue uninterrupted until its close, except for weekends, legal holidays, and other interruptions the provider and director agree to.

(ii) If the director appoints a referee or examiner to conduct the hearing, the referee or examiner, not later than ten days after the date the referee or examiner receives a transcript of the testimony and evidence presented at the hearing or, if the referee or examiner does not receive the transcript or no such transcript is made, the date that the referee or examiner closes the record of the hearing, shall submit to the director a written report setting forth the referee or examiner's findings of fact and conclusions of law and a recommendation of the action the

director should take. 67529

(iii) The provider may, not later than five days after the 67530  
date the director, in accordance with section 119.09 of the 67531  
Revised Code, sends the provider or the provider's attorney or 67532  
other representative of record a copy of the referee or examiner's 67533  
report and recommendation, file with the director written 67534  
objections to the report and recommendation. 67535

(iv) The director shall approve, modify, or disapprove the 67536  
referee or examiner's report and recommendation not earlier than 67537  
six days, and not later than fifteen days, after the date the 67538  
director, in accordance with section 119.09 of the Revised Code, 67539  
sends a copy of the report and recommendation to the provider or 67540  
the provider's attorney or other representative of record. 67541

(3) The director may lift an order issued under division 67542  
(D)(1) of this section even though a hearing regarding the order 67543  
is occurring or pending if the director determines that the 67544  
provider has taken action eliminating the good cause for issuing 67545  
the order. The hearing shall proceed unless the provider withdraws 67546  
the request for the hearing in a written letter to the director. 67547

(4) The director shall lift an order issued under division 67548  
(D)(1) of this section if both of the following are the case: 67549

(a) The provider provides the director a plan of compliance 67550  
the director determines is acceptable. 67551

(b) The director determines that the provider has implemented 67552  
the plan of compliance correctly. 67553

**Sec. 5123.169.** (A) The director of developmental disabilities 67554  
shall not issue a supported living certificate to an applicant or 67555  
renew an applicant's supported living certificate if either of the 67556  
following applies: 67557

(1) The applicant fails to comply with division (C)(2) of 67558



this section; 67559

(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. 67560  
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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. 67565  
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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 supported living certificate, the director shall require the applicant to request that the superintendent obtain information from the federal bureau of investigation as a part of the criminal 67580  
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records check. If the applicant presents proof to the director 67591  
that the applicant has been a resident of this state for that 67592  
five-year period, the director may require the applicant to 67593  
request that the superintendent include information from the 67594  
federal bureau of investigation in the criminal records check. For 67595  
purposes of this division, an applicant may provide proof of 67596  
residency in this state by presenting, with a notarized statement 67597  
asserting that the applicant has been a resident of this state for 67598  
that five-year period, a valid driver's license, notification of 67599  
registration as an elector, a copy of an officially filed federal 67600  
or state tax form identifying the applicant's permanent residence, 67601  
or any other document the director considers acceptable. 67602

(2) Each applicant shall do all of the following: 67603

(a) Obtain a copy of the form prescribed pursuant to division 67604  
(C)(1) of section 109.572 of the Revised Code and a standard 67605  
impression sheet prescribed pursuant to division (C)(2) of section 67606  
109.572 of the Revised Code; 67607

(b) Complete the form and provide the applicant's fingerprint 67608  
impressions on the standard impression sheet; 67609

(c) Forward the completed form and standard impression sheet 67610  
to the superintendent at the time the criminal records check is 67611  
requested; 67612

(d) Instruct the superintendent to submit the completed 67613  
report of the criminal records check directly to the director; 67614

(e) Pay to the bureau of criminal identification and 67615  
investigation the fee prescribed pursuant to division (C)(3) of 67616  
section 109.572 of the Revised Code for each criminal records 67617  
check of the applicant requested and conducted pursuant to this 67618  
section. 67619

(D) The director may request any other state or federal 67620  
agency to supply the director with a written report regarding the 67621

criminal record of an applicant. The director may consider the 67622  
reports when determining whether to issue a supported living 67623  
certificate to the applicant or to renew an applicant's supported 67624  
living certificate. 67625

(E) An applicant who seeks to be an independent provider or 67626  
is an independent provider seeking renewal of the applicant's 67627  
supported living certificate shall obtain the applicant's driving 67628  
record from the bureau of motor vehicles and provide a copy of the 67629  
record to the director if the supported living that the applicant 67630  
will provide involves transporting individuals with mental 67631  
retardation or developmental disabilities. The director may 67632  
consider the applicant's driving record when determining whether 67633  
to issue the applicant a supported living certificate or to renew 67634  
the applicant's supported living certificate. 67635

(F)(1) A report obtained pursuant to this section is not a 67636  
public record for purposes of section 149.43 of the Revised Code 67637  
and shall not be made available to any person, other than the 67638  
following: 67639

(a) The applicant who is the subject of the report or the 67640  
applicant's representative; 67641

(b) The director or the director's representative; 67642

(c) Any court, hearing officer, or other necessary individual 67643  
involved in a case dealing with any of the following: 67644

(i) The denial of a supported living certificate or refusal 67645  
to renew a supported living certificate; 67646

(ii) The denial, suspension, or revocation of a certificate 67647  
under section 5123.45 of the Revised Code; 67648

(iii) A civil or criminal action regarding the medicaid 67649  
program. 67650

(2) An applicant for whom the director has obtained reports 67651

under this section may submit a written request to the director to 67652  
have copies of the reports sent to any person or state or local 67653  
government entity. The applicant shall specify in the request the 67654  
person or entities to which the copies are to be sent. On 67655  
receiving the request, the director shall send copies of the 67656  
reports to the persons or entities specified. 67657

(3) The director may request that a person or state or local 67658  
government entity send copies to the director of any report 67659  
regarding a records check or criminal records check that the 67660  
person or entity possesses, if the director obtains the written 67661  
consent of the individual who is the subject of the report. 67662

(4) The director shall provide each applicant with a copy of 67663  
any report obtained about the applicant under this section. 67664

**Sec. ~~5123.169~~ 5123.1610.** The director of developmental 67665  
disabilities shall adopt rules under Chapter 119. of the Revised 67666  
Code establishing all of the following: 67667

(A) The extent to which a county board of developmental 67668  
disabilities may provide supported living; 67669

(B) The application process for obtaining a supported living 67670  
certificate under section 5123.161 of the Revised Code; 67671

(C) The certification standards a person or government entity 67672  
must meet to obtain a supported living certificate to provide 67673  
supported living; 67674

(D) The certification fee for a supported living certificate, 67675  
which shall be deposited into the program fee fund created under 67676  
section 5123.033 of the Revised Code; 67677

(E) The period of time a supported living certificate is 67678  
valid; 67679

(F) The process for renewing a supported living certificate 67680  
under section 5123.164 of the Revised Code; 67681

(G) The renewal fee for a supported living certificate, which 67682  
shall be deposited into the program fee fund created under section 67683  
5123.033 of the Revised Code; 67684

(H) Procedures for conducting surveys under section 5123.162 67685  
of the Revised Code; 67686

(I) Procedures for determining whether there is good cause to 67687  
take action under section 5123.166 of the Revised Code against a 67688  
person or government entity seeking or holding a supported living 67689  
certificate; 67690

(J) Circumstances under which the director may issue a 67691  
supported living certificate to an applicant or renew an 67692  
applicant's supported living certificate if the applicant is found 67693  
by a criminal records check required by section 5123.169 of the 67694  
Revised Code to have been convicted of, pleaded guilty to, or been 67695  
found eligible for intervention in lieu of conviction for a 67696  
disqualifying offense but meets standards in regard to 67697  
rehabilitation set by the director. 67698

**Sec. 5123.171.** As used in this section, "respite care" means 67699  
appropriate, short-term, temporary care provided to a mentally 67700  
retarded or developmentally disabled person to sustain the family 67701  
structure or to meet planned or emergency needs of the family. 67702

The department of developmental disabilities shall provide 67703  
respite care services to persons with mental retardation or a 67704  
developmental disability for the purpose of promoting 67705  
self-sufficiency and normalization, preventing or reducing 67706  
inappropriate institutional care, and furthering the unity of the 67707  
family by enabling the family to meet the special needs of a 67708  
mentally retarded or developmentally disabled person. 67709

In order to be eligible for respite care services under this 67710  
section, the mentally retarded or developmentally disabled person 67711

must be in need of habilitation services as defined in section 67712  
5126.01 of the Revised Code. 67713

Respite care may be provided in a residential facility 67714  
licensed under section 5123.19 of the Revised Code ~~or (including a~~ 67715  
residential facility certified as an intermediate care facility 67716  
for the mentally retarded under Title XIX of the "Social Security 67717  
Act," ~~49~~ 79 Stat. ~~620~~ 344 (~~1935~~ 1965), 42 U.S.C. ~~301~~ 1396, et 67718  
seq., as amended, ~~or certified as~~ and a respite care home 67719  
certified under section 5126.05 of the Revised Code. 67720

The department shall develop a system for locating vacant 67721  
beds that are available for respite care and for making 67722  
information on vacant beds available to users of respite care 67723  
services. Facilities certified as intermediate care facilities for 67724  
the mentally retarded shall report vacant beds to the department 67725  
but shall not be required to accept respite care clients. 67726

The director of developmental disabilities shall adopt, and 67727  
may amend or rescind, rules in accordance with Chapter 119. of the 67728  
Revised Code for both of the following: 67729

(A) Certification by county boards of developmental 67730  
disabilities of respite care homes; 67731

(B) Provision of respite care services authorized by this 67732  
section. Rules adopted under this division shall establish all of 67733  
the following: 67734

(1) A formula for distributing funds appropriated for respite 67735  
care services; 67736

(2) Standards for supervision, training and quality control 67737  
in the provision of respite care services; 67738

(3) Eligibility criteria for emergency respite care services. 67739

**Sec. 5123.19.** (A) As used in ~~this section and in~~ sections 67740  
~~5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and~~ 5123.19 to 67741

5123.20 of the Revised Code: 67742

~~(1)(a) "Residential facility" means a home or facility in 67743  
which a mentally retarded or developmentally disabled person 67744  
resides, except the home of a relative or legal guardian in which 67745  
a mentally retarded or developmentally disabled person resides, a 67746  
respite care home certified under section 5126.05 of the Revised 67747  
Code, a county home or district home operated pursuant to Chapter 67748  
5155. of the Revised Code, or a dwelling in which the only 67749  
mentally retarded or developmentally disabled residents are in an 67750  
independent living arrangement or are being provided supported 67751  
living. 67752~~

~~(b) "Intermediate care facility for the mentally retarded" 67753  
means a residential facility that is considered an intermediate 67754  
care facility for the mentally retarded for the purposes of 67755  
Chapter 5111. of the Revised Code. 67756~~

~~(2) "Political subdivision" means a municipal corporation, 67757  
county, or township. 67758~~

~~(3) "Independent living arrangement" means an arrangement in 67759  
which a mentally retarded or developmentally disabled person 67760  
resides in an individualized setting chosen by the person or the 67761  
person's guardian, which is not dedicated principally to the 67762  
provision of residential services for mentally retarded or 67763  
developmentally disabled persons, and for which no financial 67764  
support is received for rendering such service from any 67765  
governmental agency by a provider of residential services. 67766~~

~~(4)(2) "Intermediate care facility for the mentally retarded" 67767  
has the same meaning as in section 1905(d) of the "Social Security 67768  
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended. 67769~~

~~(3) "Licensee" means the person or government agency that has 67770  
applied for a license to operate a residential facility and to 67771  
which the license was issued under this section. 67772~~

(4) "Political subdivision" means a municipal corporation, county, or township. 67773  
67774

(5) "Related party" has the same meaning as in section 67775  
5123.16 of the Revised Code except that "provider" as used in the 67776  
definition of "related party" means a person or government entity 67777  
that held or applied for a license to operate a residential 67778  
facility, rather than a person or government entity certified to 67779  
provide supported living. 67780

(6)(a) Except as provided in division (A)(6)(b) of this section, "residential facility" means a home or facility, including a facility certified as an intermediate care facility for the mentally retarded, in which an individual with mental retardation or a developmental disability resides. 67781  
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(b) "Residential facility" does not mean any of the following: 67786  
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(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides; 67788  
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(ii) A respite care home certified under section 5126.05 of the Revised Code; 67791  
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(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code; 67793  
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(iv) A dwelling in which the only residents with mental retardation or developmental disabilities are in independent living arrangements or are being provided supported living. 67795  
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67797

(B) Every person or government agency desiring to operate a 67798  
residential facility shall apply for licensure of the facility to 67799  
the director of developmental disabilities unless the residential 67800  
facility is subject to section 3721.02, ~~5119.73~~, 5103.03, ~~or~~ 67801  
5119.20, or division (A)(9)(b) of section 5119.22 of the Revised 67802



~~Code. Notwithstanding Chapter 3721. of the Revised Code, a nursing 67803  
home that is certified as an intermediate care facility for the 67804  
mentally retarded under Title XIX of the "Social Security Act," 79 67805  
Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 67806  
licensure of the portion of the home that is certified as an 67807  
intermediate care facility for the mentally retarded. 67808~~

(C) Subject to section 5123.196 of the Revised Code, the 67809  
director of developmental disabilities shall license the operation 67810  
of residential facilities. An initial license shall be issued for 67811  
a period that does not exceed one year, unless the director denies 67812  
the license under division (D) of this section. A license shall be 67813  
renewed for a period that does not exceed three years, unless the 67814  
director refuses to renew the license under division (D) of this 67815  
section. The director, when issuing or renewing a license, shall 67816  
specify the period for which the license is being issued or 67817  
renewed. A license remains valid for the length of the licensing 67818  
period specified by the director, unless the license is 67819  
terminated, revoked, or voluntarily surrendered. 67820

(D) If it is determined that an applicant or licensee is not 67821  
in compliance with a provision of this chapter that applies to 67822  
residential facilities or the rules adopted under such a 67823  
provision, the director may deny issuance of a license, refuse to 67824  
renew a license, terminate a license, revoke a license, issue an 67825  
order for the suspension of admissions to a facility, issue an 67826  
order for the placement of a monitor at a facility, issue an order 67827  
for the immediate removal of residents, or take any other action 67828  
the director considers necessary consistent with the director's 67829  
authority under this chapter regarding residential facilities. In 67830  
the director's selection and administration of the sanction to be 67831  
imposed, all of the following apply: 67832

(1) The director may deny, refuse to renew, or revoke a 67833  
license, if the director determines that the applicant or licensee 67834

has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents of a residential facility.

(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 67867  
take any action authorized by this section with respect to any 67868  
facility found to be operating in violation of a provision of this 67869  
chapter that applies to residential facilities or the rules 67870  
adopted under such a provision. 67871

(6) When the director initiates license revocation 67872  
proceedings, no opportunity for submitting a plan of correction 67873  
shall be given. The director shall notify the licensee by letter 67874  
of the initiation of the proceedings. The letter shall list the 67875  
deficiencies of the residential facility and inform the licensee 67876  
that no plan of correction will be accepted. The director shall 67877  
also send a copy of the letter to the county board of 67878  
developmental disabilities. The county board shall send a copy of 67879  
the letter to each of the following: 67880

(a) Each resident who receives services from the licensee; 67881

(b) The guardian of each resident who receives services from 67882  
the licensee if the resident has a guardian; 67883

(c) The parent or guardian of each resident who receives 67884  
services from the licensee if the resident is a minor. 67885

(7) Pursuant to rules which shall be adopted in accordance 67886  
with Chapter 119. of the Revised Code, the director may order the 67887  
immediate removal of residents from a residential facility 67888  
whenever conditions at the facility present an immediate danger of 67889  
physical or psychological harm to the residents. 67890

(8) In determining whether a residential facility is being 67891  
operated in compliance with a provision of this chapter that 67892  
applies to residential facilities or the rules adopted under such 67893  
a provision, or whether conditions at a residential facility 67894  
present an immediate danger of physical or psychological harm to 67895  
the residents, the director may rely on information obtained by a 67896  
county board of developmental disabilities or other governmental 67897

agencies. 67898

(9) In proceedings initiated to deny, refuse to renew, or 67899  
revoke licenses, the director may deny, refuse to renew, or revoke 67900  
a license regardless of whether some or all of the deficiencies 67901  
that prompted the proceedings have been corrected at the time of 67902  
the hearing. 67903

(E) The director shall establish a program under which public 67904  
notification may be made when the director has initiated license 67905  
revocation proceedings or has issued an order for the suspension 67906  
of admissions, placement of a monitor, or removal of residents. 67907  
The director shall adopt rules in accordance with Chapter 119. of 67908  
the Revised Code to implement this division. The rules shall 67909  
establish the procedures by which the public notification will be 67910  
made and specify the circumstances for which the notification must 67911  
be made. The rules shall require that public notification be made 67912  
if the director has taken action against the facility in the 67913  
eighteen-month period immediately preceding the director's latest 67914  
action against the facility and the latest action is being taken 67915  
for the same or a substantially similar violation of a provision 67916  
of this chapter that applies to residential facilities or the 67917  
rules adopted under such a provision. The rules shall specify a 67918  
method for removing or amending the public notification if the 67919  
director's action is found to have been unjustified or the 67920  
violation at the residential facility has been corrected. 67921

(F)(1) Except as provided in division (F)(2) of this section, 67922  
appeals from proceedings initiated to impose a sanction under 67923  
division (D) of this section shall be conducted in accordance with 67924  
Chapter 119. of the Revised Code. 67925

(2) Appeals from proceedings initiated to order the 67926  
suspension of admissions to a facility shall be conducted in 67927  
accordance with Chapter 119. of the Revised Code, unless the order 67928  
was issued before providing an opportunity for an adjudication, in 67929

which case all of the following apply: 67930

(a) The licensee may request a hearing not later than ten 67931  
days after receiving the notice specified in section 119.07 of the 67932  
Revised Code. 67933

(b) If a timely request for a hearing that includes the 67934  
licensee's current address is made, the hearing shall commence not 67935  
later than thirty days after the department receives the request. 67936

(c) After commencing, the hearing shall continue 67937  
uninterrupted, except for Saturdays, Sundays, and legal holidays, 67938  
unless other interruptions are agreed to by the licensee and the 67939  
director. 67940

(d) If the hearing is conducted by a hearing examiner, the 67941  
hearing examiner shall file a report and recommendations not later 67942  
than ten days after the last of the following: 67943

(i) The close of the hearing; 67944

(ii) If a transcript of the proceedings is ordered, the 67945  
hearing examiner receives the transcript; 67946

(iii) If post-hearing briefs are timely filed, the hearing 67947  
examiner receives the briefs. 67948

(e) A copy of the written report and recommendation of the 67949  
hearing examiner shall be sent, by certified mail, to the licensee 67950  
and the licensee's attorney, if applicable, not later than five 67951  
days after the report is filed. 67952

(f) Not later than five days after the hearing examiner files 67953  
the report and recommendations, the licensee may file objections 67954  
to the report and recommendations. 67955

(g) Not later than fifteen days after the hearing examiner 67956  
files the report and recommendations, the director shall issue an 67957  
order approving, modifying, or disapproving the report and 67958  
recommendations. 67959

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.

(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, ~~including intermediate care facilities for the mentally retarded.~~ The rules for residential facilities that are intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;	67991
(5) Requirements for the training of residential facility personnel;	67992 67993
(6) Classifications for the various types of residential facilities;	67994 67995
(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;	67996 67997 67998 67999
(8) The maximum number of persons who may be served in a particular type of residential facility;	68000 68001
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	68002 68003
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	68004 68005
(11) Procedures for waiving any provision of any rule adopted under this section.	68006 68007
(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.	68008 68009 68010 68011 68012 68013 68014 68015 68016
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	68017 68018 68019 68020

facility; and all persons acting on behalf of, under the control 68021  
of, or in connection with the licensee. The licensee and all 68022  
persons on behalf of, under the control of, or in connection with 68023  
the licensee shall cooperate with the director or the director's 68024  
designee in conducting the survey. 68025

Following each survey, unless the director initiates a 68026  
license revocation proceeding, the director or the director's 68027  
designee shall provide the licensee with a report listing any 68028  
deficiencies, specifying a timetable within which the licensee 68029  
shall submit a plan of correction describing how the deficiencies 68030  
will be corrected, and, when appropriate, specifying a timetable 68031  
within which the licensee must correct the deficiencies. After a 68032  
plan of correction is submitted, the director or the director's 68033  
designee shall approve or disapprove the plan. A copy of the 68034  
report and any approved plan of correction shall be provided to 68035  
any person who requests it. 68036

The director shall initiate disciplinary action against any 68037  
department employee who notifies or causes the notification to any 68038  
unauthorized person of an unannounced survey of a residential 68039  
facility by an authorized representative of the department. 68040

(J) In addition to any other information which may be 68041  
required of applicants for a license pursuant to this section, the 68042  
director shall require each applicant to provide a copy of an 68043  
approved plan for a proposed residential facility pursuant to 68044  
section 5123.042 of the Revised Code. This division does not apply 68045  
to renewal of a license or to an applicant for an initial or 68046  
modified license who meets the requirements of section ~~5123.193~~ or 68047  
5123.197 of the Revised Code. 68048

(K) A licensee shall notify the owner of the building in 68049  
which the licensee's residential facility is located of any 68050  
significant change in the identity of the licensee or management 68051  
contractor before the effective date of the change if the licensee 68052



is not the owner of the building. 68053

Pursuant to rules which shall be adopted in accordance with 68054  
Chapter 119. of the Revised Code, the director may require 68055  
notification to the department of any significant change in the 68056  
ownership of a residential facility or in the identity of the 68057  
licensee or management contractor. If the director determines that 68058  
a significant change of ownership is proposed, the director shall 68059  
consider the proposed change to be an application for development 68060  
by a new operator pursuant to section 5123.042 of the Revised Code 68061  
and shall advise the applicant within sixty days of the 68062  
notification that the current license shall continue in effect or 68063  
a new license will be required pursuant to this section. If the 68064  
director requires a new license, the director shall permit the 68065  
facility to continue to operate under the current license until 68066  
the new license is issued, unless the current license is revoked, 68067  
refused to be renewed, or terminated in accordance with Chapter 68068  
119. of the Revised Code. 68069

(L) A county board of developmental disabilities, the legal 68070  
rights service, and any interested person may file complaints 68071  
alleging violations of statute or department rule relating to 68072  
residential facilities with the department. All complaints shall 68073  
be in writing and shall state the facts constituting the basis of 68074  
the allegation. The department shall not reveal the source of any 68075  
complaint unless the complainant agrees in writing to waive the 68076  
right to confidentiality or until so ordered by a court of 68077  
competent jurisdiction. 68078

The department shall adopt rules in accordance with Chapter 68079  
119. of the Revised Code establishing procedures for the receipt, 68080  
referral, investigation, and disposition of complaints filed with 68081  
the department under this division. 68082

(M) The department shall establish procedures for the 68083  
notification of interested parties of the transfer or interim care 68084

of residents from residential facilities that are closing or are 68085  
losing their license. 68086

(N) Before issuing a license under this section to a 68087  
residential facility that will accommodate at any time more than 68088  
one mentally retarded or developmentally disabled individual, the 68089  
director shall, by first class mail, notify the following: 68090

(1) If the facility will be located in a municipal 68091  
corporation, the clerk of the legislative authority of the 68092  
municipal corporation; 68093

(2) If the facility will be located in unincorporated 68094  
territory, the clerk of the appropriate board of county 68095  
commissioners and the fiscal officer of the appropriate board of 68096  
township trustees. 68097

The director shall not issue the license for ten days after 68098  
mailing the notice, excluding Saturdays, Sundays, and legal 68099  
holidays, in order to give the notified local officials time in 68100  
which to comment on the proposed issuance. 68101

Any legislative authority of a municipal corporation, board 68102  
of county commissioners, or board of township trustees that 68103  
receives notice under this division of the proposed issuance of a 68104  
license for a residential facility may comment on it in writing to 68105  
the director within ten days after the director mailed the notice, 68106  
excluding Saturdays, Sundays, and legal holidays. If the director 68107  
receives written comments from any notified officials within the 68108  
specified time, the director shall make written findings 68109  
concerning the comments and the director's decision on the 68110  
issuance of the license. If the director does not receive written 68111  
comments from any notified local officials within the specified 68112  
time, the director shall continue the process for issuance of the 68113  
license. 68114

(O) Any person may operate a licensed residential facility 68115

that provides room and board, personal care, habilitation 68116  
services, and supervision in a family setting for at least six but 68117  
not more than eight persons with mental retardation or a 68118  
developmental disability as a permitted use in any residential 68119  
district or zone, including any single-family residential district 68120  
or zone, of any political subdivision. These residential 68121  
facilities may be required to comply with area, height, yard, and 68122  
architectural compatibility requirements that are uniformly 68123  
imposed upon all single-family residences within the district or 68124  
zone. 68125

(P) Any person may operate a licensed residential facility 68126  
that provides room and board, personal care, habilitation 68127  
services, and supervision in a family setting for at least nine 68128  
but not more than sixteen persons with mental retardation or a 68129  
developmental disability as a permitted use in any multiple-family 68130  
residential district or zone of any political subdivision, except 68131  
that a political subdivision that has enacted a zoning ordinance 68132  
or resolution establishing planned unit development districts may 68133  
exclude these residential facilities from those districts, and a 68134  
political subdivision that has enacted a zoning ordinance or 68135  
resolution may regulate these residential facilities in 68136  
multiple-family residential districts or zones as a conditionally 68137  
permitted use or special exception, in either case, under 68138  
reasonable and specific standards and conditions set out in the 68139  
zoning ordinance or resolution to: 68140

(1) Require the architectural design and site layout of the 68141  
residential facility and the location, nature, and height of any 68142  
walls, screens, and fences to be compatible with adjoining land 68143  
uses and the residential character of the neighborhood; 68144

(2) Require compliance with yard, parking, and sign 68145  
regulation; 68146

(3) Limit excessive concentration of these residential 68147

facilities. 68148

(Q) This section does not prohibit a political subdivision 68149  
from applying to residential facilities nondiscriminatory 68150  
regulations requiring compliance with health, fire, and safety 68151  
regulations and building standards and regulations. 68152

(R) Divisions (O) and (P) of this section are not applicable 68153  
to municipal corporations that had in effect on June 15, 1977, an 68154  
ordinance specifically permitting in residential zones licensed 68155  
residential facilities by means of permitted uses, conditional 68156  
uses, or special exception, so long as such ordinance remains in 68157  
effect without any substantive modification. 68158

(S)(1) The director may issue an interim license to operate a 68159  
residential facility to an applicant for a license under this 68160  
section if either of the following is the case: 68161

(a) The director determines that an emergency exists 68162  
requiring immediate placement of persons in a residential 68163  
facility, that insufficient licensed beds are available, and that 68164  
the residential facility is likely to receive a permanent license 68165  
under this section within thirty days after issuance of the 68166  
interim license. 68167

(b) The director determines that the issuance of an interim 68168  
license is necessary to meet a temporary need for a residential 68169  
facility. 68170

(2) To be eligible to receive an interim license, an 68171  
applicant must meet the same criteria that must be met to receive 68172  
a permanent license under this section, except for any differing 68173  
procedures and time frames that may apply to issuance of a 68174  
permanent license. 68175

(3) An interim license shall be valid for thirty days and may 68176  
be renewed by the director for a period not to exceed one hundred 68177  
fifty days. 68178

(4) The director shall adopt rules in accordance with Chapter 68179  
119. of the Revised Code as the director considers necessary to 68180  
administer the issuance of interim licenses. 68181

(T) Notwithstanding rules adopted pursuant to this section 68182  
establishing the maximum number of persons who may be served in a 68183  
particular type of residential facility, a residential facility 68184  
shall be permitted to serve the same number of persons being 68185  
served by the facility on the effective date of the rules or the 68186  
number of persons for which the facility is authorized pursuant to 68187  
a current application for a certificate of need with a letter of 68188  
support from the department of developmental disabilities and 68189  
which is in the review process prior to April 4, 1986. 68190

(U) The director or the director's designee may enter at any 68191  
time, for purposes of investigation, any home, facility, or other 68192  
structure that has been reported to the director or that the 68193  
director has reasonable cause to believe is being operated as a 68194  
residential facility without a license issued under this section. 68195

The director may petition the court of common pleas of the 68196  
county in which an unlicensed residential facility is located for 68197  
an order enjoining the person or governmental agency operating the 68198  
facility from continuing to operate without a license. The court 68199  
may grant the injunction on a showing that the person or 68200  
governmental agency named in the petition is operating a 68201  
residential facility without a license. The court may grant the 68202  
injunction, regardless of whether the residential facility meets 68203  
the requirements for receiving a license under this section. 68204

Sec. 5123.192. (A) A person or government agency operating, 68205  
on the effective date of this section, an intermediate care 68206  
facility for the mentally retarded pursuant to a nursing home 68207  
license issued under Chapter 3721. of the Revised Code shall do 68208  
both of the following as a condition of continuing to operate the 68209

<u>facility on and after July 1, 2013:</u>	68210
<u>(1) Not later than February 1, 2013, apply to the director of</u>	68211
<u>developmental disabilities for a residential facility license</u>	68212
<u>under section 5123.19 of the Revised Code for the facility;</u>	68213
<u>(2) Not later than July 1, 2013, obtain the residential</u>	68214
<u>facility license for the facility.</u>	68215
<u>(B) The nursing home license of an intermediate care facility</u>	68216
<u>for the mentally retarded shall cease to be valid at the earliest</u>	68217
<u>of the following:</u>	68218
<u>(1) The date that the facility's nursing home license is</u>	68219
<u>revoked or voided under section 3721.07 of the Revised Code;</u>	68220
<u>(2) The date that a residential facility license is obtained</u>	68221
<u>for the facility under section 5123.19 of the Revised Code;</u>	68222
<u>(3) July 1, 2013.</u>	68223
<u>(C) No bed that is part of an intermediate care facility for</u>	68224
<u>the mentally retarded that is licensed as a nursing home on the</u>	68225
<u>effective date of this section may be used as part of a nursing</u>	68226
<u>home on and after the earlier of the following:</u>	68227
<u>(1) The date that a residential facility license is obtained</u>	68228
<u>for the facility under section 5123.19 of the Revised Code;</u>	68229
<u>(2) July 1, 2013.</u>	68230
<b>Sec. 5123.31. (A)</b> <u>The department of developmental</u>	68231
<u>disabilities shall keep in its office, accessible only to its</u>	68232
<u>employees, except by the consent of the department or the order of</u>	68233
<u>the judge of a court of record, a record showing the name,</u>	68234
<u>residence, sex, age, nativity, occupation, condition, and date of</u>	68235
<u>entrance or commitment of every resident in the institutions</u>	68236
<u>governed by it, the date, cause, and terms of discharge and the</u>	68237
<u>condition of such person at the time of leaving, and also a record</u>	68238

of all transfers from one institution to another, and, if such 68239  
person dies while in the care or custody of the department, the 68240  
date and cause of death. These and such other facts as the 68241  
department requires shall be furnished by the managing officer of 68242  
each institution within ten days after the commitment, entrance, 68243  
death, or discharge of a resident. 68244

Except as provided in division (C) of this section, the 68245  
department shall maintain the records described in this division 68246  
in its office. The department shall make the records accessible 68247  
only to its employees, except by the consent of the department or 68248  
the order of the judge of a court of record. 68249

(B) In case of an accident or injury or peculiar death of a 68250  
an institution resident the managing officer shall make a special 68251  
report to the department within twenty-four hours thereafter, 68252  
giving the circumstances as fully as possible. 68253

(C) After a period of time determined by the department, the 68254  
records described in division (A) of this section may be deposited 68255  
with the Ohio historical society. Neither the records nor the 68256  
information contained in them shall be disclosed by the historical 68257  
society, except as provided in section 5123.89 of the Revised 68258  
Code. 68259

**Sec. 5123.38.** (A) Except as provided in division (B) ~~and (C)~~ 68260  
of this section, if an individual receiving supported living or 68261  
home and community-based services funded by a county board of 68262  
developmental disabilities is committed to a state-operated 68263  
intermediate care facility for the mentally retarded pursuant to 68264  
sections 5123.71 to 5123.76 of the Revised Code, ~~the department of~~ 68265  
~~developmental disabilities shall use the funds otherwise allocated~~ 68266  
~~to~~ the county board as is responsible for the nonfederal share of 68267  
medicaid expenditures for the individual's care in the 68268  
state-operated facility. The department of developmental 68269

disabilities shall collect the amount of the nonfederal share from 68270  
the county board by either withholding that amount from funds the 68271  
department has otherwise allocated to the county board or 68272  
submitting an invoice for payment of that amount to the county 68273  
board. 68274

(B) Division (A) of this section does not apply ~~if the~~ under 68275  
any of the following circumstances: 68276

(1) The county board, not later than ninety days after the 68277  
date of the commitment of a person receiving supported ~~services~~ 68278  
living, commences funding of supported living for an individual 68279  
who resides in a state-operated intermediate care facility for the 68280  
mentally retarded on the date of the commitment or another 68281  
eligible individual designated by the department. 68282

~~(C) Division (A) of this section does not apply if the~~ (2) 68283  
The county board, not later than ninety days after the date of the 68284  
commitment of a person receiving home and community-based 68285  
services, commences funding of home and community-based services 68286  
for an individual who resides in a state-operated intermediate 68287  
care facility for the mentally retarded on the date of the 68288  
commitment or another eligible individual designated by the 68289  
department. 68290

(3) The director of developmental disabilities, after 68291  
determining that circumstances warrant granting a waiver in an 68292  
individual's case, grants the county board a waiver that exempts 68293  
the county board from responsibility for the nonfederal share for 68294  
that case. 68295

**Sec. 5123.41.** As used in this section and sections 5123.42 to 68296  
5123.47 of the Revised Code: 68297

(A) "Adult services" has the same meaning as in section 68298  
5126.01 of the Revised Code. 68299



(B) "Certified supported living provider" means a person or government entity certified under section 5123.161 of the Revised Code.	68300 68301 68302
(C) "Drug" has the same meaning as in section 4729.01 of the Revised Code.	68303 68304
(D) "Family support services" has the same meaning as in section 5126.01 of the Revised Code.	68305 68306
(E) "Health-related activities" means the following:	68307
(1) Taking vital signs;	68308
(2) Application of clean dressings that do not require health assessment;	68309 68310
(3) Basic measurement of bodily intake and output;	68311
(4) Oral suctioning;	68312
(5) Use of glucometers;	68313
(6) External urinary catheter care;	68314
(7) Emptying and replacing colostomy bags;	68315
(8) Collection of specimens by noninvasive means.	68316
(F) "Licensed health professional authorized to prescribe drugs" has the same meaning as in section 4729.01 of the Revised Code.	68317 68318 68319
(G) "MR/DD personnel" means the employees and the workers under contract who provide specialized services to individuals with mental retardation and developmental disabilities. "MR/DD personnel" includes those who provide the services as follows:	68320 68321 68322 68323
(1) Through direct employment with the department of developmental disabilities or a county board of developmental disabilities;	68324 68325 68326
(2) Through an entity under contract with the department of	68327

developmental disabilities or a county board of developmental disabilities; 68328  
68329

(3) Through direct employment or by being under contract with private entities, including private entities that operate residential facilities. 68330  
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(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. 68333  
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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. 68340  
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(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.~~ 68343  
68344  
68345

(K) "Specialized services" has the same meaning as in section 5123.50 of the Revised Code. 68346  
68347

(L) "Tube feeding" means the provision of nutrition to an individual through a gastrostomy tube or a jejunostomy tube. 68348  
68349

**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: 68350  
68351

(A) "Abuse" means all of the following: 68352

(1) The use of physical force that can reasonably be expected to result in physical harm or serious physical harm; 68353  
68354

(2) Sexual abuse; 68355

(3) Verbal abuse. 68356

(B) "Misappropriation" means depriving, defrauding, or 68357  
otherwise obtaining the real or personal property of an individual 68358  
by any means prohibited by the Revised Code, including violations 68359  
of Chapter 2911. or 2913. of the Revised Code. 68360

(C) "MR/DD employee" means all of the following: 68361

(1) An employee of the department of developmental 68362  
disabilities; 68363

(2) An employee of a county board of developmental 68364  
disabilities; 68365

(3) An employee in a position that includes providing 68366  
specialized services to an individual with mental retardation or 68367  
another developmental disability; 68368

(4) An independent provider as defined in section 5123.16 of 68369  
the Revised Code. 68370

(D) "Neglect" means, when there is a duty to do so, failing 68371  
to provide an individual with any treatment, care, goods, or 68372  
services that are necessary to maintain the health and safety of 68373  
the individual. 68374

(E) "Offense of violence" has the same meaning as in section 68375  
2901.01 of the Revised Code. 68376

(F) "Physical harm" and "serious physical harm" have the same 68377  
meanings as in section 2901.01 of the Revised Code. 68378

~~(F)~~(G) "Prescribed medication" has the same meaning as in 68379  
section 5123.41 of the Revised Code. 68380

(H) "Sexual abuse" means unlawful sexual conduct or sexual 68381  
contact. 68382

~~(G)~~(I) "Specialized services" means any program or service 68383  
designed and operated to serve primarily individuals with mental 68384  
retardation or a developmental disability, including a program or 68385  
service provided by an entity licensed or certified by the 68386

department of developmental disabilities. A program or service 68387  
available to the general public is not a specialized service. 68388

~~(H)~~(J) "Verbal abuse" means purposely using words to 68389  
threaten, coerce, intimidate, harass, or humiliate an individual. 68390

~~(I)~~(K) "Sexual conduct," "sexual contact," and "spouse" have 68391  
the same meanings as in section 2907.01 of the Revised Code. 68392

**Sec. 5123.51.** (A) In addition to any other action required by 68393  
sections 5123.61 and 5126.31 of the Revised Code, the department 68394  
of developmental disabilities shall review each report the 68395  
department receives of abuse or neglect of an individual with 68396  
mental retardation or a developmental disability or 68397  
misappropriation of an individual's property that includes an 68398  
allegation that an MR/DD employee committed or was responsible for 68399  
the abuse, neglect, or misappropriation. The department shall 68400  
review a report it receives from a public children services agency 68401  
only after the agency completes its investigation pursuant to 68402  
section 2151.421 of the Revised Code. On receipt of a notice under 68403  
section 2930.061 or 5123.541 of the Revised Code, the department 68404  
shall review the notice. 68405

(B) The department shall do both of the following: 68406

(1) Investigate the allegation or adopt the findings of an 68407  
investigation or review of the allegation conducted by another 68408  
person or government entity and determine whether there is a 68409  
reasonable basis for the allegation; 68410

(2) If the department determines that there is a reasonable 68411  
basis for the allegation, conduct an adjudication pursuant to 68412  
Chapter 119. of the Revised Code. 68413

(C)(1) The department shall appoint an independent hearing 68414  
officer to conduct any hearing conducted pursuant to division 68415  
(B)(2) of this section, except that, if the hearing is regarding 68416

an employee of the department who is represented by a union, the 68417  
department and a representative of the union shall jointly select 68418  
the hearing officer. 68419

(2)(a) Except as provided in division (C)(2)(b) of this 68420  
section, no hearing shall be conducted under division (B)(2) of 68421  
this section until any criminal proceeding or collective 68422  
bargaining arbitration concerning the same allegation has 68423  
concluded. 68424

(b) The department may conduct a hearing pursuant to division 68425  
(B)(2) of this section before a criminal proceeding concerning the 68426  
same allegation is concluded if both of the following are the 68427  
case: 68428

(i) The department notifies the prosecutor responsible for 68429  
the criminal proceeding that the department proposes to conduct a 68430  
hearing. 68431

(ii) The prosecutor consents to the hearing. 68432

(3) In conducting a hearing pursuant to division (B)(2) of 68433  
this section, the hearing officer shall do all of the following: 68434

(a) Determine whether there is clear and convincing evidence 68435  
that the MR/DD employee has done any of the following: 68436

(i) Misappropriated property of one or more individuals with 68437  
mental retardation or a developmental disability that has a value, 68438  
either separately or taken together, of one hundred dollars or 68439  
more; 68440

(ii) Misappropriated property of an individual with mental 68441  
retardation or a developmental disability that is designed to be 68442  
used as a check, draft, negotiable instrument, credit card, charge 68443  
card, or device for initiating an electronic fund transfer at a 68444  
point of sale terminal, automated teller machine, or cash 68445  
dispensing machine; 68446

(iii) <u>Misappropriated prescribed medication of an individual</u>	68447
<u>with mental retardation or a developmental disability;</u>	68448
<u>(iv)</u> Knowingly abused such an individual;	68449
<del>(iv)</del> <u>(v)</u> Recklessly abused or neglected such an individual,	68450
with resulting physical harm;	68451
<del>(v)</del> <u>(vi)</u> Negligently abused or neglected such an individual,	68452
with resulting serious physical harm;	68453
<del>(vi)</del> <u>(vii)</u> Recklessly neglected such an individual, creating a	68454
substantial risk of serious physical harm;	68455
<del>(vii)</del> <u>(viii)</u> Engaged in sexual conduct or had sexual contact	68456
with an individual with mental retardation or another	68457
developmental disability who was not the MR/DD employee's spouse	68458
and for whom the MR/DD employee was employed or under a contract	68459
to provide care;	68460
<del>(viii)</del> <u>(ix)</u> Unreasonably failed to make a report pursuant to	68461
division (C) of section 5123.61 of the Revised Code when the	68462
employee knew or should have known that the failure would result	68463
in a substantial risk of harm to an individual with mental	68464
retardation or a developmental disability;	68465
<u>(x) Been convicted of or entered a plea of guilty to any of</u>	68466
<u>the following if the victim of the offense is an individual with</u>	68467
<u>mental retardation or a developmental disability: an offense of</u>	68468
<u>violence, a violation of a section contained in Chapter 2907. or</u>	68469
<u>Chapter 2913. of the Revised Code, or a violation of section</u>	68470
<u>2903.16, 2903.34, 2903.341, or 2919.22 of the Revised Code.</u>	68471
(b) Give weight to the decision in any collective bargaining	68472
arbitration regarding the same allegation;	68473
(c) Give weight to any relevant facts presented at the	68474
hearing.	68475
(D)(1) Unless the director of developmental disabilities	68476

determines that there are extenuating circumstances and except as 68477  
provided in division (E) of this section, if the director, after 68478  
considering all of the factors listed in division (C)(3) of this 68479  
section, finds that there is clear and convincing evidence that an 68480  
MR/DD employee has done one or more of the things described in 68481  
division (C)(3)(a) of this section the director shall include the 68482  
name of the employee in the registry established under section 68483  
5123.52 of the Revised Code. 68484

(2) Extenuating circumstances the director must consider 68485  
include the use of physical force by an MR/DD employee that was 68486  
necessary as self-defense. 68487

(3) If the director includes an MR/DD employee in the 68488  
registry established under section 5123.52 of the Revised Code, 68489  
the director shall notify the employee, the person or government 68490  
entity that employs or contracts with the employee, the individual 68491  
with mental retardation or a developmental disability who was the 68492  
subject of the report and that individual's legal guardian, if 68493  
any, the attorney general, and the prosecuting attorney or other 68494  
law enforcement agency. If the MR/DD employee holds a license, 68495  
certificate, registration, or other authorization to engage in a 68496  
profession issued pursuant to Title XLVII of the Revised Code, the 68497  
director shall notify the appropriate agency, board, department, 68498  
or other entity responsible for regulating the employee's 68499  
professional practice. 68500

(4) If an individual whose name appears on the registry is 68501  
involved in a court proceeding or arbitration arising from the 68502  
same facts as the allegation resulting in the individual's 68503  
placement on the registry, the disposition of the proceeding or 68504  
arbitration shall be noted in the registry next to the 68505  
individual's name. 68506

(E) In the case of an allegation concerning an employee of 68507  
the department, after the hearing conducted pursuant to division 68508

(B)(2) of this section, the director of health or that director's designee shall review the decision of the hearing officer to determine whether the standard described in division (C)(3) of this section has been met. If the director or designee determines that the standard has been met and that no extenuating circumstances exist, the director or designee shall notify the director of developmental disabilities that the MR/DD employee is to be included in the registry established under section 5123.52 of the Revised Code. If the director of developmental disabilities receives such notification, the director shall include the MR/DD employee in the registry and shall provide the notification described in division (D)(3) of this section.

(F) If the department is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and the MR/DD employee subject to the notice does not timely request a hearing in accordance with section 119.07 or 5123.0414 of the Revised Code, the department is not required to hold a hearing.

(G) Files and records of investigations conducted pursuant to this section are not public records as defined in section 149.43 of the Revised Code, but, on request, the department shall provide copies of those files and records to the attorney general, a prosecuting attorney, or a law enforcement agency.

**Sec. 5123.542.** (A) Each of the following shall annually provide a written notice to each of its MR/DD employees explaining the conduct for which an MR/DD employee may be included in the registry established under section 5123.52 of the Revised Code:

- (1) The department of developmental disabilities;
- (2) Each county board of developmental disabilities;
- (3) Each ~~contracting entity~~ provider and subcontractor, as defined in section ~~5126.281~~ 5123.081 of the Revised Code;



(4) Each owner, operator, or administrator of a residential facility, as defined in section 5123.19 of the Revised Code; 68539  
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(5) Each owner, operator, or administrator of a program certified by the department to provide supported living. 68541  
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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. 68543  
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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. 68548  
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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. 68553  
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**Sec. 5123.61.** (A) As used in this section: 68557

(1) "Law enforcement agency" means the state highway patrol, the police department of a municipal corporation, or a county sheriff. 68558  
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(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. 68561  
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(3) "Neglect" has the same meaning as in section 5123.50 of the Revised Code. 68564  
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(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 68566  
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department under this section and reports received from county 68569  
boards of developmental disabilities under section 5126.31 of the 68570  
Revised Code. The department shall establish committees to review 68571  
reports of abuse, neglect, and other major unusual incidents. 68572

(C)(1) Any person listed in division (C)(2) of this section, 68573  
having reason to believe that a person with mental retardation or 68574  
a developmental disability has suffered or faces a substantial 68575  
risk of suffering any wound, injury, disability, or condition of 68576  
such a nature as to reasonably indicate abuse or neglect of that 68577  
person, shall immediately report or cause reports to be made of 68578  
such information to the entity specified in this division. Except 68579  
as provided in section 5120.173 of the Revised Code or as 68580  
otherwise provided in this division, the person making the report 68581  
shall make it to a law enforcement agency or to the county board 68582  
of developmental disabilities. If the report concerns a resident 68583  
of a facility operated by the department of developmental 68584  
disabilities the report shall be made either to a law enforcement 68585  
agency or to the department. If the report concerns any act or 68586  
omission of an employee of a county board of developmental 68587  
disabilities, the report immediately shall be made to the 68588  
department and to the county board. 68589

(2) All of the following persons are required to make a 68590  
report under division (C)(1) of this section: 68591

(a) Any physician, including a hospital intern or resident, 68592  
any dentist, podiatrist, chiropractor, practitioner of a limited 68593  
branch of medicine as specified in section 4731.15 of the Revised 68594  
Code, hospital administrator or employee of a hospital, nurse 68595  
licensed under Chapter 4723. of the Revised Code, employee of an 68596  
ambulatory health facility as defined in section 5101.61 of the 68597  
Revised Code, employee of a home health agency, employee of an 68598  
~~adult care residential~~ facility licensed under ~~Chapter 3722-~~ 68599  
section 5119.22 of the Revised Code that provides accommodations, 68600

supervision, and personal care services for three to sixteen 68601  
unrelated adults, or employee of a community mental health 68602  
facility; 68603

(b) Any school teacher or school authority, social worker, 68604  
psychologist, attorney, peace officer, coroner, or residents' 68605  
rights advocate as defined in section 3721.10 of the Revised Code; 68606

(c) A superintendent, board member, or employee of a county 68607  
board of developmental disabilities; an administrator, board 68608  
member, or employee of a residential facility licensed under 68609  
section 5123.19 of the Revised Code; an administrator, board 68610  
member, or employee of any other public or private provider of 68611  
services to a person with mental retardation or a developmental 68612  
disability, or any MR/DD employee, as defined in section 5123.50 68613  
of the Revised Code; 68614

(d) A member of a citizen's advisory council established at 68615  
an institution or branch institution of the department of 68616  
developmental disabilities under section 5123.092 of the Revised 68617  
Code; 68618

(e) A ~~clergyman~~ member of the clergy who is employed in a 68619  
position that includes providing specialized services to an 68620  
individual with mental retardation or another developmental 68621  
disability, while acting in an official or professional capacity 68622  
in that position, or a person who is employed in a position that 68623  
includes providing specialized services to an individual with 68624  
mental retardation or another developmental disability and who, 68625  
while acting in an official or professional capacity, renders 68626  
spiritual treatment through prayer in accordance with the tenets 68627  
of an organized religion. 68628

(3)(a) The reporting requirements of this division do not 68629  
apply to members of the legal rights service commission or to 68630  
employees of the legal rights service. 68631

(b) An attorney or physician is not required to make a report pursuant to division (C)(1) of this section concerning any communication the attorney or physician receives from a client or patient in an attorney-client or physician-patient relationship, if, in accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding, except that the client or patient is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to that communication and the attorney or physician shall make a report pursuant to division (C)(1) of this section, if both of the following apply:

(i) The client or patient, at the time of the communication, is a person with mental retardation or a developmental disability.

(ii) The attorney or physician knows or suspects, as a result of the communication or any observations made during that communication, that the client or patient has suffered or faces a substantial risk of suffering any wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

(4) Any person who fails to make a report required under division (C) of this section and who is an MR/DD employee, as defined in section 5123.50 of the Revised Code, shall be eligible to be included in the registry regarding misappropriation, abuse, neglect, or other specified misconduct by MR/DD employees established under section 5123.52 of the Revised Code.

(D) The reports required under division (C) of this section shall be made forthwith by telephone or in person and shall be followed by a written report. The reports shall contain the following:

(1) The names and addresses of the person with mental

retardation or a developmental disability and the person's 68663  
custodian, if known; 68664

(2) The age of the person with mental retardation or a 68665  
developmental disability; 68666

(3) Any other information that would assist in the 68667  
investigation of the report. 68668

(E) When a physician performing services as a member of the 68669  
staff of a hospital or similar institution has reason to believe 68670  
that a person with mental retardation or a developmental 68671  
disability has suffered injury, abuse, or physical neglect, the 68672  
physician shall notify the person in charge of the institution or 68673  
that person's designated delegate, who shall make the necessary 68674  
reports. 68675

(F) Any person having reasonable cause to believe that a 68676  
person with mental retardation or a developmental disability has 68677  
suffered or faces a substantial risk of suffering abuse or neglect 68678  
may report or cause a report to be made of that belief to the 68679  
entity specified in this division. Except as provided in section 68680  
5120.173 of the Revised Code or as otherwise provided in this 68681  
division, the person making the report shall make it to a law 68682  
enforcement agency or the county board of developmental 68683  
disabilities. If the person is a resident of a facility operated 68684  
by the department of developmental disabilities, the report shall 68685  
be made to a law enforcement agency or to the department. If the 68686  
report concerns any act or omission of an employee of a county 68687  
board of developmental disabilities, the report immediately shall 68688  
be made to the department and to the county board. 68689

(G)(1) Upon the receipt of a report concerning the possible 68690  
abuse or neglect of a person with mental retardation or a 68691  
developmental disability, the law enforcement agency shall inform 68692  
the county board of developmental disabilities or, if the person 68693

is a resident of a facility operated by the department of 68694  
developmental disabilities, the director of the department or the 68695  
director's designee. 68696

(2) On receipt of a report under this section that includes 68697  
an allegation of action or inaction that may constitute a crime 68698  
under federal law or the law of this state, the department of 68699  
developmental disabilities shall notify the law enforcement 68700  
agency. 68701

(3) When a county board of developmental disabilities 68702  
receives a report under this section that includes an allegation 68703  
of action or inaction that may constitute a crime under federal 68704  
law or the law of this state, the superintendent of the board or 68705  
an individual the superintendent designates under division (H) of 68706  
this section shall notify the law enforcement agency. The 68707  
superintendent or individual shall notify the department of 68708  
developmental disabilities when it receives any report under this 68709  
section. 68710

(4) When a county board of developmental disabilities 68711  
receives a report under this section and believes that the degree 68712  
of risk to the person is such that the report is an emergency, the 68713  
superintendent of the board or an employee of the board the 68714  
superintendent designates shall attempt a face-to-face contact 68715  
with the person with mental retardation or a developmental 68716  
disability who allegedly is the victim within one hour of the 68717  
board's receipt of the report. 68718

(H) The superintendent of the board may designate an 68719  
individual to be responsible for notifying the law enforcement 68720  
agency and the department when the county board receives a report 68721  
under this section. 68722

(I) An adult with mental retardation or a developmental 68723  
disability about whom a report is made may be removed from the 68724

adult's place of residence only by law enforcement officers who 68725  
consider that the adult's immediate removal is essential to 68726  
protect the adult from further injury or abuse or in accordance 68727  
with the order of a court made pursuant to section 5126.33 of the 68728  
Revised Code. 68729

(J) A law enforcement agency shall investigate each report of 68730  
abuse or neglect it receives under this section. In addition, the 68731  
department, in cooperation with law enforcement officials, shall 68732  
investigate each report regarding a resident of a facility 68733  
operated by the department to determine the circumstances 68734  
surrounding the injury, the cause of the injury, and the person 68735  
responsible. The investigation shall be in accordance with the 68736  
memorandum of understanding prepared under section 5126.058 of the 68737  
Revised Code. The department shall determine, with the registry 68738  
office which shall be maintained by the department, whether prior 68739  
reports have been made concerning an adult with mental retardation 68740  
or a developmental disability or other principals in the case. If 68741  
the department finds that the report involves action or inaction 68742  
that may constitute a crime under federal law or the law of this 68743  
state, it shall submit a report of its investigation, in writing, 68744  
to the law enforcement agency. If the person with mental 68745  
retardation or a developmental disability is an adult, with the 68746  
consent of the adult, the department shall provide such protective 68747  
services as are necessary to protect the adult. The law 68748  
enforcement agency shall make a written report of its findings to 68749  
the department. 68750

If the person is an adult and is not a resident of a facility 68751  
operated by the department, the county board of developmental 68752  
disabilities shall review the report of abuse or neglect in 68753  
accordance with sections 5126.30 to 5126.33 of the Revised Code 68754  
and the law enforcement agency shall make the written report of 68755  
its findings to the county board. 68756

(K) Any person or any hospital, institution, school, health department, or agency participating in the making of reports pursuant to this section, any person participating as a witness in an administrative or judicial proceeding resulting from the reports, or any person or governmental entity that discharges responsibilities under sections 5126.31 to 5126.33 of the Revised Code shall be immune from any civil or criminal liability that might otherwise be incurred or imposed as a result of such actions except liability for perjury, unless the person or governmental entity has acted in bad faith or with malicious purpose.

(L) No employer or any person with the authority to do so shall discharge, demote, transfer, prepare a negative work performance evaluation, reduce pay or benefits, terminate work privileges, or take any other action detrimental to an employee or retaliate against an employee as a result of the employee's having made a report under this section. This division does not preclude an employer or person with authority from taking action with regard to an employee who has made a report under this section if there is another reasonable basis for the action.

(M) Reports made under this section are not public records as defined in section 149.43 of the Revised Code. Information contained in the reports on request shall be made available to the person who is the subject of the report, to the person's legal counsel, and to agencies authorized to receive information in the report by the department or by a county board of developmental disabilities.

(N) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding the injuries or physical neglect of a person with mental retardation or a developmental disability or the cause thereof in any judicial proceeding resulting from a report submitted pursuant to this section.



**Sec. 5123.89.** (A) All certificates, applications, records, 68789  
and reports made for the purpose of this chapter, other than court 68790  
journal entries or court docket entries, which directly or 68791  
indirectly identify a resident or former resident of an 68792  
institution for the mentally retarded or person whose 68793  
institutionalization has been sought under this chapter shall be 68794  
kept confidential and shall not be disclosed by any person except 68795  
in the following situations: 68796

(1) It is the judgment of the court for judicial records, and 68797  
the managing officer for institution records, that disclosure is 68798  
in the best interest of the person identified, and that person or 68799  
that person's guardian or, if that person is a minor, that 68800  
person's parent or guardian consents. 68801

(2) Disclosure is provided for in other sections of this 68802  
chapter. 68803

(3) It is the judgment of the managing officer for 68804  
institution records that disclosure to a mental health facility is 68805  
in the best interest of the person identified. 68806

(4) Disclosure is of a record deposited with the Ohio 68807  
historical society pursuant to division (C) of section 5123.31 of 68808  
the Revised Code and the disclosure is made to the closest living 68809  
relative of the person identified, on the relative's request. 68810

(B) The department of developmental disabilities shall adopt 68811  
rules with respect to the systematic and periodic destruction of 68812  
residents' records. 68813

(C)(1) As used in this division, "family" means a parent, 68814  
brother, sister, spouse, son, daughter, grandparent, aunt, uncle, 68815  
or cousin. 68816

(2) Upon the death of a resident or former resident of an 68817  
institution for the mentally retarded or a person whose 68818

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.

(D) No person shall reveal the contents of a record of a resident except as authorized by this chapter.

**Sec. 5126.023.** ~~(A)~~ None of the following individuals may serve as a member of a county board of developmental disabilities:

~~(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;

~~(2)~~(B) An immediate family member of ~~another~~ a member of the same county board ~~member~~;

~~(3)~~ ~~A county board~~ (C) An employee of any county board;

(D) An immediate family member of a county board an employee of the same county board;

~~(4)~~(E) A former employee of ~~the~~ a county board whose employment ~~with the county board~~ ceased less than ~~one~~ four calendar ~~year~~ years before the former employee would begin to serve as a member of the same county board;

~~(5)~~ ~~An~~ (F) A former employee of a county board whose employment ceased less than two years before the former employee

would begin to serve as a member of a different county board; 68849

(G) Unless there is no conflict of interest, an individual 68850  
who or whose immediate family member is a board member ~~or an~~ 68851  
~~employee~~ of an agency licensed or certified by the department of 68852  
developmental disabilities to provide services to individuals with 68853  
mental retardation or developmental disabilities or an individual 68854  
who or whose immediate family member is an employee of such an 68855  
agency; 68856

~~(6) An individual who or whose immediate family member is a~~ 68857  
~~board member or employee of an agency contracting with the county~~ 68858  
~~board that is not licensed or certified by the department of~~ 68859  
~~developmental disabilities to provide services to individuals with~~ 68860  
~~mental retardation or developmental disabilities unless there is~~ 68861  
~~no conflict of interest;~~ 68862

~~(7)~~(H) An individual with an immediate family member who 68863  
serves as a county commissioner of a county served by the county 68864  
board unless the individual was a member of the county board 68865  
before October 31, 1980. 68866

~~(B) All questions relating to the existence of a conflict of~~ 68867  
~~interest for the purpose of division (A)(6) of this section shall~~ 68868  
~~be submitted to the local prosecuting attorney for resolution. The~~ 68869  
~~Ohio ethics commission may examine any issues arising under~~ 68870  
~~Chapter 102. and sections 2921.42, 2921.421, and 2921.43 of the~~ 68871  
~~Revised Code.~~ 68872

**Sec. 5126.0220.** (A) The superintendent of the county board of 68873  
developmental disabilities shall do all of the following: 68874

~~(A)~~(1) Administer the work of the board, subject to the 68875  
board's rules; 68876

~~(B)~~(2) Recommend to the board the changes necessary to 68877  
increase the effectiveness of the programs and services offered 68878

pursuant to Chapters 3323. and 5126. of the Revised Code; 68879

~~(C)~~(3) Employ persons for all positions authorized by the 68880  
board, approve contracts of employment for management employees 68881  
that are for a term of one year or less, and approve personnel 68882  
actions that involve employees in the classified civil service as 68883  
may be necessary for the work of the board; 68884

~~(D)~~(4) Approve compensation for employees within the limits 68885  
set by the salary schedule and budget set by the board ~~and in~~ 68886  
~~accordance with section 5126.26 of the Revised Code~~, and ensure 68887  
that all employees and consultants are properly reimbursed for 68888  
actual and necessary expenses incurred in the performance of 68889  
official duties; 68890

~~(E)~~(5) Provide consultation to public agencies as defined in 68891  
division (C) of section 102.01 of the Revised Code, including 68892  
other county boards of developmental disabilities, and to 68893  
individuals, agencies, or organizations providing services 68894  
supported by the board. 68895

(B) The superintendent may authorize the payment of board 68896  
obligations by the county auditor. 68897

**Sec. 5126.0221.** (A) As used in this section, "specialized 68898  
services" has the same meaning as in section ~~5126.281~~ 5123.081 of 68899  
the Revised Code. 68900

(B) Except as provided in division (C) of section 5126.033 of 68901  
the Revised Code, none of the following individuals may be 68902  
employed by a county board of developmental disabilities: 68903

(1) An employee of an agency contracting with the county 68904  
board; 68905

(2) An immediate family member of an employee of an agency 68906  
contracting with the county board unless the county board adopts a 68907  
resolution authorizing the immediate family member's employment 68908

with the county board or the employment is consistent with a 68909  
policy adopted by the board establishing parameters for such 68910  
employment and the policy is consistent with Chapter 102. and 68911  
sections 2921.42, 2921.421, and 2921.43 of the Revised Code; 68912

(3) An individual with an immediate family member who serves 68913  
as a county commissioner of any of the counties served by the 68914  
county board unless the individual was an employee of the county 68915  
board before October 31, 1980; 68916

(4) An individual who is employed by, has an ownership 68917  
interest in, performs or provides administrative duties for, or is 68918  
a member of the governing board of an entity that provides 68919  
specialized services, regardless of whether the entity contracts 68920  
with the county board to provide specialized services. 68921

~~Sec. 5126.043. When an individual with mental retardation or 68922  
other developmental disability is required within this chapter to 68923  
consent, refuse to give consent, or withdraw consent for services 68924  
and the individual has been adjudicated incompetent pursuant to 68925  
Chapter 2111. of the Revised Code, the guardian for the individual 68926  
appointed under that chapter and functioning in accordance with 68927  
the appointment shall be responsible for giving, refusing to give, 68928  
or withdrawing the consent for services. 68929~~

Individuals (A) Unless a guardian has been appointed for the 68930  
individual, when a decision regarding receipt of a service or 68931  
participation in a program provided for or funded under this 68932  
chapter or Chapter 5123. of the Revised Code by an individual with 68933  
mental retardation or other developmental disability must be made, 68934  
the individual shall be permitted to make the decision. The 68935  
individual may obtain support and guidance from an adult family 68936  
member or other person, but doing so does not affect the right of 68937  
the individual to make the decision. 68938

(B) An individual with mental retardation or other 68939

developmental disability may authorize an adult to make a decision 68940  
described in division (A) of this section on the individual's 68941  
behalf, as long as the adult does not have a financial interest in 68942  
the decision. The authorization shall be made in writing. 68943

(C) If a guardian has been appointed for an individual with 68944  
mental retardation or other developmental disability, the guardian 68945  
shall make any decision described in division (A) of this section 68946  
on behalf of the individual. This section does not require 68947  
appointment of a guardian. 68948

(D) Individuals with mental retardation and other 68949  
developmental disabilities, including those who have been 68950  
adjudicated incompetent pursuant to Chapter 2111. of the Revised 68951  
Code, have the right to participate in decisions that affect their 68952  
lives and to have their needs, desires, and preferences 68953  
considered. An adult or guardian who makes a decision pursuant to 68954  
division (B) or (C) of this section shall make a decision that is 68955  
in the best interests of the individual on whose behalf the 68956  
decision is made and that is consistent with the needs, desires, 68957  
and preferences of that individual. 68958

**Sec. 5126.046.** ~~(A) Each county board of developmental~~ 68959  
~~disabilities that has medicaid local administrative authority~~ 68960  
~~under division (A) of section 5126.055 of the Revised Code for~~ 68961  
~~habilitation, vocational, or community employment services~~ 68962  
~~provided as part of home and community based services shall create~~ 68963  
~~a list of all persons and government entities eligible to provide~~ 68964  
~~such habilitation, vocational, or community employment services.~~ 68965  
~~If the county board chooses and is eligible to provide such~~ 68966  
~~habilitation, vocational, or community employment services, the~~ 68967  
~~county board shall include itself on the list. The county board~~ 68968  
~~shall make the list available to each individual with mental~~ 68969  
~~retardation or other developmental disability who resides in the~~ 68970

~~county and is eligible for such habilitation, vocational, or 68971  
community employment services. The county board shall also make 68972  
the list available to such individuals' families. 68973~~

~~An Except as otherwise provided by 42 C.F.R. 431.51, an 68974  
individual with mental retardation or other developmental 68975  
disability who is eligible for habilitation, vocational, or 68976  
community employment home and community-based services may choose 68977  
the has the right to obtain the services from any provider of the 68978  
services. 68979~~

~~(B) Each month, the department of developmental disabilities 68980  
shall create a list of all persons and government entities 68981  
eligible to provide residential services and supported living. The 68982  
department shall include on the list all residential facilities 68983  
licensed under section 5123.19 of the Revised Code and all 68984  
supported living providers certified under section 5123.161 of the 68985  
Revised Code. The department shall distribute the monthly lists to 68986  
county boards that have local administrative authority under 68987  
division (A) of section 5126.055 of the Revised Code for 68988  
residential services and supported living provided as part of home 68989  
and community based services. A county board that receives a list 68990  
shall make it available to each individual with mental retardation 68991  
or other developmental disability who resides in the county and is 68992  
eligible for such residential services or supported living. The 68993  
county board shall also make the list available to the families of 68994  
those individuals that is qualified to furnish the services and is 68995  
willing to furnish the services to the individual. A county board 68996  
of developmental disabilities that has medicaid local 68997  
administrative authority under division (A) of section 5126.055 of 68998  
the Revised Code for home and community-based services and refuses 68999  
to permit an individual to obtain home and community-based 69000  
services from a qualified and willing provider shall provide the 69001  
individual timely notice that the individual may request a hearing 69002~~

under section 5101.35 of the Revised Code. 69003

(B) An individual with mental retardation or other developmental disability who is eligible for nonmedicaid residential services or nonmedicaid supported living ~~may choose~~ the has the right to obtain the services from any provider of the residential services or supported living that is qualified to furnish the residential services or supported living and is willing to furnish the residential services or supported living to the individual. 69004  
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(C) ~~If a county board that has medicaid local administrative authority under division (A) of section 5126.055 of the Revised Code for home and community based services violates the right established by this section of an individual to choose a provider that is qualified and willing to provide services to the individual, the individual shall receive timely notice that the individual may request a hearing under section 5101.35 of the Revised Code.~~ The department of developmental disabilities shall make available to the public on its internet web site an up-to-date list of all providers of home and community-based services, nonmedicaid residential services, and nonmedicaid supported living. County boards shall assist individuals with mental retardation or other developmental disabilities and the families of such individuals access the list on the department's internet web site. 69012  
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(D) ~~The departments~~ director of developmental disabilities ~~and job and family services~~ shall adopt rules in accordance with Chapter 119. of the Revised Code governing the implementation of this section. The rules shall include procedures for individuals to choose their ~~service~~ providers. The rules shall not be limited by a provider selection system established under section 5126.42 of the Revised Code, including any pool of providers created pursuant to a provider selection system. 69027  
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**Sec. 5126.055.** (A) Except as provided in section 5126.056 of the Revised Code, a county board of developmental disabilities has medicaid local administrative authority to, and shall, do all of the following for an individual with mental retardation or other developmental disability who resides in the county that the county board serves and seeks or receives home and community-based services:

(1) Perform assessments and evaluations of the individual. As part of the assessment and evaluation process, the county board shall do all of the following:

(a) Make a recommendation to the department of developmental disabilities on whether the department should approve or deny the individual's application for the services, including on the basis of whether the individual needs the level of care an intermediate care facility for the mentally retarded provides;

(b) If the individual's application is denied because of the county board's recommendation and the individual requests a hearing under section 5101.35 of the Revised Code, present, with the department of developmental disabilities or department of job and family services, whichever denies the application, the reasons for the recommendation and denial at the hearing;

(c) If the individual's application is approved, recommend to the departments of developmental disabilities and job and family services the services that should be included in the individual's individualized service plan and, if either department approves, reduces, denies, or terminates a service included in the individual's individualized service plan under section 5111.871 of the Revised Code because of the county board's recommendation, present, with the department that made the approval, reduction, denial, or termination, the reasons for the recommendation and approval, reduction, denial, or termination at a hearing under

section 5101.35 of the Revised Code. 69066

(2) ~~In accordance with the rules adopted under section~~ 69067  
~~5126.046 of the Revised Code, perform the county board's~~ Perform 69068  
any duties assigned to the county board in rules adopted under 69069  
~~that section 5126.046 of the Revised Code~~ regarding ~~assisting~~ the 69070  
individual's right to choose a qualified and willing provider of 69071  
the services and, at a hearing under section 5101.35 of the 69072  
Revised Code, present evidence of the process for appropriate 69073  
assistance in choosing providers; 69074

(3) If the county board is certified under section 5123.161 69075  
of the Revised Code to provide the services and agrees to provide 69076  
the services to the individual and the individual chooses the 69077  
county board to provide the services, furnish, in accordance with 69078  
the county board's medicaid provider agreement and for the 69079  
authorized reimbursement rate, the services the individual 69080  
requires; 69081

(4) Monitor the services provided to the individual and 69082  
ensure the individual's health, safety, and welfare. The 69083  
monitoring shall include quality assurance activities. If the 69084  
county board provides the services, the department of 69085  
developmental disabilities shall also monitor the services. 69086

(5) Develop, with the individual and the provider of the 69087  
individual's services, an effective individualized service plan 69088  
that includes coordination of services, recommend that the 69089  
departments of developmental disabilities and job and family 69090  
services approve the plan, and implement the plan unless either 69091  
department disapproves it. The individualized service plan shall 69092  
include a summary page, agreed to by the county board, provider, 69093  
and individual receiving services, that clearly outlines the 69094  
amount, duration, and scope of services to be provided under the 69095  
plan. 69096

(6) Have an investigative agent conduct investigations under section 5126.313 of the Revised Code that concern the individual; 69097  
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(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. 69099  
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(B) A county board shall perform its medicaid local administrative authority under this section in accordance with all of the following: 69102  
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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; 69105  
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(2) All applicable federal and state laws; 69108

(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; 69109  
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(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; 69112  
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(5) The department of developmental disabilities' oversight. 69115

(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. 69116  
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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 69159  
following: 69160

(1) If the deficiency affects the health, safety, or welfare 69161  
of an individual with mental retardation or other developmental 69162  
disability, correct the deficiency within twenty-four hours; 69163

(2) If the deficiency does not affect the health, safety, or 69164  
welfare of an individual with mental retardation or other 69165  
developmental disability, receive technical assistance from the 69166  
department or submit a plan of correction to the department that 69167  
is acceptable to the department within sixty days and correct the 69168  
deficiency within the time required by the plan of correction. 69169

**Sec. 5126.13.** (A) A county board of developmental 69170  
disabilities may enter into an agreement with one or more other 69171  
county boards of developmental disabilities to establish a 69172  
regional council in accordance with Chapter 167. of the Revised 69173  
Code. The agreement shall specify the duties and functions to be 69174  
performed by the council, which may include any duty or function a 69175  
county board is required or authorized to perform under this 69176  
chapter. ~~If directed to do so by a resolution adopted by a county 69177  
board that is a member of a regional council, the department of 69178  
developmental disabilities shall make any distributions of money 69179  
for that county for the duties or functions performed by the 69180  
council pursuant to its agreement that are otherwise required to 69181  
be made to the county board under this chapter to the fiscal 69182  
officer of the council designated under section 167.04 of the 69183  
Revised Code.~~ 69184

A county board may also enter into an agreement with one or 69185  
more school districts or other political subdivisions to establish 69186  
a regional council in accordance with Chapter 167. of the Revised 69187  
Code. 69188

(B) On or before the thirtieth day of March, the fiscal 69189

officer of a regional council described in this section shall 69190  
report to the department of developmental disabilities, in the 69191  
format specified by the department, all income and operating 69192  
expenditures of the council for the immediately preceding calendar 69193  
year. 69194

**Sec. 5126.15.** (A) A county board of developmental 69195  
disabilities shall provide service and support administration to 69196  
each individual three years of age or older who is eligible for 69197  
service and support administration if the individual requests, or 69198  
a person on the individual's behalf requests, service and support 69199  
administration. A board shall provide service and support 69200  
administration to each individual receiving home and 69201  
community-based services. A board may provide, in accordance with 69202  
the service coordination requirements of 34 C.F.R. 303.23, service 69203  
and support administration to an individual under three years of 69204  
age eligible for early intervention services under 34 C.F.R. part 69205  
303. A board may provide service and support administration to an 69206  
individual who is not eligible for other services of the board. 69207  
Service and support administration shall be provided in accordance 69208  
with rules adopted under section 5126.08 of the Revised Code. 69209

A board may provide service and support administration by 69210  
directly employing service and support administrators or by 69211  
contracting with entities for the performance of service and 69212  
support administration. Individuals employed or under contract as 69213  
service and support administrators shall not be in the same 69214  
collective bargaining unit as employees who perform duties that 69215  
are not administrative. 69216

Individuals employed by a board as service and support 69217  
administrators shall not be assigned responsibilities for 69218  
implementing other services for individuals and shall not be 69219  
employed by or serve in a decision-making or policy-making 69220

capacity for any other entity that provides programs or services 69221  
to individuals with mental retardation or developmental 69222  
disabilities. An individual employed as a conditional status 69223  
service and support administrator shall perform the duties of 69224  
service and support administration only under the supervision of a 69225  
management employee who is a service and support administration 69226  
supervisor. 69227

(B) The individuals employed by or under contract with a 69228  
board to provide service and support administration shall do all 69229  
of the following: 69230

(1) Establish an individual's eligibility for the services of 69231  
the county board of developmental disabilities; 69232

(2) Assess individual needs for services; 69233

(3) Develop individual service plans with the active 69234  
participation of the individual to be served, other persons 69235  
selected by the individual, and, when applicable, the provider 69236  
selected by the individual, and recommend the plans for approval 69237  
by the department of developmental disabilities when services 69238  
included in the plans are funded through medicaid; 69239

(4) Establish budgets for services based on the individual's 69240  
assessed needs and preferred ways of meeting those needs; 69241

(5) Assist individuals in making selections from among the 69242  
providers they have chosen; 69243

(6) Ensure that services are effectively coordinated and 69244  
provided by appropriate providers; 69245

(7) Establish and implement an ongoing system of monitoring 69246  
the implementation of individual service plans to achieve 69247  
consistent implementation and the desired outcomes for the 69248  
individual; 69249

(8) Perform quality assurance reviews as a distinct function 69250

of service and support administration; 69251

(9) Incorporate the results of quality assurance reviews and 69252  
identified trends and patterns of unusual incidents and major 69253  
unusual incidents into amendments of an individual's service plan 69254  
for the purpose of improving and enhancing the quality and 69255  
appropriateness of services rendered to the individual. 69256

~~(10) Ensure that each individual receiving services has a 69257  
designated person who is responsible on a continuing basis for 69258  
providing the individual with representation, advocacy, advice, 69259  
and assistance related to the day to day coordination of services 69260  
in accordance with the individual's service plan. The service and 69261  
support administrator shall give the individual receiving services 69262  
an opportunity to designate the person to provide daily 69263  
representation. If the individual declines to make a designation, 69264  
the administrator shall make the designation. In either case, the 69265  
individual receiving services may change at any time the person 69266  
designated to provide daily representation. 69267~~

**Sec. 5126.20.** As used in this section and sections 5126.21 to 69268  
~~5126.29~~ 5126.25 of the Revised Code: 69269

(A) "Service employee" means a person employed by a county 69270  
board of developmental disabilities in a position which may 69271  
require ~~evidence of~~ registration under section 5126.25 of the 69272  
Revised Code but for which a bachelor's degree from an accredited 69273  
college or university is not required, and includes employees in 69274  
the positions listed in division (C) of section 5126.22 of the 69275  
Revised Code. 69276

(B)(1) "Professional employee" means both of the following: 69277

(a) A person employed by a board in a position for which 69278  
either a bachelor's degree from an accredited college or 69279  
university or a license or certificate issued under Title XLVII of 69280



the Revised Code is a minimum requirement; 69281

(b) A person employed by a board as a conditional status 69282  
service and support administrator. 69283

(2) "Professional employee" includes employees in the 69284  
positions listed in division (B) of section 5126.22 of the Revised 69285  
Code. 69286

(C) "Management employee" means a person employed by a board 69287  
in a position having supervisory or managerial responsibilities 69288  
and duties, and includes employees in the positions listed in 69289  
division (A) of section 5126.22 of the Revised Code. 69290

(D) "Limited contract" means a contract of limited duration 69291  
which is renewable at the discretion of the superintendent. 69292

~~(E) "Continuing contract" means a contract of employment that 69293  
was issued prior to June 24, 1988, to a classified employee under 69294  
which the employee has completed the employee's probationary 69295  
period and under which the employee retains employment until the 69296  
employee retires or resigns, is removed pursuant to section 69297  
5126.23 of the Revised Code, or is laid off. 69298~~

~~(F)~~ "Supervisory responsibilities and duties" includes the 69299  
authority to hire, transfer, suspend, lay off, recall, promote, 69300  
discharge, assign, reward, or discipline other employees of the 69301  
board; to responsibly direct them; to adjust their grievances; or 69302  
to effectively recommend such action, if the exercise of that 69303  
authority is not of a merely routine or clerical nature but 69304  
requires the use of independent judgment. 69305

~~(G)~~(F) "Managerial responsibilities and duties" includes 69306  
formulating policy on behalf of the board, responsibly directing 69307  
the implementation of policy, assisting in the preparation for the 69308  
conduct of collective negotiations, administering collectively 69309  
negotiated agreements, or having a major role in personnel 69310  
administration. 69311

~~(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 69342  
their salary no later than thirty days before the first day of the 69343  
new contract year. 69344

~~(E) All management employees of a county board of 69345  
developmental disabilities who were given continuing contract 69346  
status prior to the effective date of this section have continuing 69347  
contract status so long as they maintain employment with the 69348  
board. 69349~~

~~(F) All management employees who were probationary employees 69350  
on the effective date of this section shall, upon completion of 69351  
their probationary period, be granted continuing contract status 69352  
if retained in employment. 69353~~

~~(G) Each county board of developmental disabilities shall 69354  
establish a lay-off policy to be followed if it determines a 69355  
reduction in the number of management employees is necessary. 69356~~

**Sec. 5126.22.** (A) Employees who hold the following positions 69357  
in a county board of developmental disabilities are management 69358  
employees: 69359

assistant superintendent 69360

director of business 69361

director of personnel 69362

adult services director 69363

workshop director 69364

habilitation manager 69365

director of residential services 69366

principal (director of children services) 69367

program or service supervisor 69368

plant manager 69369

production manager	69370
service and support administration supervisor	69371
investigative agent	69372
confidential employees as defined in section 4117.01 of the Revised Code	69373 69374
positions designated by the director of developmental disabilities as having managerial or supervisory responsibilities and duties	69375 69376 69377
positions designated by the county board in accordance with division (D) of this section.	69378 69379
(B) Employees who hold the following positions in a board are professional employees:	69380 69381
personnel <u>licensed or</u> certified pursuant to Chapter 3319. of the Revised Code	69382 69383
early intervention specialist	69384
physical development specialist	69385
habilitation specialist	69386
work adjustment specialist	69387
placement specialist	69388
vocational evaluator	69389
psychologist	69390
occupational therapist	69391
speech and language pathologist	69392
recreation specialist	69393
behavior management specialist	69394
physical therapist	69395
supportive home services specialist	69396

licensed practical nurse or registered nurse	69397
rehabilitation counselor	69398
doctor of medicine and surgery or of osteopathic medicine and surgery	69399 69400
dentist	69401
service and support administrator	69402
conditional status service and support administrator	69403
social worker	69404
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	69405 69406 69407 69408
professional positions designated by the director	69409
professional positions designated by the county board in accordance with division (D) of this section.	69410 69411
(C) Employees who hold positions in a board that are neither management positions nor professional positions are service employees. Service employee positions include:	69412 69413 69414
workshop specialist	69415
workshop specialist assistant	69416
contract procurement specialist	69417
community employment specialist	69418
any assistant to a professional employee certified to provide, or supervise the provision of, adult services or service and support administration	69419 69420 69421
service positions designated by the director	69422
service positions designated by a county board in accordance with division (D) of this section.	69423 69424

(D) A county board may designate a position only if the 69425  
position does not include directly providing, or supervising 69426  
employees who directly provide, service or instruction to 69427  
individuals with mental retardation or developmental disabilities. 69428

(E) If a county board desires to have a position established 69429  
that is not specifically listed in this section that includes 69430  
directly providing, or supervising employees who directly provide, 69431  
services or instruction to individuals with mental retardation or 69432  
developmental disabilities, the board shall submit to the director 69433  
a written description of the position and request that the 69434  
director designate the position as a management, professional, or 69435  
service position under this section. The director shall consider 69436  
each request submitted under this division and respond within 69437  
thirty days. If the director approves the request, the director 69438  
shall designate the position as a management, professional, or 69439  
service position. 69440

(F) A county board shall not terminate its employment of any 69441  
management, professional, or service employee solely because a 69442  
position is added to or eliminated from those positions listed in 69443  
this section or because a position is designated or no longer 69444  
designated by the director or a county board. 69445

**Sec. 5126.25.** (A) The director of developmental disabilities 69446  
shall adopt rules ~~in accordance with Chapter 119. of the Revised~~ 69447  
~~Code under division (C) of this section~~ establishing uniform 69448  
standards and procedures for the certification and registration of 69449  
persons ~~for employment by county boards of developmental~~ 69450  
~~disabilities as superintendents, management employees, and~~ 69451  
~~professional employees and uniform standards and procedures for~~ 69452  
~~the registration of persons for employment by county boards as~~ 69453  
~~registered service employees. As part of the rules, the director~~ 69454  
~~may establish continuing education and professional training~~ 69455

~~requirements for renewal of certificates and evidence of 69456  
registration and shall establish such requirements for renewal of 69457  
an investigative agent certificate. In the rules, the director 69458  
shall establish certification standards for employment in the 69459  
position of investigative agent that require an individual to have 69460  
or obtain no less than an associate degree from an accredited 69461  
college or university or have or obtain comparable experience or 69462  
training. The director shall not adopt rules that require any 69463  
service employee to have or obtain a bachelor's or higher degree. 69464~~

~~The director shall adopt the rules in a manner that provides 69465  
for the issuance of certificates and evidence of registration 69466  
according to categories, levels, and grades. The rules shall 69467  
describe each category, level, and grade. 69468~~

~~The rules adopted under this division shall apply to persons 69469  
employed or seeking employment in a position that includes 69470  
directly providing, or supervising persons who directly provide, 69471  
services or instruction to or on behalf of individuals with mental 69472  
retardation or developmental disabilities, except that the rules 69473  
shall not apply to persons who hold a valid license issued under 69474  
Chapter 3319. of the Revised Code and perform no duties other than 69475  
teaching or supervision of a teaching program or persons who hold 69476  
a valid license or certificate issued under Title XLVII of the 69477  
Revised Code and perform only those duties governed by the license 69478  
or certificate. The rules shall specify the positions that require 69479  
certification or registration. The rules shall specify that the 69480  
position of investigative agent requires certification, other than 69481  
the persons described in division (I) of this section, who are 69482  
seeking employment with or are employed by either of the 69483  
following: 69484~~

~~(1) A county board of developmental disabilities; 69485~~

~~(2) An entity that contracts with a county board to operate 69486  
programs and services for individuals with mental retardation or 69487~~

developmental disabilities. 69488

(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. 69489  
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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:~~ 69496  
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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; 69511  
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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 69515  
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disabilities and the specialized techniques needed to serve them, 69520  
except that the rules shall not require a person designated as a 69521  
service employee under section 5126.22 of the Revised Code to have 69522  
or obtain a bachelor's or higher degree; 69523

(3) Procedures to be followed in applying for initial 69524  
certification or registration and for renewing the certification 69525  
or registration. 69526

(4) Requirements that must be met for renewal of 69527  
certification or registration, which may include continuing 69528  
education and professional training requirements; 69529

(5) Subject to section 5126.23 of the Revised Code, grounds 69530  
for which certification or registration may be denied, suspended, 69531  
or revoked and procedures for appealing the denial, suspension, or 69532  
revocation. 69533

~~(C)(D) Each applicant for a certificate for employment or~~ 69534  
~~evidence of person seeking certification or registration for~~ 69535  
~~employment by a county board shall apply to the department of~~ 69536  
~~developmental disabilities on forms that the director of the~~ 69537  
~~department shall prescribe and provide. The application shall be~~ 69538  
~~accompanied by the application fee in the manner established in~~ 69539  
~~rules adopted under this section.~~ 69540

~~(D) The director shall issue a certificate for employment to~~ 69541  
~~each applicant who meets the standards for certification~~ 69542  
~~established under this section and shall issue evidence of~~ 69543  
~~registration for employment to each applicant who meets the~~ 69544  
~~standards for registration established under this section. Each~~ 69545  
~~certificate or evidence of registration shall state the category,~~ 69546  
~~level, and grade for which it is issued.~~ 69547

~~The director shall issue, renew, deny, suspend, or revoke~~ 69548  
~~certificates and evidence of registration in accordance with rules~~ 69549  
~~adopted under this section. The director shall deny, suspend, or~~ 69550

~~revoke a certificate or evidence of registration if the director 69551  
finds, pursuant to an adjudication conducted in accordance with 69552  
Chapter 119. of the Revised Code, that the applicant for or holder 69553  
of the certificate or evidence of registration is guilty of 69554  
intemperate, immoral, or other conduct unbecoming to the 69555  
applicant's or holder's position, or is guilty of incompetence or 69556  
negligence within the scope of the applicant's or holder's duties. 69557  
The director shall deny or revoke a certificate or evidence of 69558  
registration if the director finds, pursuant to an adjudication 69559  
conducted in accordance with Chapter 119. of the Revised Code, 69560  
that the applicant for or holder of the certificate or evidence of 69561  
registration has been convicted of or pleaded guilty to any of the 69562  
offenses described in division (E) of section 5126.28 of the 69563  
Revised Code, unless the individual meets standards for 69564  
rehabilitation that the director establishes in the rules adopted 69565  
under that section. Evidence supporting such allegations shall be 69566  
presented to the director in writing and the director shall 69567  
provide prompt notice of the allegations to the person who is the 69568  
subject of the allegations. A denial, suspension, or revocation 69569  
may be appealed in accordance with procedures the director shall 69570  
establish in the rules adopted under this section. 69571~~

(E)(1) Except as provided in division (E)(2) of this section, 69572  
the superintendent of each county board is responsible for taking 69573  
all actions regarding certification and registration of employees, 69574  
other than the position of superintendent or investigative agent. 69575  
For the position of superintendent or investigative agent, the 69576  
director of developmental disabilities is responsible for taking 69577  
all such actions. 69578

Actions that may be taken by the superintendent or director 69579  
include issuing, renewing, denying, suspending, and revoking 69580  
certification and registration. All actions shall be taken in 69581  
accordance with the rules adopted under this section. 69582

The superintendent may charge a fee to persons applying for certification or registration. The superintendent shall establish the amount of the fee according to the costs the county board incurs in administering its program for certification and registration of employees. 69583  
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A person subject to the denial, suspension, or revocation of certification or registration may appeal the decision. The appeal shall be made in accordance with the rules adopted under this section. 69588  
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(2) Pursuant to division (C) of section 5126.05 of the Revised Code, the superintendent may enter into a contract with any other entity under which the entity is given authority to carry out all or part of the superintendent's responsibilities under division (E)(1) of this section. 69592  
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(F) A person holding a with valid certificate certification or registration under this section on the effective date of any rules adopted under this section that increase the standards applicable to the certification standards or registration shall have such period as the rules prescribe, but not less than one year after the effective date of the rules, to meet the new certification or registration standards. 69597  
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~~A person who is registered under this section on the effective date of any rule that changes the standards adopted under this section shall have such period as the rules prescribe, but not less than one year, to meet the new registration standards.~~ 69604  
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~~(2) If an applicant for a certificate for employment has not completed the courses of instruction necessary to meet the department's standards for certification, the department shall inform the applicant of the courses the applicant must successfully complete to meet the standards and shall specify the~~ 69609  
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~~time within which the applicant must complete the courses. The department shall grant the applicant at least one year to complete the courses and shall not require the applicant to complete more than four courses in any one year. The applicant is not subject to any changes regarding the courses required for certification that are made after the department informs the applicant of the courses the applicant must complete, unless the applicant does not successfully complete the courses within the time specified by the department.~~

~~(F)~~(G) A person who holds a certificate with valid certification or evidence of registration, ~~other than one designated as temporary,~~ is qualified to be employed according to that ~~certificate~~ certification or evidence of registration by any county board or entity contracting with a county board.

~~(G)~~(H) The director shall monitor county boards to ensure that their employees ~~who must be certified or registered are appropriately certified or registered and~~ and the employees of their contracting entities have the applicable certification or registration required under this section and that the employees are performing only those functions they are authorized to perform under their certificate the certification or evidence of registration.

~~(H)~~ A county board superintendent or the superintendent's designee may certify to the director that county board employees ~~who are required to meet continuing education or professional training requirements as a condition of renewal of certificates or evidence of registration have met the requirements.~~ The superintendent of each county board or the superintendent's designee shall maintain in appropriate personnel files evidence acceptable to the director that the employees have met the requirements ~~and permit.~~ On request, representatives of the department of developmental disabilities shall be given access to

the evidence ~~on request.~~ 69646

(I) ~~All fees collected pursuant to this section shall be 69647  
deposited in the state treasury to the credit of the program fee 69648  
fund created under section 5123.033 of the Revised Code. 69649~~

~~(J) Employees of entities that contract with county boards of 69650  
developmental disabilities to operate programs and services for 69651  
individuals with mental retardation and developmental disabilities 69652  
are subject to the certification and registration requirements 69653  
established under section 5123.082 of the Revised Code The 69654  
certification and registration requirements of this section and 69655  
the rules adopted under it do not apply to either of the 69656  
following: 69657~~

~~(1) A person who holds a valid license issued or certificate 69658  
issued under Chapter 3319. of the Revised Code and performs no 69659  
duties other than teaching or supervision of a teaching program; 69660~~

~~(2) A person who holds a valid license or certificate issued 69661  
under Title XLVII of the Revised Code and performs only those 69662  
duties governed by the license or certificate. 69663~~

**Sec. 5126.251.** On receipt of a notice pursuant to section 69664  
3123.43 of the Revised Code, the director of developmental 69665  
disabilities or the superintendent of a county board of 69666  
developmental disabilities shall comply with sections 3123.41 to 69667  
3123.50 of the Revised Code and any applicable rules adopted under 69668  
section 3123.63 of the Revised Code with respect to ~~a certificate 69669  
a person's certification or evidence of registration issued 69670  
pursuant to this chapter under section 5126.25 of the Revised 69671  
Code.~~ 69672

**Sec. 5126.51.** As used in sections 5126.51 to 5126.62 of the 69673  
Revised Code: 69674

(A) "Develop" or "development," in contexts not referring to 69675

developmental disabilities, means construction or rehabilitation. 69676

(B) "Eligible lending institution" means a financial 69677  
institution that meets all of the following requirements: 69678

(1) Is eligible to make commercial loans; 69679

(2) Has an office located within the territorial limits of 69680  
the county; 69681

(3) Is an institution into which the county's investing 69682  
authority may deposit the public moneys of the county; 69683

(4) Holds itself out as participating in the residential 69684  
facility linked deposit program. 69685

(C) "Eligible organization" means ~~either of the following:~~ 69686

~~(1) A a nonprofit corporation that has as its primary 69687  
activity the development or operation of a residential facility;~~ 69688

~~(2) A nonprofit corporation certified under section 5123.192 69689  
of the Revised Code. 69690~~

(D) "Investing authority" has the same meaning as in section 69691  
135.31 of the Revised Code. 69692

(E) "Residential facility" has the same meaning as in section 69693  
5123.19 of the Revised Code ~~and also includes a residence where a 69694  
nonprofit corporation certified under section 5123.192 of the 69695  
Revised Code provides or proposes to provide supported living for 69696  
individuals with mental retardation or developmental disabilities. 69697~~

(F) "Residential facility linked deposit program" means the 69698  
linked deposit program provided for in sections 5126.51 to 5126.62 69699  
of the Revised Code. A "residential facility linked deposit" is a 69700  
deposit of public moneys of the county under, and for the purposes 69701  
of, the residential facility linked deposit program. A 69702  
"residential facility linked deposit loan" is a loan under, and 69703  
for the purposes of, the residential facility linked deposit 69704  
program. 69705

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:

(A) The line item appropriation for the care and custody of felony delinquents shall provide funding for operational costs for the following:

(1) Institutions and the diagnosis, care, or treatment of felony delinquents at facilities pursuant to contracts entered into under section 5139.08 of the Revised Code;

(2) Community corrections facilities constructed, reconstructed, improved, or financed as described in section 5139.36 of the Revised Code for the purpose of providing alternative placement and services for felony delinquents who have been diverted from care and custody in institutions;

(3) County juvenile courts that administer programs and services for prevention, early intervention, diversion, treatment, and rehabilitation services and programs that are provided for alleged or adjudicated unruly or delinquent children or for children who are at risk of becoming unruly or delinquent children;

(4) Administrative expenses the department incurs in connection with the felony delinquent care and custody programs described in section 5139.43 of the Revised Code.

(B) From the appropriated line item for the care and custody of felony delinquents, the department, with the advice of the RECLAIM advisory committee established under section 5139.44 of

the Revised Code, shall allocate annual operational funds for 69736  
county juvenile programs, institutional care and custody, 69737  
community corrections facilities care and custody, and 69738  
administrative expenses incurred by the department associated with 69739  
felony delinquent care and custody programs. The department, with 69740  
the advice of the RECLAIM advisory committee, shall adjust these 69741  
allocations, when modifications to this line item are made by 69742  
legislative or executive action. 69743

(C) The department shall divide county juvenile program 69744  
allocations among county juvenile courts that administer programs 69745  
and services for prevention, early intervention, diversion, 69746  
treatment, and rehabilitation that are provided for alleged or 69747  
adjudicated unruly or delinquent children or for children who are 69748  
at risk of becoming unruly or delinquent children. The department 69749  
shall base funding on the county's previous year's ratio of the 69750  
department's institutional and community correctional facilities 69751  
commitments to that county's ~~four-year~~ average of felony 69752  
adjudications, as specified in the following formula: 69753

(1) The department shall give to each county a proportional 69754  
allocation of commitment credits. The proportional allocation of 69755  
commitment credits shall be calculated by the following 69756  
procedures: 69757

(a) The department shall determine for each county and for 69758  
the state a ~~four-year~~ an average of felony adjudications. 69759  
Beginning July 1, 2012, the average shall include felony 69760  
adjudications for fiscal year 2007 and for each subsequent fiscal 69761  
year through fiscal year 2016. Beginning July 1, 2017, the most 69762  
recent felony adjudication data shall be included and the oldest 69763  
fiscal year data shall be removed so that a ten-year average of 69764  
felony adjudication data will be maintained. 69765

(b) The department shall determine for each county and for 69766  
the state the number of charged bed days, for both the department 69767



and community correctional facilities, from the previous year. 69768

(c) The department shall divide the statewide total number of 69769  
charged bed days by the statewide total number of felony 69770  
adjudications, which quotient shall then be multiplied by a factor 69771  
determined by the department. 69772

(d) The department shall calculate the county's allocation of 69773  
credits by multiplying the number of adjudications for each court 69774  
by the result determined pursuant to division (C)(1)(c) of this 69775  
section. 69776

(2) The department shall subtract from the allocation 69777  
determined pursuant to division (C)(1) of this section a credit 69778  
for every chargeable bed day a youth stays in a department 69779  
institution and two-thirds of credit for every chargeable bed day 69780  
a youth stays in a community correctional facility, except for 69781  
public safety beds. At the end of the year, the department shall 69782  
divide the amount of remaining credits of that county's allocation 69783  
by the total number of remaining credits to all counties, to 69784  
determine the county's percentage, which shall then be applied to 69785  
the total county allocation to determine the county's payment for 69786  
the fiscal year. 69787

(3) The department shall pay counties three times during the 69788  
fiscal year to allow for credit reporting and audit adjustments, 69789  
and modifications to the appropriated line item for the care and 69790  
custody of felony delinquents, as described in this section. The 69791  
department shall pay fifty per cent of the payment by the 69792  
fifteenth of July of each fiscal year, twenty-five per cent by the 69793  
fifteenth of January of that fiscal year, and twenty-five per cent 69794  
of the payment by the fifteenth of June of that fiscal year. 69795

~~(D) In fiscal year 2004, the payment of county juvenile 69796  
programs shall be based on the following procedure: 69797~~

~~(1) The department shall divide the funding earned by each 69798~~

~~court in fiscal year 2003 by the aggregate funding of all courts, 69799  
resulting in a percentage. 69800~~

~~(2) The department shall apply the percentage determined 69801  
under division (D)(1) of this section to the total county juvenile 69802  
program allocation for fiscal year 2004 to determine each court's 69803  
total payment. 69804~~

~~(3) The department shall make payments in accordance with the 69805  
schedule established in division (C)(3) of this section. 69806~~

**Sec. 5139.43.** (A) The department of youth services shall 69807  
operate a felony delinquent care and custody program that shall be 69808  
operated in accordance with the formula developed pursuant to 69809  
section 5139.41 of the Revised Code, subject to the conditions 69810  
specified in this section. 69811

(B)(1) Each juvenile court shall use the moneys disbursed to 69812  
it by the department of youth services pursuant to division (B) of 69813  
section 5139.41 of the Revised Code in accordance with the 69814  
applicable provisions of division (B)(2) of this section and shall 69815  
transmit the moneys to the county treasurer for deposit in 69816  
accordance with this division. The county treasurer shall create 69817  
in the county treasury a fund that shall be known as the felony 69818  
delinquent care and custody fund and shall deposit in that fund 69819  
the moneys disbursed to the juvenile court pursuant to division 69820  
(B) of section 5139.41 of the Revised Code. The county treasurer 69821  
also shall deposit into that fund the state subsidy funds granted 69822  
to the county pursuant to section 5139.34 of the Revised Code. The 69823  
moneys disbursed to the juvenile court pursuant to division (B) of 69824  
section 5139.41 of the Revised Code and deposited pursuant to this 69825  
division in the felony delinquent care and custody fund shall not 69826  
be commingled with any other county funds except state subsidy 69827  
funds granted to the county pursuant to section 5139.34 of the 69828  
Revised Code; shall not be used for any capital construction 69829

projects; upon an order of the juvenile court and subject to 69830  
appropriation by the board of county commissioners, shall be 69831  
disbursed to the juvenile court for use in accordance with the 69832  
applicable provisions of division (B)(2) of this section; shall 69833  
not revert to the county general fund at the end of any fiscal 69834  
year; and shall carry over in the felony delinquent care and 69835  
custody fund from the end of any fiscal year to the next fiscal 69836  
year. The maximum balance carry-over at the end of each respective 69837  
fiscal year in the felony delinquent care and custody fund in any 69838  
county from funds allocated to the county pursuant to sections 69839  
5139.34 and 5139.41 of the Revised Code in the previous fiscal 69840  
year shall not exceed an amount to be calculated as provided in 69841  
the formula set forth in this division, unless that county has 69842  
applied for and been granted an exemption by the director of youth 69843  
services. Beginning June 30, 2008, the maximum balance carry-over 69844  
at the end of each respective fiscal year shall be determined by 69845  
the following formula: for fiscal year 2008, the maximum balance 69846  
carry-over shall be one hundred per cent of the allocation for 69847  
fiscal year 2007, to be applied in determining the fiscal year 69848  
2009 allocation; for fiscal year 2009, it shall be fifty per cent 69849  
of the allocation for fiscal year 2008, to be applied in 69850  
determining the fiscal year 2010 allocation; for fiscal year 2010, 69851  
it shall be twenty-five per cent of the allocation for fiscal year 69852  
2009, to be applied in determining the fiscal year 2011 69853  
allocation; and for each fiscal year subsequent to fiscal year 69854  
2010, it shall be twenty-five per cent of the allocation for the 69855  
immediately preceding fiscal year, to be applied in determining 69856  
the allocation for the next immediate fiscal year. The department 69857  
shall withhold from future payments to a county an amount equal to 69858  
any moneys in the felony delinquent care and custody fund of the 69859  
county that exceed the total maximum balance carry-over that 69860  
applies for that county for the fiscal year in which the payments 69861  
are being made and shall reallocate the withheld amount. The 69862

department shall adopt rules for the withholding and reallocation 69863  
of moneys disbursed under sections 5139.34 and 5139.41 of the 69864  
Revised Code and for the criteria and process for a county to 69865  
obtain an exemption from the withholding requirement. The moneys 69866  
disbursed to the juvenile court pursuant to division (B) of 69867  
section 5139.41 of the Revised Code and deposited pursuant to this 69868  
division in the felony delinquent care and custody fund shall be 69869  
in addition to, and shall not be used to reduce, any usual annual 69870  
increase in county funding that the juvenile court is eligible to 69871  
receive or the current level of county funding of the juvenile 69872  
court and of any programs or services for delinquent children, 69873  
unruly children, or juvenile traffic offenders. 69874

(2)(a) A county and the juvenile court that serves the county 69875  
shall use the moneys in its felony delinquent care and custody 69876  
fund in accordance with rules that the department of youth 69877  
services adopts pursuant to division (D) of section 5139.04 of the 69878  
Revised Code and as follows: 69879

(i) The moneys in the fund that represent state subsidy funds 69880  
granted to the county pursuant to section 5139.34 of the Revised 69881  
Code shall be used to aid in the support of prevention, early 69882  
intervention, diversion, treatment, and rehabilitation programs 69883  
that are provided for alleged or adjudicated unruly children or 69884  
delinquent children or for children who are at risk of becoming 69885  
unruly children or delinquent children. The county shall not use 69886  
for capital improvements more than fifteen per cent of the moneys 69887  
in the fund that represent the applicable annual grant of those 69888  
state subsidy funds. 69889

(ii) The moneys in the fund that were disbursed to the 69890  
juvenile court pursuant to division (B) of section 5139.41 of the 69891  
Revised Code and deposited pursuant to division (B)(1) of this 69892  
section in the fund shall be used to provide programs and services 69893  
for the training, treatment, or rehabilitation of felony 69894

delinquents that are alternatives to their commitment to the 69895  
department, including, but not limited to, community residential 69896  
programs, day treatment centers, services within the home, and 69897  
electronic monitoring, and shall be used in connection with 69898  
training, treatment, rehabilitation, early intervention, or other 69899  
programs or services for any delinquent child, unruly child, or 69900  
juvenile traffic offender who is under the jurisdiction of the 69901  
juvenile court. 69902

The fund also may be used for prevention, early intervention, 69903  
diversion, treatment, and rehabilitation programs that are 69904  
provided for alleged or adjudicated unruly children, delinquent 69905  
children, or juvenile traffic offenders or for children who are at 69906  
risk of becoming unruly children, delinquent children, or juvenile 69907  
traffic offenders. Consistent with division (B)(1) of this 69908  
section, a county and the juvenile court of a county shall not use 69909  
any of those moneys for capital construction projects. 69910

(iii) Moneys in the fund shall not be used to support 69911  
programs or services that do not comply with federal juvenile 69912  
justice and delinquency prevention core requirements or to support 69913  
programs or services that research has shown to be ineffective. 69914  
~~Moneys in the fund shall be prioritized to research-supported~~ 69915  
Research-supported, outcome-based programs and services, to the 69916  
extent they are available, shall be encouraged. 69917

(iv) The county and the juvenile court that serves the county 69918  
may use moneys in the fund to provide out-of-home placement of 69919  
children only in detention centers, community rehabilitation 69920  
centers, or community corrections facilities approved by the 69921  
department pursuant to standards adopted by the department, 69922  
licensed by an authorized state agency, or accredited by the 69923  
American correctional association or another national organization 69924  
recognized by the department. 69925

(b) Each juvenile court shall comply with division (B)(3)(d) 69926

of this section as implemented by the department. If a juvenile 69927  
court fails to comply with division (B)(3)(d) of this section, the 69928  
department shall not be required to make any disbursements in 69929  
accordance with division (C) ~~or (D)~~ of section 5139.41 or division 69930  
(C)(2) of section 5139.34 of the Revised Code. 69931

(3) In accordance with rules adopted by the department 69932  
pursuant to division (D) of section 5139.04 of the Revised Code, 69933  
each juvenile court and the county served by that juvenile court 69934  
shall do all of the following that apply: 69935

(a) The juvenile court shall prepare an annual grant 69936  
agreement and application for funding that satisfies the 69937  
requirements of this section and section 5139.34 of the Revised 69938  
Code and that pertains to the use, upon an order of the juvenile 69939  
court and subject to appropriation by the board of county 69940  
commissioners, of the moneys in its felony delinquent care and 69941  
custody fund for specified programs, care, and services as 69942  
described in division (B)(2)(a) of this section, shall submit that 69943  
agreement and application to the county family and children first 69944  
council, the regional family and children first council, or the 69945  
local intersystem services to children cluster as described in 69946  
sections 121.37 and 121.38 of the Revised Code, whichever is 69947  
applicable, and shall file that agreement and application with the 69948  
department for its approval. The annual grant agreement and 69949  
application for funding shall include a method of ensuring equal 69950  
access for minority youth to the programs, care, and services 69951  
specified in it. 69952

The department may approve an annual grant agreement and 69953  
application for funding only if the juvenile court involved has 69954  
complied with the preparation, submission, and filing requirements 69955  
described in division (B)(3)(a) of this section. If the juvenile 69956  
court complies with those requirements and the department approves 69957  
that agreement and application, the juvenile court and the county 69958

served by the juvenile court may expend the state subsidy funds 69959  
granted to the county pursuant to section 5139.34 of the Revised 69960  
Code only in accordance with division (B)(2)(a) of this section, 69961  
the rules pertaining to state subsidy funds that the department 69962  
adopts pursuant to division (D) of section 5139.04 of the Revised 69963  
Code, and the approved agreement and application. 69964

(b) By the thirty-first day of August of each year, the 69965  
juvenile court shall file with the department a report that 69966  
contains all of the statistical and other information for each 69967  
month of the prior state fiscal year. If the juvenile court fails 69968  
to file the report required by division (B)(3)(b) of this section 69969  
by the thirty-first day of August of any year, the department 69970  
shall not disburse any payment of state subsidy funds to which the 69971  
county otherwise is entitled pursuant to section 5139.34 of the 69972  
Revised Code and shall not disburse pursuant to division (B) of 69973  
section 5139.41 of the Revised Code the applicable allocation 69974  
until the juvenile court fully complies with division (B)(3)(b) of 69975  
this section. 69976

(c) If the department requires the juvenile court to prepare 69977  
monthly statistical reports and to submit the reports on forms 69978  
provided by the department, the juvenile court shall file those 69979  
reports with the department on the forms so provided. If the 69980  
juvenile court fails to prepare and submit those monthly 69981  
statistical reports within the department's timelines, the 69982  
department shall not disburse any payment of state subsidy funds 69983  
to which the county otherwise is entitled pursuant to section 69984  
5139.34 of the Revised Code and shall not disburse pursuant to 69985  
division (B) of section 5139.41 of the Revised Code the applicable 69986  
allocation until the juvenile court fully complies with division 69987  
(B)(3)(c) of this section. If the juvenile court fails to prepare 69988  
and submit those monthly statistical reports within one hundred 69989  
eighty days of the date the department establishes for their 69990

submission, the department shall not disburse any payment of state 69991  
subsidy funds to which the county otherwise is entitled pursuant 69992  
to section 5139.34 of the Revised Code and shall not disburse 69993  
pursuant to division (B) of section 5139.41 of the Revised Code 69994  
the applicable allocation, and the state subsidy funds and the 69995  
remainder of the applicable allocation shall revert to the 69996  
department. If a juvenile court states in a monthly statistical 69997  
report that the juvenile court adjudicated within a state fiscal 69998  
year five hundred or more children to be delinquent children for 69999  
committing acts that would be felonies if committed by adults and 70000  
if the department determines that the data in the report may be 70001  
inaccurate, the juvenile court shall have an independent auditor 70002  
or other qualified entity certify the accuracy of the data on a 70003  
date determined by the department. 70004

(d) If the department requires the juvenile court and the 70005  
county to participate in a fiscal monitoring program or another 70006  
monitoring program that is conducted by the department to ensure 70007  
compliance by the juvenile court and the county with division (B) 70008  
of this section, the juvenile court and the county shall 70009  
participate in the program and fully comply with any guidelines 70010  
for the performance of audits adopted by the department pursuant 70011  
to that program and all requests made by the department pursuant 70012  
to that program for information necessary to reconcile fiscal 70013  
accounting. If an audit that is performed pursuant to a fiscal 70014  
monitoring program or another monitoring program described in this 70015  
division determines that the juvenile court or the county used 70016  
moneys in the county's felony delinquent care and custody fund for 70017  
expenses that are not authorized under division (B) of this 70018  
section, within forty-five days after the department notifies the 70019  
county of the unauthorized expenditures, the county either shall 70020  
repay the amount of the unauthorized expenditures from the county 70021  
general revenue fund to the state's general revenue fund or shall 70022  
file a written appeal with the department. If an appeal is timely 70023



filed, the director of the department shall render a decision on 70024  
the appeal and shall notify the appellant county or its juvenile 70025  
court of that decision within forty-five days after the date that 70026  
the appeal is filed. If the director denies an appeal, the 70027  
county's fiscal agent shall repay the amount of the unauthorized 70028  
expenditures from the county general revenue fund to the state's 70029  
general revenue fund within thirty days after receiving the 70030  
director's notification of the appeal decision. 70031

(C) The determination of which county a reduction of the care 70032  
and custody allocation will be charged against for a particular 70033  
youth shall be made as outlined below for all youths who do not 70034  
qualify as public safety beds. The determination of which county a 70035  
reduction of the care and custody allocation will be charged 70036  
against shall be made as follows until each youth is released: 70037

(1) In the event of a commitment, the reduction shall be 70038  
charged against the committing county. 70039

(2) In the event of a recommitment, the reduction shall be 70040  
charged against the original committing county until the 70041  
expiration of the minimum period of institutionalization under the 70042  
original order of commitment or until the date on which the youth 70043  
is admitted to the department of youth services pursuant to the 70044  
order of recommitment, whichever is later. Reductions of the 70045  
allocation shall be charged against the county that recommitted 70046  
the youth after the minimum expiration date of the original 70047  
commitment. 70048

(3) In the event of a revocation of a release on parole, the 70049  
reduction shall be charged against the county that revokes the 70050  
youth's parole. 70051

(D) A juvenile court is not precluded by its allocation 70052  
amount for the care and custody of felony delinquents from 70053  
committing a felony delinquent to the department of youth services 70054

for care and custody in an institution or a community corrections 70055  
facility when the juvenile court determines that the commitment is 70056  
appropriate. 70057

Sec. 5139.511. Before a youth is released from a secure 70058  
facility under the control of the department of youth services, 70059  
the department of youth services shall attempt to verify the 70060  
youth's identification and social security number. If the 70061  
department is able to verify the youth's identity with a verified 70062  
birth certificate and social security number, the department shall 70063  
issue an identification card that the youth may present to the 70064  
registrar or deputy registrar of motor vehicles. If the department 70065  
is not able to verify the youth's identity with both a verified 70066  
birth certificate and social security number, the youth shall not 70067  
receive an identification card under this section. 70068

**Sec. 5149.311.** (A) The department of rehabilitation and 70069  
correction shall establish and administer the probation 70070  
improvement grant and the probation incentive grant for ~~court of~~ 70071  
~~common pleas~~ probation departments that supervise ~~felony~~ offenders 70072  
sentenced by courts of common pleas or municipal courts. 70073

(B)(1) The probation improvement grant shall provide funding 70074  
to court ~~of common pleas~~ probation departments to adopt policies 70075  
and practices based on the latest research on how to reduce the 70076  
number of ~~felony~~ offenders on probation supervision who violate 70077  
the conditions of their supervision. 70078

(2) The department shall adopt rules for the distribution of 70079  
the probation improvement grant, including the formula for the 70080  
allocation of the subsidy based on the number of ~~felony~~ offenders 70081  
placed on probation annually in each jurisdiction. 70082

(C)(1) The probation incentive grant shall provide a 70083  
performance-based level of funding to court ~~of common pleas~~ 70084

probation departments that are successful in reducing the number 70085  
of felony offenders on probation supervision whose terms of 70086  
supervision are revoked. 70087

(2) The department shall calculate annually any cost savings 70088  
realized by the state from a reduction in the percentage of people 70089  
who are incarcerated because their terms of supervised probation 70090  
were revoked. The cost savings estimate shall be calculated for 70091  
each ~~county~~ jurisdiction served by the probation department 70092  
eligible for a grant under this section and be based on the 70093  
difference from fiscal year 2010 and the fiscal year under 70094  
examination. 70095

(3) The department shall adopt rules that specify the subsidy 70096  
amount to be appropriated to court ~~of common pleas~~ probation 70097  
departments that successfully reduce the percentage of people on 70098  
probation who are incarcerated because their terms of supervision 70099  
are revoked. 70100

(D) The following stipulations apply to both the probation 70101  
improvement grant and the probation incentive grant: 70102

(1) In order to be eligible for the probation improvement 70103  
grant and the probation incentive grant, courts of common pleas 70104  
must satisfy all requirements under sections 2301.27 and 2301.30 70105  
of the Revised Code ~~and, except.~~ Except for sentencing decisions 70106  
made by a court when use of the risk assessment tool is 70107  
discretionary, in order to be eligible for the probation 70108  
improvement grant and the probation incentive grant, a court must 70109  
utilize the single validated risk assessment tool selected by the 70110  
department of rehabilitation and correction under section 5120.114 70111  
of the Revised Code. 70112

(2) The department may deny a subsidy under this section to 70113  
any applicant if the applicant fails to comply with the terms of 70114  
any agreement entered into pursuant to any of the provisions of 70115

this section. 70116

(3) The department shall evaluate or provide for the 70117  
evaluation of the policies, practices, and programs the court of 70118  
~~common pleas~~ probation departments utilize with the programs of 70119  
subsidies established under this section and establish means of 70120  
measuring their effectiveness. 70121

(4) The department shall specify the policies, practices, and 70122  
programs for which court of ~~common pleas~~ probation departments may 70123  
use the program subsidy and shall establish minimum standards of 70124  
quality and efficiency that recipients of the subsidy must follow. 70125  
The department shall give priority to supporting evidence-based 70126  
policies and practices, as defined by the department. 70127

**Sec. 5155.14.** At the request of the superintendent or 70128  
administrator of the county home, the board of county 70129  
commissioners or operator shall set apart from the county home 70130  
fund, a reserve fund not to exceed ~~four hundred~~ five thousand 70131  
dollars at any time, which, upon the order of the board or 70132  
operator shall be paid to the superintendent or administrator and 70133  
expended as needed for emergency supplies and expenses. The 70134  
superintendent or administrator shall keep an accurate account of 70135  
the reserve fund, in a book to be provided at the expense of the 70136  
county for that purpose, and all expenditures from it shall be 70137  
audited by the board or operator. The county home fund shall be 70138  
reimbursed by the superintendent or administrator, in full, for 70139  
any items expended by the superintendent or administrator from the 70140  
reserve fund, which items are not allowed by the board or 70141  
operator. When, and as often as such amount is entirely disbursed, 70142  
on the order of the board or operator, the county auditor shall 70143  
pay to the superintendent or administrator the amount so 70144  
appropriated. 70145

~~Sec. 5501.04. The following divisions are hereby established~~ 70146  
~~in the department of transportation:~~ 70147

~~(A) The division of business services;~~ 70148  
~~(B) The division of engineering policy;~~ 70149  
~~(C) The division of finance;~~ 70150  
~~(D) The division of human resources;~~ 70151  
~~(E) The division of information technology;~~ 70152  
~~(F) The division of multi modal planning and programs;~~ 70153  
~~(G) The division of project management;~~ 70154  
~~(H) The division of equal opportunity.~~ 70155

~~The Pursuant to section 5501.02 of the Revised Code, the~~ 70156  
director of transportation shall distribute the duties, powers, 70157  
and functions of the department among the divisions of the 70158  
department. 70159

Each division shall be headed by a deputy director, whose 70160  
title shall be designated by the director, and shall include those 70161  
other officers and employees as may be necessary to carry out the 70162  
work of the division. ~~The director shall appoint the~~ Each deputy 70163  
director of each division, ~~who~~ shall be in the unclassified civil 70164  
service of the state and shall serve at the pleasure of the 70165  
director. ~~The director shall supervise the work of each division~~ 70166  
~~and~~ shall be responsible for the determination of general policies 70167  
in the performance of the duties, powers, and functions of the 70168  
department and of each division. The director shall have complete 70169  
executive charge of the department, shall be responsible for the 70170  
organization, direction, and supervision of the work of the 70171  
department and the performance of the duties, powers, and 70172  
functions assigned to each division, and may establish necessary 70173  
administrative units therein. ~~The~~ Each deputy director of each 70174

division, with the approval of the director and subject to Chapter 70175  
124. of the Revised Code, shall appoint the necessary employees of 70176  
the division and may remove such employees for cause. 70177

~~The division of equal opportunity shall ensure that minority 70178  
groups and all groups protected by state and federal civil rights 70179  
laws are afforded equal opportunity to be recruited, trained, and 70180  
work in the employment of or on projects of the department of 70181  
transportation, and to participate in contracts awarded by the 70182  
department. The director of transportation each year shall report 70183  
to the governor and the general assembly on the division's 70184  
activities and accomplishments. 70185~~

**Sec. 5501.07.** In addition to those duties, powers, and 70186  
functions the director of transportation assigns to it, the office 70187  
of ~~public transportation of the division of multi-modal planning 70188  
and programs~~ transit: 70189

(A) May issue grants from any public transportation grant 70190  
appropriation to county transit boards, regional transit 70191  
authorities, regional transit commissions, counties, municipal 70192  
corporations, and private nonprofit organizations that operate or 70193  
will operate a public transportation system. 70194

The director shall establish criteria for the distribution of 70195  
such grants. These criteria may include and the director may 70196  
consider each of the following: 70197

(1) The degree to which comprehensive regional transportation 70198  
planning goals may be attained through a program for which a grant 70199  
will be used; 70200

(2) The amount of local financial or other support of public 70201  
transportation operations and facilities affected by the program; 70202

(3) The levels of existing service and fare; 70203

(4) The degree to which the proposed plan demonstrates 70204

approaches of potential value to other local transit boards, 70205  
authorities, commissions, counties, municipal corporations, and 70206  
private nonprofit organizations operating public transportation 70207  
systems; 70208

(5) The degree to which the grant applicant will use state 70209  
and local funds to match a federal grant; 70210

(6) Such other factors as the director determines. 70211

Any criteria established by the director for the distribution 70212  
of such grants shall be consistent with the requirements of the 70213  
United States department of transportation, or any administration 70214  
in the department, including, but not limited to, the federal 70215  
transit administration. The director may designate in the criteria 70216  
certain dates after which applications for specified portions of 70217  
the appropriations made for this purpose will not be accepted. 70218

(B) May issue grants from any elderly and handicapped transit 70219  
fare assistance grant appropriation to county transit boards, 70220  
regional transit authorities, regional transit commissions, 70221  
counties, municipal corporations, and private nonprofit 70222  
organizations that operate or will operate public transportation 70223  
systems for the purpose of reducing the transit or paratransit 70224  
fares of elderly or handicapped persons. The director shall 70225  
establish criteria for the distribution of such grants. 70226

(C) May administer provisions of federal public 70227  
transportation acts or programs applicable within the state, 70228  
pursuant to an agreement entered into by the director with an 70229  
appropriate official of the federal agency responsible for 70230  
implementation of the federal acts or programs. The federal acts 70231  
or programs shall include, but are not limited to, programs 70232  
authorized under the "Act of July 5, 1994," 108 Stat. 785, 49 70233  
U.S.C.A. 5301, as amended. 70234

(D) Shall furnish, upon request and within the limits of 70235

appropriated funds, guidance in technical or policy matters to a 70236  
county transit board, regional transit authority, regional transit 70237  
commission, county, municipal corporation, or private nonprofit 70238  
organization that operates or proposes to operate a public 70239  
transportation system, and provide assistance and liaison in the 70240  
preparation and submission of applications for federal and state 70241  
funds; 70242

(E) May apply for and accept grants or loans from any federal 70243  
agency for the purpose of providing for the development or 70244  
improvement of public transportation facilities or for the 70245  
coordination of any activities related to the development or 70246  
improvement of such facilities, and may provide any consideration 70247  
from any public transportation grant appropriation and enter into 70248  
any contracts that may be required in order to obtain such grants 70249  
or loans from a federal agency. 70250

**Sec. 5502.01.** (A) The department of public safety shall 70251  
administer and enforce the laws relating to the registration, 70252  
licensing, sale, and operation of motor vehicles and the laws 70253  
pertaining to the licensing of drivers of motor vehicles. 70254

The department shall compile, analyze, and publish statistics 70255  
relative to motor vehicle accidents and the causes of them, 70256  
prepare and conduct educational programs for the purpose of 70257  
promoting safety in the operation of motor vehicles on the 70258  
highways, and conduct research and studies for the purpose of 70259  
promoting safety on the highways of this state. 70260

(B) The department shall administer the laws and rules 70261  
relative to trauma and emergency medical services specified in 70262  
Chapter 4765. of the Revised Code and any laws and rules relative 70263  
to commercial medical transportation services as may be specified 70264  
in Chapter 4766. of the Revised Code. 70265

(C) The department shall administer and enforce the laws 70266



contained in Chapters 4301. and 4303. of the Revised Code and 70267  
enforce the rules and orders of the liquor control commission 70268  
pertaining to retail liquor permit holders. 70269

(D) The department shall administer the laws governing the 70270  
state emergency management agency and shall enforce all additional 70271  
duties and responsibilities as prescribed in the Revised Code 70272  
related to emergency management services. 70273

(E) The department shall conduct investigations pursuant to 70274  
Chapter 5101. of the Revised Code in support of the duty of the 70275  
department of job and family services to administer the 70276  
supplemental nutrition assistance program throughout this state. 70277  
The department of public safety shall conduct investigations 70278  
necessary to protect the state's property rights and interests in 70279  
the supplemental nutrition assistance program. 70280

(F) The department of public safety shall enforce compliance 70281  
with orders and rules of the public utilities commission and 70282  
applicable laws in accordance with Chapters ~~4919.~~ 4905., 4921., 70283  
and 4923. of the Revised Code regarding commercial motor vehicle 70284  
transportation safety, economic, and hazardous materials 70285  
requirements. 70286

(G) Notwithstanding Chapter 4117. of the Revised Code, the 70287  
department of public safety may establish requirements for its 70288  
enforcement personnel, including its enforcement agents described 70289  
in section 5502.14 of the Revised Code, that include standards of 70290  
conduct, work rules and procedures, and criteria for eligibility 70291  
as law enforcement personnel. 70292

(H) The department shall administer, maintain, and operate 70293  
the Ohio criminal justice network. The Ohio criminal justice 70294  
network shall be a computer network that supports state and local 70295  
criminal justice activities. The network shall be an electronic 70296  
repository for various data, which may include arrest warrants, 70297

notices of persons wanted by law enforcement agencies, criminal 70298  
records, prison inmate records, stolen vehicle records, vehicle 70299  
operator's licenses, and vehicle registrations and titles. 70300

(I) The department shall coordinate all homeland security 70301  
activities of all state agencies and shall be a liaison between 70302  
state agencies and local entities for those activities and related 70303  
purposes. 70304

(J) Beginning July 1, 2004, the department shall administer 70305  
and enforce the laws relative to private investigators and 70306  
security service providers specified in Chapter 4749. of the 70307  
Revised Code. 70308

(K) The department shall administer criminal justice services 70309  
in accordance with sections 5502.61 to 5502.66 of the Revised 70310  
Code. 70311

**Sec. 5502.011.** (A) As used in this section, "department of 70312  
public safety" and "department" include all divisions within the 70313  
department of public safety. 70314

(B) The director ~~of the department~~ of public safety is the 70315  
chief executive and administrative officer of the department. The 70316  
director may establish policies governing the department, the 70317  
performance of its employees and officers, the conduct of its 70318  
business, and the custody, use, and preservation of departmental 70319  
records, papers, books, documents, and property. The director also 70320  
may authorize and approve investigations to be conducted by any of 70321  
the department's divisions. Whenever the Revised Code imposes a 70322  
duty upon or requires an action of the department, the director 70323  
may perform the action or duty in the name of the department or 70324  
direct such performance to be performed by the director's 70325  
designee. 70326

(C) In addition to any other duties enumerated in the Revised 70327

Code, the director or the director's designee shall do all of the 70328  
following: 70329

(1) Administer and direct the performance of the duties of 70330  
the department; 70331

(2) Pursuant to Chapter 119. of the Revised Code, approve, 70332  
adopt, and prescribe such forms and rules as are necessary to 70333  
carry out the duties of the department; 70334

(3) On behalf of the department and in addition to any 70335  
authority the Revised Code otherwise grants to the department, 70336  
have the authority and responsibility for approving and entering 70337  
into contracts, agreements, and other business arrangements; 70338

(4) Make appointments for the department as needed to comply 70339  
with requirements of the Revised Code; 70340

(5) Approve employment actions of the department, including 70341  
appointments, promotions, discipline, investigations, and 70342  
terminations; 70343

(6) Accept, hold, and use, for the benefit of the department, 70344  
any gift, donation, bequest, or devise, and may agree to and 70345  
perform all conditions of the gift, donation, bequest, or devise, 70346  
that are not contrary to law; 70347

(7) Apply for, allocate, disburse, and account for grants 70348  
made available under federal law or from other federal, state, or 70349  
private sources; 70350

(8) Do all other acts necessary or desirable to carry out 70351  
this chapter. 70352

(D)(1) The director of public safety may assess a reasonable 70353  
fee, plus the amount of any charge or fee passed on from a 70354  
financial institution, on a drawer or indorser for each of the 70355  
following: 70356

(a) A check, draft, or money order that is returned or 70357

dishonored; 70358

(b) An automatic bank transfer that is declined, due to 70359  
insufficient funds or for any other reason; 70360

(c) Any financial transaction device that is returned or 70361  
dishonored for any reason. 70362

(2) The director shall deposit any fee collected under this 70363  
division in an appropriate fund as determined by the director 70364  
based on the tax, fee, or fine being paid. 70365

(3) As used in this division, "financial transaction device" 70366  
has the same meaning as in section 113.40 of the Revised Code. 70367

(E) The director shall establish a homeland security advisory 70368  
council to advise the director on homeland security, including 70369  
homeland security funding efforts. The advisory council shall 70370  
include, but not be limited to, state and local government 70371  
officials who have homeland security or emergency management 70372  
responsibilities and who represent first responders. The director 70373  
shall appoint the members of the council, who shall serve without 70374  
compensation. 70375

~~(F) The director of public safety shall adopt rules in 70376  
accordance with Chapter 119. of the Revised Code as required by 70377  
section 2909.28 of the Revised Code and division (A)(1) of section 70378  
2909.32 of the Revised Code. The director shall adopt rules as 70379  
required by division (D) of section 2909.32 of the Revised Code, 70380  
division (E) of section 2909.33 of the Revised Code, and division 70381  
(D) of section 2909.34 of the Revised Code. The director may adopt 70382  
rules pursuant to division (A)(2) of section 2909.32 of the 70383  
Revised Code, division (A)(2) of section 2909.33 of the Revised 70384  
Code, and division (A)(2) of section 2909.34 of the Revised Code. 70385~~

**Sec. ~~5503.21~~ 5502.05.** There is hereby created in the 70386  
department of public safety, ~~division of state highway patrol,~~ a 70387

driver's license examination section ~~to be administered by the~~ 70388  
~~superintendent of the state highway patrol.~~ 70389

The ~~superintendent, with the approval of the~~ director of 70390  
public safety, may appoint necessary driver's license examiners 70391  
and clerical personnel necessary to carry out the duties assigned 70392  
under this section. The examiners shall be citizens of the United 70393  
States and residents of the state and shall have such additional 70394  
qualifications as the ~~superintendent, with the approval of the~~ 70395  
director, prescribes. 70396

The salaries and classifications of examiners and personnel 70397  
shall be fixed in accordance with section 124.15 or 124.152 of the 70398  
Revised Code. 70399

**Sec. 5503.22 5502.06.** Driver's license examiners assigned to 70400  
the driver's license examination section shall conduct all 70401  
examinations for driver's licenses as required by sections 4507.01 70402  
to 4507.36 of the Revised Code, subject to the ~~regulations~~ rules 70403  
issued by the registrar of motor vehicles. 70404

**Sec. 5503.23 5502.07.** The ~~superintendent of the state highway~~ 70405  
~~patrol, with the approval of the~~ director of public safety, may 70406  
conduct training schools for prospective driver's license 70407  
examiners. ~~The superintendent~~ and may establish rules governing 70408  
the qualifications for admission to such schools and provide for 70409  
competitive examinations to determine the fitness of such students 70410  
for prospective examiners, not inconsistent with the rules of the 70411  
director of administrative services. 70412

**Sec. 5503.02.** (A) The state highway patrol shall enforce the 70413  
laws of the state relating to the titling, registration, and 70414  
licensing of motor vehicles; enforce on all roads and highways, 70415  
notwithstanding section 4513.39 of the Revised Code, the laws 70416  
relating to the operation and use of vehicles on the highways; 70417

enforce and prevent the violation of the laws relating to the 70418  
size, weight, and speed of commercial motor vehicles and all laws 70419  
designed for the protection of the highway pavements and 70420  
structures on the highways; investigate and enforce rules and laws 70421  
of the public utilities commission governing the transportation of 70422  
persons and property by motor carriers and report violations of 70423  
such rules and laws to the commission; enforce against any motor 70424  
~~transportation company~~ carrier as defined in section ~~4921.02~~ 70425  
4923.01 of the Revised Code, ~~any contract carrier by motor vehicle~~ 70426  
~~as defined in section 4923.02 of the Revised Code, any private~~ 70427  
~~motor carrier as defined in section 4923.20 of the Revised Code,~~ 70428  
~~and any motor carrier as defined in section 4919.75 of the Revised~~ 70429  
Code those rules and laws that, if violated, may result in a 70430  
forfeiture as provided in section ~~4905.83, 4919.99, 4921.99, or~~ 70431  
4923.99 of the Revised Code; investigate and report violations of 70432  
all laws relating to the collection of excise taxes on motor 70433  
vehicle fuels; and regulate the movement of traffic on the roads 70434  
and highways of the state, notwithstanding section 4513.39 of the 70435  
Revised Code. 70436

The patrol, whenever possible, shall determine the identity 70437  
of the persons who are causing or who are responsible for the 70438  
breaking, damaging, or destruction of any improved surfaced 70439  
roadway, structure, sign, marker, guardrail, or other appurtenance 70440  
constructed or maintained by the department of transportation and 70441  
shall arrest the persons who are responsible for the breaking, 70442  
damaging, or destruction and bring them before the proper 70443  
officials for prosecution. 70444

State highway patrol troopers shall investigate and report 70445  
all motor vehicle accidents on all roads and highways outside of 70446  
municipal corporations. The superintendent of the patrol or any 70447  
state highway patrol trooper may arrest, without a warrant, any 70448  
person, who is the driver of or a passenger in any vehicle 70449

operated or standing on a state highway, whom the superintendent 70450  
or trooper has reasonable cause to believe is guilty of a felony, 70451  
under the same circumstances and with the same power that any 70452  
peace officer may make such an arrest. 70453

The superintendent or any state highway patrol trooper may 70454  
enforce the criminal laws on all state properties and state 70455  
institutions, owned or leased by the state, and, when so ordered 70456  
by the governor in the event of riot, civil disorder, or 70457  
insurrection, may, pursuant to sections 2935.03 to 2935.05 of the 70458  
Revised Code, arrest offenders against the criminal laws wherever 70459  
they may be found within the state if the violations occurred 70460  
upon, or resulted in injury to person or property on, state 70461  
properties or state institutions, or under the conditions 70462  
described in division (B) of this section. This authority of the 70463  
superintendent and any state highway patrol trooper to enforce the 70464  
criminal laws shall extend to the Lake Erie Correctional 70465  
Institution, to the same extent as if that prison were owned by 70466  
this state. 70467

(B) In the event of riot, civil disorder, or insurrection, or 70468  
the reasonable threat of riot, civil disorder, or insurrection, 70469  
and upon request, as provided in this section, of the sheriff of a 70470  
county or the mayor or other chief executive of a municipal 70471  
corporation, the governor may order the state highway patrol to 70472  
enforce the criminal laws within the area threatened by riot, 70473  
civil disorder, or insurrection, as designated by the governor, 70474  
upon finding that law enforcement agencies within the counties 70475  
involved will not be reasonably capable of controlling the riot, 70476  
civil disorder, or insurrection and that additional assistance is 70477  
necessary. In cities in which the sheriff is under contract to 70478  
provide exclusive police services pursuant to section 311.29 of 70479  
the Revised Code, in villages, and in the unincorporated areas of 70480  
the county, the sheriff has exclusive authority to request the use 70481

of the patrol. In cities in which the sheriff does not exclusively 70482  
provide police services, the mayor, or other chief executive 70483  
performing the duties of mayor, has exclusive authority to request 70484  
the use of the patrol. 70485

The superintendent or any state highway patrol trooper may 70486  
enforce the criminal laws within the area designated by the 70487  
governor during the emergency arising out of the riot, civil 70488  
disorder, or insurrection until released by the governor upon 70489  
consultation with the requesting authority. State highway patrol 70490  
troopers shall never be used as peace officers in connection with 70491  
any strike or labor dispute. 70492

When a request for the use of the patrol is made pursuant to 70493  
this division, the requesting authority shall notify the law 70494  
enforcement authorities in contiguous communities and the sheriff 70495  
of each county within which the threatened area, or any part of 70496  
the threatened area, lies of the request, but the failure to 70497  
notify the authorities or a sheriff shall not affect the validity 70498  
of the request. 70499

(C) Any person who is arrested by the superintendent or a 70500  
state highway patrol trooper shall be taken before any court or 70501  
magistrate having jurisdiction of the offense with which the 70502  
person is charged. Any person who is arrested or apprehended 70503  
within the limits of a municipal corporation shall be brought 70504  
before the municipal court or other tribunal of the municipal 70505  
corporation. 70506

(D)(1) State highway patrol troopers have the same right and 70507  
power of search and seizure as other peace officers. 70508

No state official shall command, order, or direct any state 70509  
highway patrol trooper to perform any duty or service that is not 70510  
authorized by law. The powers and duties conferred on the patrol 70511  
are supplementary to, and in no way a limitation on, the powers 70512



and duties of sheriffs or other peace officers of the state. 70513

(2)(a) A state highway patrol trooper, pursuant to the policy 70514  
established by the superintendent of the state highway patrol 70515  
under division (D)(2)(b) of this section, may render emergency 70516  
assistance to any other peace officer who has arrest authority 70517  
under section 2935.03 of the Revised Code, if both of the 70518  
following apply: 70519

(i) There is a threat of imminent physical danger to the 70520  
peace officer, a threat of physical harm to another person, or any 70521  
other serious emergency situation; 70522

(ii) Either the peace officer requests emergency assistance, 70523  
or it appears that the peace officer is unable to request 70524  
emergency assistance and the circumstances observed by the state 70525  
highway patrol trooper reasonably indicate that emergency 70526  
assistance is appropriate, or the peace officer requests emergency 70527  
assistance and in the request the peace officer specifies a 70528  
particular location and the state highway patrol trooper arrives 70529  
at that location prior to the time that the peace officer arrives 70530  
at that location and the circumstances observed by the state 70531  
highway patrol trooper reasonably indicate that emergency 70532  
assistance is appropriate. 70533

(b) The superintendent of the state highway patrol shall 70534  
establish, within sixty days of August 8, 1991, a policy that sets 70535  
forth the manner and procedures by which a state highway patrol 70536  
trooper may render emergency assistance to any other peace officer 70537  
under division (D)(2)(a) of this section. The policy shall include 70538  
a provision that a state highway patrol trooper never be used as a 70539  
peace officer in connection with any strike or labor dispute. 70540

(3)(a) A state highway patrol trooper who renders emergency 70541  
assistance to any other peace officer under the policy established 70542  
by the superintendent pursuant to division (D)(2)(b) of this 70543

section shall be considered to be performing regular employment 70544  
for the purposes of compensation, pension, indemnity fund rights, 70545  
workers' compensation, and other rights or benefits to which the 70546  
trooper may be entitled as incident to regular employment. 70547

(b) A state highway patrol trooper who renders emergency 70548  
assistance to any other peace officer under the policy established 70549  
by the superintendent pursuant to division (D)(2)(b) of this 70550  
section retains personal immunity from liability as specified in 70551  
section 9.86 of the Revised Code. 70552

(c) A state highway patrol trooper who renders emergency 70553  
assistance under the policy established by the superintendent 70554  
pursuant to division (D)(2)(b) of this section has the same 70555  
authority as the peace officer for or with whom the state highway 70556  
patrol trooper is providing emergency assistance. 70557

(E)(1) Subject to the availability of funds specifically 70558  
appropriated by the general assembly for security detail purposes, 70559  
the state highway patrol shall provide security as follows: 70560

(a) For the governor; 70561

(b) At the direction of the governor, for other officials of 70562  
the state government of this state; officials of the state 70563  
governments of other states who are visiting this state; officials 70564  
of the United States government who are visiting this state; 70565  
officials of the governments of foreign countries or their 70566  
political subdivisions who are visiting this state; or other 70567  
officials or dignitaries who are visiting this state, including, 70568  
but not limited to, members of trade missions; 70569

(c) For the capitol square, as defined in section 105.41 of 70570  
the Revised Code; 70571

(d) For other state property. 70572

(2) To carry out the security responsibilities of the patrol 70573

listed in division (E)(1) of this section, the superintendent may 70574  
assign state highway patrol troopers to a separate unit that is 70575  
responsible for security details. The number of troopers assigned 70576  
to particular security details shall be determined by the 70577  
superintendent. 70578

(3) The superintendent and any state highway patrol trooper, 70579  
when providing security pursuant to division (E)(1)(a) or (b) of 70580  
this section, have the same arrest powers as other peace officers 70581  
to apprehend offenders against the criminal laws who endanger or 70582  
threaten the security of any person being protected, no matter 70583  
where the offense occurs. 70584

The superintendent, any state highway patrol trooper, and any 70585  
special police officer designated under section 5503.09 of the 70586  
Revised Code, when providing security pursuant to division 70587  
(E)(1)(c) of this section, shall enforce any rules governing 70588  
capitol square adopted by the capitol square review and advisory 70589  
board. 70590

(F) The governor may order the state highway patrol to 70591  
undertake major criminal investigations that involve state 70592  
property interests. If an investigation undertaken pursuant to 70593  
this division results in either the issuance of a no bill or the 70594  
filing of an indictment, the superintendent shall file a complete 70595  
and accurate report of the investigation with the president of the 70596  
senate, the speaker of the house of representatives, the minority 70597  
leader of the senate, and the minority leader of the house of 70598  
representatives within fifteen days after the issuance of the no 70599  
bill or the filing of an indictment. If the investigation does not 70600  
have as its result any prosecutorial action, the superintendent 70601  
shall, upon reporting this fact to the governor, file a complete 70602  
and accurate report of the investigation with the president of the 70603  
senate, the speaker of the house of representatives, the minority 70604  
leader of the senate, and the minority leader of the house of 70605

representatives. 70606

(G) The superintendent may purchase or lease real property 70607  
and buildings needed by the patrol, negotiate the sale of real 70608  
property owned by the patrol, rent or lease real property owned or 70609  
leased by the patrol, and make or cause to be made repairs to all 70610  
property owned or under the control of the patrol. Any instrument 70611  
by which real property is acquired pursuant to this division shall 70612  
identify the agency of the state that has the use and benefit of 70613  
the real property as specified in section 5301.012 of the Revised 70614  
Code. 70615

Sections 123.01 and 125.02 of the Revised Code do not limit 70616  
the powers granted to the superintendent by this division. 70617

**Sec. 5503.04.** Forty-five per cent of the fines collected from 70618  
or moneys arising from bail forfeited by persons apprehended or 70619  
arrested by state highway patrol troopers shall be paid into the 70620  
state treasury to be credited to the general revenue fund, five 70621  
per cent shall be paid into the state treasury to be credited to 70622  
the trauma and emergency medical services ~~grants~~ fund created by 70623  
~~division (E) of~~ section 4513.263 of the Revised Code, and fifty 70624  
per cent shall be paid into the treasury of the municipal 70625  
corporation where the case is prosecuted, if in a mayor's court. 70626  
If the prosecution is in a trial court outside a municipal 70627  
corporation, or outside the territorial jurisdiction of a 70628  
municipal court, the fifty per cent of the fines and moneys that 70629  
is not paid into the state treasury shall be paid into the 70630  
treasury of the county where the case is prosecuted. The fines and 70631  
moneys paid into a county treasury and the fines and moneys paid 70632  
into the treasury of a municipal corporation shall be deposited 70633  
one-half to the same fund and expended in the same manner as is 70634  
the revenue received from the registration of motor vehicles, and 70635  
one-half to the general fund of such county or municipal 70636

corporation. 70637

If the prosecution is in a municipal court, forty-five per 70638  
cent of the fines and moneys shall be paid into the state treasury 70639  
to be credited to the general revenue fund, five per cent shall be 70640  
paid into the state treasury to be credited to the trauma and 70641  
emergency medical services grants fund created by division (E) of 70642  
section 4513.263 of the Revised Code, ten per cent shall be paid 70643  
into the county treasury to be credited to the general fund of the 70644  
county, and forty per cent shall be paid into the municipal 70645  
treasury to be credited to the general fund of the municipal 70646  
corporation. In the Auglaize county, Clermont county, Crawford 70647  
county, Hocking county, Jackson county, Lawrence county, Madison 70648  
county, Miami county, Ottawa county, Portage county, and Wayne 70649  
county municipal courts, that portion of money otherwise paid into 70650  
the municipal treasury shall be paid into the county treasury. 70651

The trial court shall make remittance of the fines and moneys 70652  
as prescribed in this section, and at the same time as the 70653  
remittance is made of the state's portion to the state treasury, 70654  
the trial court shall notify the superintendent of the state 70655  
highway patrol of the case and the amount covered by the 70656  
remittance. 70657

This section does not apply to fines for violations of 70658  
division (B) of section 4513.263 of the Revised Code, or for 70659  
violations of any municipal ordinance that is substantively 70660  
comparable to that division, all of which shall be delivered to 70661  
the treasurer of state as provided in division (E) of section 70662  
4513.263 of the Revised Code. 70663

**Sec. 5503.34.** There is hereby created in the department of 70664  
public safety, division of state highway patrol, a motor carrier 70665  
enforcement unit, to be administered by the superintendent of the 70666  
state highway patrol. This unit shall be responsible for 70667

enforcement of commercial motor vehicle transportation safety, 70668  
~~economic~~, and hazardous materials requirements. 70669

The superintendent, with the approval of the director of 70670  
public safety, may appoint and maintain necessary staff to carry 70671  
out the duties assigned under this section. 70672

Employees of the motor carrier enforcement unit shall 70673  
cooperate with the public utilities commission to enforce 70674  
compliance with orders and rules of the commission, applicable 70675  
laws under Chapters ~~4919~~ 4905., 4921., and 4923. of the Revised 70676  
Code, and any other applicable laws or rules. 70677

Uniformed employees of the motor carrier enforcement unit may 70678  
stop commercial motor vehicles for the exclusive purpose of 70679  
inspecting such vehicles to enforce compliance with orders and 70680  
rules of the public utilities commission as required by division 70681  
(F) of section 5502.01 of the Revised Code. 70682

**Sec. 5516.02.** No advertising device shall be erected or 70683  
maintained within six hundred sixty feet of the edge of the 70684  
right-of-way of a highway on the interstate system except the 70685  
following: 70686

(A) Directional and official signs and notices that conform 70687  
to rules adopted by the director of transportation; 70688

(B) Signs advertising the sale or lease of the property upon 70689  
which they are located; 70690

(C) Advertising devices indicating the name of the business 70691  
or profession conducted on such property or that identify the 70692  
goods produced, sold, or services rendered on such property, and 70693  
that conform to rules adopted by the director; 70694

(D) Advertising devices that are located in commercial or 70695  
industrial zones traversed by segments of the interstate system 70696  
within the boundaries of a municipal corporation as such 70697

boundaries existed on September 21, 1959, and that conform to 70698  
rules adopted by the director; 70699

(E) Advertising devices that are located on the premises of a 70700  
professional sports facility and that conform to rules adopted by 70701  
the director. For a professional sports facility that is located 70702  
on real property owned by the state, the rules of the director 70703  
shall allow an advertising device to be located within three 70704  
hundred fifty feet of the structure of the professional sports 70705  
facility and shall allow an advertising device to have a maximum 70706  
area of five thousand square feet, excluding decorative bases and 70707  
supports. 70708

**Sec. 5516.06.** No advertising device shall be erected or 70709  
maintained within six hundred sixty feet of the edge of the 70710  
right-of-way of a highway on the primary system except the 70711  
following: 70712

(A) Directional and other official signs and notices that 70713  
conform to rules adopted by the director of transportation; 70714

(B) Signs advertising the sale or lease of the property upon 70715  
which they are located; 70716

(C) Advertising devices indicating the name of the business, 70717  
activities, or profession conducted on such property or that 70718  
identify the goods produced, sold, or services rendered on such 70719  
property and that conform to rules adopted by the director; 70720

(D) Precautionary signs relating to the premises; 70721

(E) Signs, displays, or devices which locate, identify, mark, 70722  
or warn of the presence of pipe lines, utility lines, or rail 70723  
lines, and appurtenances thereof, including, but not limited to, 70724  
markers used in the maintenance, operation, observation, and 70725  
safety of said lines; 70726

(F) Advertising devices located in zoned or unzoned 70727

industrial or commercial areas adjacent to highways on the primary 70728  
system that conform to rules adopted by the director; 70729

(G) Signs lawfully in existence on October 22, 1965, that the 70730  
director, subject to the approval of the secretary of the United 70731  
States department of transportation, has determined to be landmark 70732  
signs, including signs on farm structures or natural surfaces, 70733  
which are of historic or artistic significance; 70734

(H) Advertising devices that are located on the premises of a 70735  
professional sports facility and that conform to rules adopted by 70736  
the director. For a professional sports facility that is located 70737  
on real property owned by the state, the rules of the director 70738  
shall allow an advertising device to be located within three 70739  
hundred fifty feet of the structure of the professional sports 70740  
facility and shall allow an advertising device to have a maximum 70741  
area of five thousand square feet, excluding decorative bases and 70742  
supports. 70743

**Sec. 5701.13.** (A) As used in this section: 70744

(1) "Nursing home" means a nursing home or a home for the 70745  
aging, as those terms are defined in section 3721.01 of the 70746  
Revised Code, that is issued a license pursuant to section 3721.02 70747  
of the Revised Code. 70748

(2) "Residential care facility" means a residential care 70749  
facility, as defined in section 3721.01 of the Revised Code, that 70750  
is issued a license pursuant to section 3721.02 of the Revised 70751  
Code. 70752

(3) ~~"Adult care Residential facility" means an adult care a~~ 70753  
~~residential facility as defined in licensed under section 5119.70~~ 70754  
~~5119.22 of the Revised Code that is issued a license pursuant to~~ 70755  
~~section 5119.73 of the Revised Code provides accommodations,~~ 70756  
supervision, and personal care services for three to sixteen 70757



unrelated adults. 70758

(B) As used in Title LVII of the Revised Code, and for the 70759  
purpose of other sections of the Revised Code that refer 70760  
specifically to Chapter 5701. or section 5701.13 of the Revised 70761  
Code, a "home for the aged" means either of the following: 70762

(1) A place of residence for aged and infirm persons that 70763  
satisfies divisions (B)(1)(a) to (e) of this section: 70764

(a) It is a nursing home, residential care facility, or ~~adult~~ 70765  
~~care~~ residential facility. 70766

(b) It is owned by a corporation, unincorporated association, 70767  
or trust of a charitable, religious, or fraternal nature, which is 70768  
organized and operated not for profit, which is not formed for the 70769  
pecuniary gain or profit of, and whose net earnings or any part of 70770  
whose net earnings is not distributable to, its members, trustees, 70771  
officers, or other private persons, and which is exempt from 70772  
federal income taxation under section 501 of the "Internal Revenue 70773  
Code of 1986," 100 Stat. 2085, 26 U.S.C. 1. 70774

(c) It is open to the public without regard to race, color, 70775  
or national origin. 70776

(d) It does not pay, directly or indirectly, compensation for 70777  
services rendered, interest on debts incurred, or purchase price 70778  
for land, building, equipment, supplies, or other goods or 70779  
chattels, which compensation, interest, or purchase price is 70780  
unreasonably high. 70781

(e) It provides services for the life of each resident 70782  
without regard to the resident's ability to continue payment for 70783  
the full cost of the services. 70784

(2) A place of residence that satisfies divisions (B)(1)(b), 70785  
(d), and (e) of this section; that satisfies the definition of 70786  
"nursing home" or "residential care facility" under section 70787

3721.01 of the Revised Code or the definition of "~~adult care~~  
residential facility" under ~~section 5119.70 of the Revised Code~~  
division (A)(3) of this section regardless of whether it is  
licensed as such a home or facility; and that is provided at no  
charge to individuals on account of their service without  
compensation to a charitable, religious, fraternal, or educational  
institution, which individuals are aged or infirm and are members  
of the corporation, association, or trust that owns the place of  
residence. For the purposes of division (B)(2) of this section,  
"compensation" does not include furnishing room and board,  
clothing, health care, or other necessities, or stipends or other  
de minimis payments to defray the cost thereof.

Exemption from taxation shall be accorded, on proper  
application, only to those homes or parts of homes which meet the  
standards and provide the services specified in this section.

Nothing in this section shall be construed as preventing a  
home from requiring a resident with financial need to apply for  
any applicable financial assistance or requiring a home to retain  
a resident who willfully refuses to pay for services for which the  
resident has contracted even though the resident has sufficient  
resources to do so.

(C)(1) If a corporation, unincorporated association, or trust  
described in division (B)(1)(b) of this section is granted a  
certificate of need pursuant to section 3702.52 of the Revised  
Code to construct, add to, or otherwise modify a nursing home, or  
is given approval pursuant to section 3791.04 of the Revised Code  
to construct, add to, or otherwise modify a residential care  
facility or ~~adult care~~ residential facility and if the  
corporation, association, or trust submits an affidavit to the tax  
commissioner stating that, commencing on the date of licensure and  
continuing thereafter, the home or facility will be operated in  
accordance with the requirements of divisions (B)(1)(a) to (e) of

this section, the corporation, association, or trust shall be 70820  
considered to be operating a "home for the aged" within the 70821  
meaning of division (B)(1) of this section, beginning on the first 70822  
day of January of the year in which such certificate is granted or 70823  
approval is given. 70824

(2) If a corporation, association, or trust is considered to 70825  
be operating a "home for the aged" pursuant to division (C)(1) of 70826  
this section, the corporation, association, or trust shall notify 70827  
the tax commissioner in writing upon the occurrence of any of the 70828  
following events: 70829

(a) The corporation, association, or trust no longer intends 70830  
to complete the construction of, addition to, or modification of 70831  
the home or facility, to obtain the appropriate license for the 70832  
home or facility, or to commence operation of the home or facility 70833  
in accordance with the requirements of divisions (B)(1)(a) to (e) 70834  
of this section; 70835

(b) The certificate of approval referred to in division 70836  
(C)(1) of this section expires, is revoked, or is otherwise 70837  
terminated prior to the completion of the construction of, 70838  
addition to, or modification of the home or facility; 70839

(c) The license to operate the home or facility is not 70840  
granted by the director of health within one year following 70841  
completion of the construction of, addition to, or modification of 70842  
the home or facility; 70843

(d) The license to operate the home or facility is not 70844  
granted by the director of health within four years following the 70845  
date upon which the certificate or approval referred to in 70846  
division (C)(1) of this section was granted or given; 70847

(e) The home or facility is granted a license to operate as a 70848  
nursing home, residential care facility, or ~~adult-care~~ residential 70849  
facility. 70850

(3) Upon the occurrence of any of the events referred to in divisions (C)(2)(a), (b), (c), (d), and (e) of this section, the corporation, association, or trust shall no longer be considered to be operating a "home for the aged" pursuant to division (C)(1) of this section, except that the tax commissioner, for good cause shown and to the extent the commissioner considers appropriate, may extend the time period specified in division (C)(2)(c) or (d) of this section, or both. Nothing in division (C)(3) of this section shall be construed to prevent a nursing home, residential care facility, or ~~adult-care~~ residential facility from qualifying as a "home for the aged" if, upon proper application made pursuant to division (B) of this section, it is found to meet the requirements of divisions (A) and (B) of this section.

**Sec. 5703.05.** All powers, duties, and functions of the department of taxation are vested in and shall be performed by the tax commissioner, which powers, duties, and functions shall include, but shall not be limited to, the following:

(A) Prescribing all blank forms which the department is authorized to prescribe, and to provide such forms and distribute the same as required by law and the rules of the department.

(B) Exercising the authority provided by law, including orders from bankruptcy courts, relative to remitting or refunding taxes or assessments, including penalties and interest thereon, illegally or erroneously assessed or collected, or for any other reason overpaid, and in addition, the commissioner may on written application of any person, firm, or corporation claiming to have overpaid to the treasurer of state at any time within five years prior to the making of such application any tax payable under any law which the department of taxation is required to administer which does not contain any provision for refund, or on the commissioner's own motion investigate the facts and make in

triplicate a written statement of the commissioner's findings, 70882  
and, if the commissioner finds that there has been an overpayment, 70883  
issue in triplicate a certificate of abatement payable to the 70884  
taxpayer, the taxpayer's assigns, or legal representative which 70885  
shows the amount of the overpayment and the kind of tax overpaid. 70886  
One copy of such statement shall be entered on the journal of the 70887  
commissioner, one shall be certified to the attorney general, and 70888  
one certified copy shall be delivered to the taxpayer. All copies 70889  
of the certificate of abatement shall be transmitted to the 70890  
attorney general, and if the attorney general finds it to be 70891  
correct the attorney general shall so certify on each copy, and 70892  
deliver one copy to the taxpayer, one copy to the commissioner, 70893  
and the third copy to the treasurer of state. Except as provided 70894  
in ~~sections~~ section 5725.08 ~~and 5725.16~~ of the Revised Code, the 70895  
taxpayer's copy of any certificates of abatement may be tendered 70896  
by the payee or transferee thereof to the treasurer of state, or 70897  
to the commissioner on behalf of the treasurer, as payment, to the 70898  
extent of the amount thereof, of any tax payable to the treasurer 70899  
of state. 70900

(C) Exercising the authority provided by law relative to 70901  
consenting to the compromise and settlement of tax claims; 70902

(D) Exercising the authority provided by law relative to the 70903  
use of alternative tax bases by taxpayers in the making of 70904  
personal property tax returns; 70905

(E) Exercising the authority provided by law relative to 70906  
authorizing the prepayment of taxes on retail sales of tangible 70907  
personal property or on the storage, use, or consumption of 70908  
personal property, and waiving the collection of such taxes from 70909  
the consumers; 70910

(F) Exercising the authority provided by law to revoke 70911  
licenses; 70912

(G) Maintaining a continuous study of the practical operation 70913  
of all taxation and revenue laws of the state, the manner in which 70914  
and extent to which such laws provide revenues for the support of 70915  
the state and its political subdivisions, the probable effect upon 70916  
such revenue of possible changes in existing laws, and the 70917  
possible enactment of measures providing for other forms of 70918  
taxation. For this purpose the commissioner may establish and 70919  
maintain a division of research and statistics, and may appoint 70920  
necessary employees who shall be in the unclassified civil 70921  
service; the results of such study shall be available to the 70922  
members of the general assembly and the public. 70923

(H) Making all tax assessments, valuations, findings, 70924  
determinations, computations, and orders the department of 70925  
taxation is by law authorized and required to make and, pursuant 70926  
to time limitations provided by law, on the commissioner's own 70927  
motion, reviewing, redetermining, or correcting any tax 70928  
assessments, valuations, findings, determinations, computations, 70929  
or orders the commissioner has made, but the commissioner shall 70930  
not review, redetermine, or correct any tax assessment, valuation, 70931  
finding, determination, computation, or order which the 70932  
commissioner has made as to which an appeal or application for 70933  
rehearing, review, redetermination, or correction has been filed 70934  
with the board of tax appeals, unless such appeal or application 70935  
is withdrawn by the appellant or applicant or dismissed; 70936

(I) Appointing not more than five deputy tax commissioners, 70937  
who, under such regulations as the rules of the department of 70938  
taxation prescribe, may act for the commissioner in the 70939  
performance of such duties as the commissioner prescribes in the 70940  
administration of the laws which the commissioner is authorized 70941  
and required to administer, and who shall serve in the 70942  
unclassified civil service at the pleasure of the commissioner, 70943  
but if a person who holds a position in the classified service is 70944

appointed, it shall not affect the civil service status of such 70945  
person. The commissioner may designate not more than two of the 70946  
deputy commissioners to act as commissioner in case of the 70947  
absence, disability, or recusal of the commissioner or vacancy in 70948  
the office of commissioner. The commissioner may adopt rules 70949  
relating to the order of precedence of such designated deputy 70950  
commissioners and to their assumption and administration of the 70951  
office of commissioner. 70952

(J) Appointing and prescribing the duties of all other 70953  
employees of the department of taxation necessary in the 70954  
performance of the work of the department which the tax 70955  
commissioner is by law authorized and required to perform, and 70956  
creating such divisions or sections of employees as, in the 70957  
commissioner's judgment, is proper; 70958

(K) Organizing the work of the department, which the 70959  
commissioner is by law authorized and required to perform, so 70960  
that, in the commissioner's judgment, an efficient and economical 70961  
administration of the laws will result; 70962

(L) Maintaining a journal, which is open to public 70963  
inspection, in which the tax commissioner shall keep a record of 70964  
all final determinations of the commissioner; 70965

(M) Adopting and promulgating, in the manner provided by 70966  
section 5703.14 of the Revised Code, all rules of the department, 70967  
including rules for the administration of sections 3517.16, 70968  
3517.17, and 5747.081 of the Revised Code; 70969

(N) Destroying any or all returns or assessment certificates 70970  
in the manner authorized by law; 70971

(O) Adopting rules, in accordance with division (B) of 70972  
section 325.31 of the Revised Code, governing the expenditure of 70973  
moneys from the real estate assessment fund under that division. 70974

**Sec. 5705.08.** On or before the first Monday in May of each year, the fiscal officer of each subdivision ~~that is not a, except~~ school ~~district~~ districts and the city of Cincinnati, shall certify to its taxing authority the amount necessary to provide for the payment of final judgments against the subdivision, except in condemnation of property cases. The taxing authority shall place such certified amount in each budget and in the annual appropriation measure for the full amount certified.

On or before the first Monday in November of each year, the fiscal officer of the city of Cincinnati and of each school district shall certify to its ~~board of education~~ taxing authority the amount necessary to provide for the payment of final judgments against the ~~district~~ subdivision, except in condemnation of property cases. The ~~board of education~~ taxing authority shall place such certified amount in each budget and in the annual appropriation measure for the full amount certified.

**Sec. 5705.19.** This section does not apply to school districts or county school financing districts.

The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code



shall not exceed two mills and that the total levy for current 71005  
expenses of a combined district organized under sections 2151.65 71006  
and 2152.41 of the Revised Code shall not exceed four mills; 71007

(B) For the payment of debt charges on certain described 71008  
bonds, notes, or certificates of indebtedness of the subdivision 71009  
issued subsequent to January 1, 1925; 71010

(C) For the debt charges on all bonds, notes, and 71011  
certificates of indebtedness issued and authorized to be issued 71012  
prior to January 1, 1925; 71013

(D) For a public library of, or supported by, the subdivision 71014  
under whatever law organized or authorized to be supported; 71015

(E) For a municipal university, not to exceed two mills over 71016  
the limitation of one mill prescribed in section 3349.13 of the 71017  
Revised Code; 71018

(F) For the construction or acquisition of any specific 71019  
permanent improvement or class of improvements that the taxing 71020  
authority of the subdivision may include in a single bond issue; 71021

(G) For the general construction, reconstruction, 71022  
resurfacing, and repair of streets, roads, and bridges in 71023  
municipal corporations, counties, or townships; 71024

(H) For parks and recreational purposes; 71025

(I) For the purpose of providing and maintaining fire 71026  
apparatus, appliances, buildings, or sites therefor, or sources of 71027  
water supply and materials therefor, or the establishment and 71028  
maintenance of lines of fire alarm telegraph, or the payment of 71029  
firefighting companies or permanent, part-time, or volunteer 71030  
firefighting, emergency medical service, administrative, or 71031  
communications personnel to operate the same, including the 71032  
payment of any employer contributions required for such personnel 71033  
under section 145.48 or 742.34 of the Revised Code, or the 71034

purchase of ambulance equipment, or the provision of ambulance, 71035  
paramedic, or other emergency medical services operated by a fire 71036  
department or firefighting company; 71037

(J) For the purpose of providing and maintaining motor 71038  
vehicles, communications, other equipment, buildings, and sites 71039  
for such buildings used directly in the operation of a police 71040  
department, or the payment of salaries of permanent or part-time 71041  
police, communications, or administrative personnel to operate the 71042  
same, including the payment of any employer contributions required 71043  
for such personnel under section 145.48 or 742.33 of the Revised 71044  
Code, or the payment of the costs incurred by townships as a 71045  
result of contracts made with other political subdivisions in 71046  
order to obtain police protection, or the provision of ambulance 71047  
or emergency medical services operated by a police department; 71048

(K) For the maintenance and operation of a county home or 71049  
detention facility; 71050

(L) For community mental retardation and developmental 71051  
disabilities programs and services pursuant to Chapter 5126. of 71052  
the Revised Code, except that the procedure for such levies shall 71053  
be as provided in section 5705.222 of the Revised Code; 71054

(M) For regional planning; 71055

(N) For a county's share of the cost of maintaining and 71056  
operating schools, district detention facilities, forestry camps, 71057  
or other facilities, or any combination thereof, established under 71058  
section 2151.65 or 2152.41 of the Revised Code or both of those 71059  
sections; 71060

(O) For providing for flood defense, providing and 71061  
maintaining a flood wall or pumps, and other purposes to prevent 71062  
floods; 71063

(P) For maintaining and operating sewage disposal plants and 71064  
facilities; 71065

(Q) For the purpose of purchasing, acquiring, constructing,	71066
enlarging, improving, equipping, repairing, maintaining, or	71067
operating, or any combination of the foregoing, a county transit	71068
system pursuant to sections 306.01 to 306.13 of the Revised Code,	71069
or of making any payment to a board of county commissioners	71070
operating a transit system or a county transit board pursuant to	71071
section 306.06 of the Revised Code;	71072
(R) For the subdivision's share of the cost of acquiring or	71073
constructing any schools, forestry camps, detention facilities, or	71074
other facilities, or any combination thereof, under section	71075
2151.65 or 2152.41 of the Revised Code or both of those sections;	71076
(S) For the prevention, control, and abatement of air	71077
pollution;	71078
(T) For maintaining and operating cemeteries;	71079
(U) For providing ambulance service, emergency medical	71080
service, or both;	71081
(V) For providing for the collection and disposal of garbage	71082
or refuse, including yard waste;	71083
(W) For the payment of the police officer employers'	71084
contribution or the firefighter employers' contribution required	71085
under sections 742.33 and 742.34 of the Revised Code;	71086
(X) For the construction and maintenance of a drainage	71087
improvement pursuant to section 6131.52 of the Revised Code;	71088
(Y) For providing or maintaining senior citizens services or	71089
facilities as authorized by section 307.694, 307.85, 505.70, or	71090
505.706 or division (EE) of section 717.01 of the Revised Code;	71091
(Z) For the provision and maintenance of zoological park	71092
services and facilities as authorized under section 307.76 of the	71093
Revised Code;	71094
(AA) For the maintenance and operation of a free public	71095

museum of art, science, or history; 71096

(BB) For the establishment and operation of a 9-1-1 system, 71097  
as defined in section 4931.40 of the Revised Code; 71098

(CC) For the purpose of acquiring, rehabilitating, or 71099  
developing rail property or rail service. As used in this 71100  
division, "rail property" and "rail service" have the same 71101  
meanings as in section 4981.01 of the Revised Code. This division 71102  
applies only to a county, township, or municipal corporation. 71103

(DD) For the purpose of acquiring property for, constructing, 71104  
operating, and maintaining community centers as provided for in 71105  
section 755.16 of the Revised Code; 71106

(EE) For the creation and operation of an office or joint 71107  
office of economic development, for any economic development 71108  
purpose of the office, and to otherwise provide for the 71109  
establishment and operation of a program of economic development 71110  
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 71111  
the extent that the expenses of a county land reutilization 71112  
corporation organized under Chapter 1724. of the Revised Code are 71113  
found by the board of county commissioners to constitute the 71114  
promotion of economic development, for the payment of such 71115  
operations and expenses; 71116

(FF) For the purpose of acquiring, establishing, 71117  
constructing, improving, equipping, maintaining, or operating, or 71118  
any combination of the foregoing, a township airport, landing 71119  
field, or other air navigation facility pursuant to section 505.15 71120  
of the Revised Code; 71121

(GG) For the payment of costs incurred by a township as a 71122  
result of a contract made with a county pursuant to section 71123  
505.263 of the Revised Code in order to pay all or any part of the 71124  
cost of constructing, maintaining, repairing, or operating a water 71125  
supply improvement; 71126

(HH) For a board of township trustees to acquire, other than 71127  
by appropriation, an ownership interest in land, water, or 71128  
wetlands, or to restore or maintain land, water, or wetlands in 71129  
which the board has an ownership interest, not for purposes of 71130  
recreation, but for the purposes of protecting and preserving the 71131  
natural, scenic, open, or wooded condition of the land, water, or 71132  
wetlands against modification or encroachment resulting from 71133  
occupation, development, or other use, which may be styled as 71134  
protecting or preserving "greenspace" in the resolution, notice of 71135  
election, or ballot form. Except as otherwise provided in this 71136  
division, land is not acquired for purposes of recreation, even if 71137  
the land is used for recreational purposes, so long as no 71138  
building, structure, or fixture used for recreational purposes is 71139  
permanently attached or affixed to the land. Except as otherwise 71140  
provided in this division, land that previously has been acquired 71141  
in a township for these greenspace purposes may subsequently be 71142  
used for recreational purposes if the board of township trustees 71143  
adopts a resolution approving that use and no building, structure, 71144  
or fixture used for recreational purposes is permanently attached 71145  
or affixed to the land. The authorization to use greenspace land 71146  
for recreational use does not apply to land located in a township 71147  
that had a population, at the time it passed its first greenspace 71148  
levy, of more than thirty-eight thousand within a county that had 71149  
a population, at that time, of at least eight hundred sixty 71150  
thousand. 71151

(II) For the support by a county of a crime victim assistance 71152  
program that is provided and maintained by a county agency or a 71153  
private, nonprofit corporation or association under section 307.62 71154  
of the Revised Code; 71155

(JJ) For any or all of the purposes set forth in divisions 71156  
(I) and (J) of this section. This division applies only to a 71157  
township. 71158

(KK) For a countywide public safety communications system	71159
under section 307.63 of the Revised Code. This division applies	71160
only to counties.	71161
(LL) For the support by a county of criminal justice services	71162
under section 307.45 of the Revised Code;	71163
(MM) For the purpose of maintaining and operating a jail or	71164
other detention facility as defined in section 2921.01 of the	71165
Revised Code;	71166
(NN) For purchasing, maintaining, or improving, or any	71167
combination of the foregoing, real estate on which to hold	71168
agricultural fairs. This division applies only to a county.	71169
(OO) For constructing, rehabilitating, repairing, or	71170
maintaining sidewalks, walkways, trails, bicycle pathways, or	71171
similar improvements, or acquiring ownership interests in land	71172
necessary for the foregoing improvements;	71173
(PP) For both of the purposes set forth in divisions (G) and	71174
(OO) of this section.	71175
(QQ) For both of the purposes set forth in divisions (H) and	71176
(HH) of this section. This division applies only to a township.	71177
(RR) For the legislative authority of a municipal	71178
corporation, board of county commissioners of a county, or board	71179
of township trustees of a township to acquire agricultural	71180
easements, as defined in section 5301.67 of the Revised Code, and	71181
to supervise and enforce the easements.	71182
(SS) For both of the purposes set forth in divisions (BB) and	71183
(KK) of this section. This division applies only to a county.	71184
(TT) For the maintenance and operation of a facility that is	71185
organized in whole or in part to promote the sciences and natural	71186
history under section 307.761 of the Revised Code.	71187
(UU) For the creation and operation of a county land	71188

reutilization corporation and for any programs or activities of 71189  
the corporation found by the board of directors of the corporation 71190  
to be consistent with the purposes for which the corporation is 71191  
organized; 71192

(VV) For construction and maintenance of improvements and 71193  
expenses of soil and water conservation district programs under 71194  
Chapter 1515. of the Revised Code; 71195

(WW) For the Ohio cooperative extension service fund created 71196  
under section 3335.35 of the Revised Code for the purposes 71197  
prescribed under section 3335.36 of the Revised Code for the 71198  
benefit of the citizens of a county. This division applies only to 71199  
a county. 71200

(XX) For a municipal corporation that withdraws or proposes 71201  
by resolution to withdraw from a regional transit authority under 71202  
section 306.55 of the Revised Code to provide transportation 71203  
services for the movement of persons within, from, or to the 71204  
municipal corporation. 71205

The resolution shall be confined to the purpose or purposes 71206  
described in one division of this section, to which the revenue 71207  
derived therefrom shall be applied. The existence in any other 71208  
division of this section of authority to levy a tax for any part 71209  
or all of the same purpose or purposes does not preclude the use 71210  
of such revenues for any part of the purpose or purposes of the 71211  
division under which the resolution is adopted. 71212

The resolution shall specify the amount of the increase in 71213  
rate that it is necessary to levy, the purpose of that increase in 71214  
rate, and the number of years during which the increase in rate 71215  
shall be in effect, which may or may not include a levy upon the 71216  
duplicate of the current year. The number of years may be any 71217  
number not exceeding five, except as follows: 71218

(1) When the additional rate is for the payment of debt 71219

charges, the increased rate shall be for the life of the 71220  
indebtedness. 71221

(2) When the additional rate is for any of the following, the 71222  
increased rate shall be for a continuing period of time: 71223

(a) For the current expenses for a detention facility 71224  
district, a district organized under section 2151.65 of the 71225  
Revised Code, or a combined district organized under sections 71226  
2151.65 and 2152.41 of the Revised Code; 71227

(b) For providing a county's share of the cost of maintaining 71228  
and operating schools, district detention facilities, forestry 71229  
camps, or other facilities, or any combination thereof, 71230  
established under section 2151.65 or 2152.41 of the Revised Code 71231  
or under both of those sections. 71232

(3) When the additional rate is for either of the following, 71233  
the increased rate may be for a continuing period of time: 71234

(a) For the purposes set forth in division (I), (J), (U), or 71235  
(KK) of this section; 71236

(b) For the maintenance and operation of a joint recreation 71237  
district. 71238

(4) When the increase is for the purpose or purposes set 71239  
forth in division (D), (G), (H), (CC), or (PP) of this section, 71240  
the tax levy may be for any specified number of years or for a 71241  
continuing period of time, as set forth in the resolution. 71242

(5) When the additional rate is for the purpose described in 71243  
division (Z) of this section, the increased rate shall be for any 71244  
number of years not exceeding ten. 71245

A levy for one of the purposes set forth in division (G), 71246  
(I), (J), or (U) of this section may be reduced pursuant to 71247  
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 71248  
the purposes set forth in division (G), (I), (J), or (U) of this 71249



section may also be terminated or permanently reduced by the 71250  
taxing authority if it adopts a resolution stating that the 71251  
continuance of the levy is unnecessary and the levy shall be 71252  
terminated or that the millage is excessive and the levy shall be 71253  
decreased by a designated amount. 71254

A resolution of a detention facility district, a district 71255  
organized under section 2151.65 of the Revised Code, or a combined 71256  
district organized under both sections 2151.65 and 2152.41 of the 71257  
Revised Code may include both current expenses and other purposes, 71258  
provided that the resolution shall apportion the annual rate of 71259  
levy between the current expenses and the other purpose or 71260  
purposes. The apportionment need not be the same for each year of 71261  
the levy, but the respective portions of the rate actually levied 71262  
each year for the current expenses and the other purpose or 71263  
purposes shall be limited by the apportionment. 71264

Whenever a board of county commissioners, acting either as 71265  
the taxing authority of its county or as the taxing authority of a 71266  
sewer district or subdistrict created under Chapter 6117. of the 71267  
Revised Code, by resolution declares it necessary to levy a tax in 71268  
excess of the ten-mill limitation for the purpose of constructing, 71269  
improving, or extending sewage disposal plants or sewage systems, 71270  
the tax may be in effect for any number of years not exceeding 71271  
twenty, and the proceeds of the tax, notwithstanding the general 71272  
provisions of this section, may be used to pay debt charges on any 71273  
obligations issued and outstanding on behalf of the subdivision 71274  
for the purposes enumerated in this paragraph, provided that any 71275  
such obligations have been specifically described in the 71276  
resolution. 71277

A resolution adopted by the legislative authority of a 71278  
municipal corporation that is for the purpose in division (XX) of 71279  
this section may be combined with the purpose provided in section 71280  
306.55 of the Revised Code, by vote of two-thirds of all members 71281

of the legislative authority. The legislative authority may 71282  
certify the resolution to the board of elections as a combined 71283  
question. The question appearing on the ballot shall be as 71284  
provided in section 5705.252 of the Revised Code. 71285

The resolution shall go into immediate effect upon its 71286  
passage, and no publication of the resolution is necessary other 71287  
than that provided for in the notice of election. 71288

When the electors of a subdivision have approved a tax levy 71289  
under this section, the taxing authority of the subdivision may 71290  
anticipate a fraction of the proceeds of the levy and issue 71291  
anticipation notes in accordance with section 5705.191 or 5705.193 71292  
of the Revised Code. 71293

**Sec. 5705.25.** (A) A copy of any resolution adopted as 71294  
provided in section 5705.19 or 5705.2111 of the Revised Code shall 71295  
be certified by the taxing authority to the board of elections of 71296  
the proper county not less than ninety days before the general 71297  
election in any year, and the board shall submit the proposal to 71298  
the electors of the subdivision at the succeeding November 71299  
election. Except as otherwise provided in this division, a 71300  
resolution to renew an existing levy, regardless of the section of 71301  
the Revised Code under which the tax was imposed, shall not be 71302  
placed on the ballot unless the question is submitted at the 71303  
general election held during the last year the tax to be renewed 71304  
or replaced may be extended on the real and public utility 71305  
property tax list and duplicate, or at any election held in the 71306  
ensuing year. The limitation of the foregoing sentence does not 71307  
apply to a resolution to renew and increase or to renew part of an 71308  
existing levy that was imposed under section 5705.191 of the 71309  
Revised Code to supplement the general fund for the purpose of 71310  
making appropriations for one or more of the following purposes: 71311  
for public assistance, human or social services, relief, welfare, 71312

hospitalization, health, and support of general hospitals. The 71313  
limitation of the second preceding sentence also does not apply to 71314  
a resolution that proposes to renew two or more existing levies 71315  
imposed under section 5705.21 of the Revised Code, in which case 71316  
the question shall be submitted on the date of the general or 71317  
primary election held during the last year at least one of the 71318  
levies to be renewed may be extended on the real and public 71319  
utility property tax list and duplicate, or at any election held 71320  
during the ensuing year. For purposes of this section, a levy 71321  
shall be considered to be an "existing levy" through the year 71322  
following the last year it can be placed on that tax list and 71323  
duplicate. 71324

The board shall make the necessary arrangements for the 71325  
submission of such questions to the electors of such subdivision, 71326  
and the election shall be conducted, canvassed, and certified in 71327  
the same manner as regular elections in such subdivision for the 71328  
election of county officers. Notice of the election shall be 71329  
published in a newspaper of general circulation in the subdivision 71330  
once a week for two consecutive weeks, or as provided in section 71331  
7.16 of the Revised Code, prior to the election. If the board of 71332  
elections operates and maintains a web site, the board of 71333  
elections shall post notice of the election on its web site for 71334  
thirty days prior to the election. The notice shall state the 71335  
purpose, the proposed increase in rate expressed in dollars and 71336  
cents for each one hundred dollars of valuation as well as in 71337  
mills for each one dollar of valuation, the number of years during 71338  
which the increase will be in effect, the first month and year in 71339  
which the tax will be levied, and the time and place of the 71340  
election. 71341

(B) The form of the ballots cast at an election held pursuant 71342  
to division (A) of this section shall be as follows: 71343

"An additional tax for the benefit of (name of subdivision or 71344

public library) ..... for the purpose of (purpose stated in 71345  
 the resolution) ..... at a rate not exceeding ..... mills 71346  
 for each one dollar of valuation, which amounts to (rate expressed 71347  
 in dollars and cents) ..... for each one hundred dollars of 71348  
 valuation, for ..... (life of indebtedness or number of years the 71349  
 levy is to run). 71350

	For the Tax Levy	
	Against the Tax Levy	"

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 71353  
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(C) If the levy is to be in effect for a continuing period of 71355  
 time, the notice of election and the form of ballot shall so state 71356  
 instead of setting forth a specified number of years for the levy. 71357

If the tax is to be placed on the current tax list, the form 71358  
 of the ballot shall be modified by adding, after the statement of 71359  
 the number of years the levy is to run, the phrase ", commencing 71360  
 in ..... (first year the tax is to be levied), first due in 71361  
 calendar year ..... (first calendar year in which the tax 71362  
 shall be due)." 71363

If the levy submitted is a proposal to renew, increase, or 71364  
 decrease an existing levy, the form of the ballot specified in 71365  
 division (B) of this section may be changed by substituting for 71366  
 the words "An additional" at the beginning of the form, the words 71367  
 "A renewal of a" in case of a proposal to renew an existing levy 71368  
 in the same amount; the words "A renewal of ..... mills and an 71369  
 increase of ..... mills to constitute a" in the case of an 71370  
 increase; or the words "A renewal of part of an existing levy, 71371  
 being a reduction of ..... mills, to constitute a" in the case of 71372  
 a decrease in the proposed levy. 71373

If the levy submitted is a proposal to renew two or more 71374  
 existing levies imposed under section 5705.21 of the Revised Code, 71375

the form of the ballot specified in division (B) of this section 71376  
shall be modified by substituting for the words "an additional 71377  
tax" the words "a renewal of ....(insert the number of levies to 71378  
be renewed) existing taxes." 71379

If the levy submitted is a levy under section 5705.72 of the 71380  
Revised Code or a proposal to renew, increase, or decrease an 71381  
existing levy imposed under that section, the name of the 71382  
subdivision shall be "the unincorporated area of ..... (name 71383  
of township)." 71384

The question covered by such resolution shall be submitted as 71385  
a separate proposition but may be printed on the same ballot with 71386  
any other proposition submitted at the same election, other than 71387  
the election of officers. More than one such question may be 71388  
submitted at the same election. 71389

(D) A levy voted in excess of the ten-mill limitation under 71390  
this section shall be certified to the tax commissioner. In the 71391  
first year of the levy, it shall be extended on the tax lists 71392  
after the February settlement succeeding the election. If the 71393  
additional tax is to be placed upon the tax list of the current 71394  
year, as specified in the resolution providing for its submission, 71395  
the result of the election shall be certified immediately after 71396  
the canvass by the board of elections to the taxing authority, who 71397  
shall make the necessary levy and certify it to the county 71398  
auditor, who shall extend it on the tax lists for collection. 71399  
After the first year, the tax levy shall be included in the annual 71400  
tax budget that is certified to the county budget commission. 71401

Sec. 5705.252. (A) If the legislative authority of a 71402  
municipal corporation adopts a resolution for the purposes 71403  
provided in section 306.55 of the Revised Code and division (XX) 71404  
of section 5705.19 of the Revised Code and certifies the 71405  
resolution to the board of elections as a combined question, the 71406

question appearing on the ballot shall read: 71407

"Shall the territory within the ..... (name of municipal corporation) be withdrawn from ..... (name of regional transit authority) and shall an additional tax be levied for the benefit of ..... (name of municipal corporation) ..... for the purpose of providing transportation services for the movement of persons within, from, or to the ..... (name of municipal corporation) at a rate not exceeding ..... mills for each one dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (number of years the levy is to run)?" 71408  
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(B) If the board of trustees of a township adopts a resolution for the purposes provided in sections 306.55 and 5705.72 of the Revised Code and certifies the resolution to the board of elections as a combined question, the question appearing on the ballot in the unincorporated area of the township shall read: 71418  
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"Shall the territory within the unincorporated area of ..... (name of township) be withdrawn from ..... (name of regional transit authority) and shall an additional tax be levied for the benefit of the unincorporated area of ..... (name of township) for the purpose of providing transportation services for the movement of persons within, from, or to the unincorporated area of ..... (name of township) at a rate not exceeding ..... mills for each one dollar of valuation, which amounts to ..... (rate expressed in dollars and cents) for each one hundred dollars of valuation, for ..... (number of years the levy is to run)?" 71424  
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**Sec. 5705.28.** (A) Except as provided in division (B)(1) or (2) of this section or in section 5705.281 of the Revised Code, the taxing authority of each subdivision or other taxing unit shall adopt a tax budget for the next succeeding fiscal year: 71434  
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(1) On or before the fifteenth day of January in the case of 71438  
a school ~~district~~ districts and the city of Cincinnati; 71439

(2) On or before the fifteenth day of July in the case of all 71440  
other subdivisions and taxing units. 71441

(B)(1) Before the first day of June in each year, the board 71442  
of trustees of a school library district entitled to participate 71443  
in any appropriation or revenue of a school district or to have a 71444  
tax proposed by the board of education of a school district shall 71445  
file with the board of education of the school district a tax 71446  
budget for the ensuing fiscal year. On or before the fifteenth day 71447  
of July in each year, the board of education of a school district 71448  
to which a school library district tax budget was submitted under 71449  
this division shall adopt such tax budget on behalf of the library 71450  
district, but such budget shall not be part of the school 71451  
district's tax budget. 71452

(2)(a) The taxing authority of a taxing unit that does not 71453  
levy a tax is not required to adopt a tax budget pursuant to 71454  
division (A) of this section. Instead, on or before the fifteenth 71455  
day of July each year, such taxing authority shall adopt an 71456  
operating budget for the taxing unit for the ensuing fiscal year. 71457  
The operating budget shall include an estimate of receipts from 71458  
all sources, a statement of all taxing unit expenses that are 71459  
anticipated to occur, and the amount required for debt charges 71460  
during the fiscal year. The operating budget is not required to be 71461  
filed with the county auditor or the county budget commission. 71462

(b) Except for this section and sections 5705.36, 5705.38, 71463  
5705.40, 5705.41, 5705.43, 5705.44, and 5705.45 of the Revised 71464  
Code, a taxing unit that does not levy a tax is not a taxing unit 71465  
for purposes of Chapter 5705. of the Revised Code. Documents 71466  
prepared in accordance with such sections are not required to be 71467  
filed with the county auditor or county budget commission. 71468

(c) The total appropriations from each fund of a taxing unit 71469  
that does not levy a tax shall not exceed the total estimated 71470  
revenue available for expenditures from the fund, and 71471  
appropriations shall be made from each fund only for the purposes 71472  
for which the fund is established. 71473

(C)(1) To assist in the preparation of the tax budget, the 71474  
head of each department, board, commission, and district authority 71475  
entitled to participate in any appropriation or revenue of a 71476  
subdivision shall file with the taxing authority, or in the case 71477  
of a municipal corporation, with its chief executive officer, 71478  
before the forty-fifth day prior to the date on which the budget 71479  
must be adopted, an estimate of contemplated revenue and 71480  
expenditures for the ensuing fiscal year, in such form as is 71481  
prescribed by the taxing authority of the subdivision or by the 71482  
auditor of state. The taxing authority shall include in its budget 71483  
of expenditures the full amounts requested by district 71484  
authorities, not to exceed the amount authorized by law, if such 71485  
authorities may fix the amount of revenue they are to receive from 71486  
the subdivision. In a municipal corporation in which a special 71487  
levy for a municipal university has been authorized to be levied 71488  
in excess of the ten-mill limitation, or is required by the 71489  
charter of the municipal corporation, the taxing authority shall 71490  
include an amount not less than the estimated yield of such levy, 71491  
if such amount is requested by the board of directors of the 71492  
municipal university. 71493

(2) A county board of developmental disabilities may include 71494  
within its estimate of contemplated revenue and expenditures a 71495  
reserve balance account in the community developmental 71496  
disabilities residential services fund. The account shall contain 71497  
money that is not needed to pay for current expenses for 71498  
residential services and supported living but will be needed to 71499  
pay for expenses for such services in the future or may be needed 71500



for unanticipated emergency expenses. On the request of the county 71501  
board of developmental disabilities, the board of county 71502  
commissioners shall include such an account in its budget of 71503  
expenditures and appropriate money to the account from residential 71504  
service moneys for the county board. 71505

(D) The board of trustees of any public library desiring to 71506  
participate in the distribution of the county public library fund 71507  
shall adopt appropriate rules extending the benefits of the 71508  
library service of such library to all the inhabitants of the 71509  
county on equal terms, unless such library service is by law 71510  
available to all such inhabitants, and shall certify a copy of 71511  
such rules to the taxing authority with its estimate of 71512  
contemplated revenue and expenditures. Where such rules have been 71513  
so certified or where the adoption of such rules is not required, 71514  
the taxing authority shall include in its budget of receipts such 71515  
amounts as are specified by such board as contemplated revenue 71516  
from the county public library fund, and in its budget of 71517  
expenditures the full amounts requested therefrom by such board. 71518  
No library association, incorporated or unincorporated, is 71519  
entitled to participate in the proceeds of the county public 71520  
library fund unless such association both was organized and 71521  
operating prior to January 1, 1968, and participated in the 71522  
distribution of the proceeds of the county public library fund 71523  
prior to December 31, 2005. 71524

**Sec. 5705.30.** This section does not apply to a subdivision 71525  
for which the county budget commission has waived the requirement 71526  
to adopt a tax budget under section 5705.281 of the Revised Code. 71527

In addition to the information required by section 5705.29 of 71528  
the Revised Code, the budget of each subdivision and school 71529  
library district shall include such other information as is 71530  
prescribed by the auditor of state. At least two copies of the 71531

budget shall be filed in the office of the fiscal officer of the 71532  
subdivision for public inspection not less than ten days before 71533  
its adoption by the taxing authority, and such taxing authority 71534  
shall hold at least one public hearing thereon, of which public 71535  
notice shall be given by at least one publication not less than 71536  
ten days prior to the date of hearing in the official publication 71537  
of such subdivision, or in a newspaper having general circulation 71538  
in the subdivision. The budget, after adoption, shall be submitted 71539  
to the county auditor on or before the twentieth day of July, or 71540  
in the case of a school district or the city of Cincinnati, by the 71541  
twentieth day of January. The tax commissioner may prescribe a 71542  
later date for the submission of a subdivision's tax budget. Any 71543  
subdivision that fails to submit its budget to the county auditor 71544  
on or before the ~~twentieth day of July, unless the commissioner on~~ 71545  
~~or before the twentieth day of July prescribes~~ date prescribed by 71546  
this section or a later date for submission of the budget by that 71547  
~~subdivision, prescribed by the commissioner~~ shall not receive an 71548  
apportionment from the undivided local government fund 71549  
distribution for the ensuing calendar year, ~~unless upon review of~~ 71550  
~~the matter~~ the commissioner determines that the budget was adopted 71551  
by the subdivision on or before the ~~fifteenth~~ fifth day of ~~July~~ 71552  
before the date prescribed by this section for submitting the 71553  
budget, but was not submitted ~~to the county auditor~~ by the 71554  
~~twentieth day of July~~ date so prescribed or the later time 71555  
prescribed by the commissioner because of ministerial error by the 71556  
subdivision or its officers, employees, or other representatives. 71557

**Sec. 5705.34.** When the budget commission has completed its 71558  
work with respect to a tax budget or other information required to 71559  
be provided under section 5705.281 of the Revised Code, it shall 71560  
certify its action to the taxing authority, together with an 71561  
estimate by the county auditor of the rate of each tax necessary 71562  
to be levied by the taxing authority within its subdivision or 71563

taxing unit, and what part thereof is in excess of, and what part 71564  
within, the ten-mill tax limitation. The certification shall also 71565  
indicate the date on which each tax levied by the taxing authority 71566  
will expire. 71567

If a taxing authority levies a tax for a fixed sum of money 71568  
or to pay debt charges for the tax year for which the tax budget 71569  
is prepared, and a payment on account of that tax is payable to 71570  
the taxing authority for the tax year under section 5727.85, 71571  
5727.86, 5751.21, or 5751.22 of the Revised Code, the county 71572  
auditor, when estimating the rate at which the tax shall be levied 71573  
in the current year, shall estimate the rate necessary to raise 71574  
the required sum less the estimated amount of any payments made 71575  
for the tax year to a taxing unit for fixed-sum levies under those 71576  
sections. The estimated rate shall be the rate of the levy that 71577  
the budget commission certifies with its action under this 71578  
section. 71579

Each taxing authority, by ordinance or resolution, shall 71580  
authorize the necessary tax levies and certify them to the county 71581  
auditor before the first day of October in each year, or at such 71582  
later date as is approved by the tax commissioner, except that the 71583  
certification by the legislative authority of the city of 71584  
Cincinnati or by a board of education shall be made by the first 71585  
day of April or at such later date as is approved by the 71586  
commissioner, and except that a township board of park 71587  
commissioners that is appointed by the board of township trustees 71588  
and oversees a township park district that contains only 71589  
unincorporated territory shall authorize only those taxes approved 71590  
by, and only at the rate approved by, the board of township 71591  
trustees as required by division (C) of section 511.27 of the 71592  
Revised Code. If the levying of a tax to be placed on the 71593  
duplicate of the current year is approved by the electors of the 71594  
subdivision under sections 5705.01 to 5705.47 of the Revised Code; 71595

if the rate of a school district tax is increased due to the 71596  
repeal of a school district income tax and property tax rate 71597  
reduction at an election held pursuant to section 5748.04 of the 71598  
Revised Code; or if refunding bonds to refund all or a part of the 71599  
principal of bonds payable from a tax levy for the ensuing fiscal 71600  
year are issued or sold and in the process of delivery, the budget 71601  
commission shall reconsider and revise its action on the budget of 71602  
the subdivision or school library district for whose benefit the 71603  
tax is to be levied after the returns of such election are fully 71604  
canvassed, or after the issuance or sale of such refunding bonds 71605  
is certified to it. 71606

**Sec. 5705.35.** (A) The certification of the budget commission 71607  
to the taxing authority of each subdivision or taxing unit, as set 71608  
forth in section 5705.34 of the Revised Code, shall show the 71609  
various funds of such subdivisions other than funds to be created 71610  
by transfer and shall be filed by the county budget commission 71611  
with such taxing authority on or before the first day of March in 71612  
the case of school districts and the city of Cincinnati and on or 71613  
before the first day of September in each year in the case of all 71614  
other taxing authorities. There shall be set forth on the credit 71615  
side of each fund the estimated unencumbered balances and 71616  
receipts, and if a tax is to be levied for such fund, the 71617  
estimated revenue to be derived therefrom, the rate of the levy, 71618  
and what portion thereof is within, and what in excess of, the 71619  
ten-mill tax limitation, and on the debit side, the total 71620  
appropriations that may be made therefrom. Subject to division (G) 71621  
of section 5705.29 of the Revised Code, any reserve balance in an 71622  
account established under section 5705.13 of the Revised Code for 71623  
the purpose described in division (A)(1) of that section, and the 71624  
principal of a nonexpendable trust fund established under section 71625  
5705.131 of the Revised Code and any additions to principal 71626  
arising from sources other than the reinvestment of investment 71627

earnings arising from that fund, are not unencumbered balances for 71628  
the purposes of this section. The balance in a reserve balance 71629  
account established under section 5705.132 of the Revised Code is 71630  
not an unencumbered balance for the purposes of this division. 71631

There shall be attached to the certification a summary, which 71632  
shall be known as the "official certificate of estimated 71633  
resources," that shall state the total estimated resources of each 71634  
fund of the subdivision that are available for appropriation in 71635  
the fiscal year, other than funds to be created by transfer, and a 71636  
statement of the amount of the total tax duplicate of the school 71637  
district to be used in the collection of taxes for the following 71638  
calendar year. Before the end of the fiscal year, the taxing 71639  
authority of each subdivision and other taxing unit shall revise 71640  
its tax budget, if one was adopted, so that the total contemplated 71641  
expenditures from any fund during the ensuing fiscal year will not 71642  
exceed the total appropriations that may be made from such fund, 71643  
as determined by the budget commission in its certification; and 71644  
such revised budget shall be the basis of the annual appropriation 71645  
measure. 71646

(B)(1) Except as otherwise provided in division (B)(2) of 71647  
this section, revenues from real property taxes scheduled to be 71648  
settled on or before the tenth day of August and the fifteenth day 71649  
of February of a fiscal year under divisions (A) and (C) of 71650  
section 321.24 of the Revised Code, and revenue from taxes levied 71651  
on personal property used in business scheduled to be settled on 71652  
or before the thirty-first day of October and the thirtieth day of 71653  
June of a fiscal year under divisions (B) and (D) of section 71654  
321.24 of the Revised Code shall not be available for 71655  
appropriation by a board of education prior to the fiscal year in 71656  
which such latest scheduled settlement date occurs, except that 71657  
moneys advanced to the treasurer of a board of education under 71658  
division (A)(2)(b) of section 321.34 of the Revised Code shall be 71659

available for appropriation in the fiscal year in which they are 71660  
paid to the treasurer under such section. If the date for any 71661  
settlement of taxes is extended under division (E) of section 71662  
321.24 of the Revised Code, the latest date set forth in divisions 71663  
(A) to (D) of that section shall be used to determine in which 71664  
fiscal year the revenues are first available for appropriation. 71665

(2) Revenues available for appropriation by a school district 71666  
during a fiscal year may include amounts borrowed in that fiscal 71667  
year under section 133.301 of the Revised Code in anticipation of 71668  
the collection of taxes that are to be included in the settlements 71669  
made under divisions (C) and (D) of section 321.24 of the Revised 71670  
Code in the ensuing fiscal year. 71671

**Sec. 5705.38.** (A) This division does not apply to school 71672  
district appropriation measures. On or about the first day of each 71673  
fiscal year, the taxing authority of each subdivision or other 71674  
taxing unit shall pass an appropriation measure, and thereafter 71675  
during the year it may pass any supplemental appropriation 71676  
measures as it finds necessary, based on the revised tax budget or 71677  
the official certificate of estimated resources or amendments of 71678  
the certificate. If it desires to postpone the passage of the 71679  
annual appropriation measure until an amended certificate is 71680  
received based on the actual balances, it may pass a temporary 71681  
appropriation measure for meeting the ordinary expenses of the 71682  
taxing unit until no later than the first day of April or, in the 71683  
case of the city of Cincinnati, the first day of October, of the 71684  
current year, and the appropriations made in the temporary measure 71685  
shall be chargeable to the appropriations in the annual 71686  
appropriation measure for that fiscal year when passed. 71687

(B) A board of education shall pass its annual appropriation 71688  
measure by the first day of October. If, by the first day of 71689  
October, a board has not received either the amended certificates 71690

of estimated resources required by division (B) of section 5705.36 71691  
of the Revised Code or certifications that no amended certificates 71692  
need be issued, the adoption of the annual appropriation measure 71693  
shall be delayed until the amended certificates or certifications 71694  
are received. Prior to the passage of the annual appropriation 71695  
measure, the board may pass a temporary appropriation measure for 71696  
meeting the ordinary expenses of the district until it passes an 71697  
annual appropriation measure, and appropriations made in the 71698  
temporary measure shall be chargeable to the appropriations in the 71699  
annual appropriation measure for that fiscal year when passed. 71700  
During the fiscal year and after the passage of the annual 71701  
appropriation measure, a district may pass any supplemental 71702  
appropriation measures as it finds necessary, based on the revised 71703  
tax budget or the official certificate of estimated resources or 71704  
amendments of the certificate. School district appropriation 71705  
measures shall be in the form as the auditor of state, after 71706  
consultation with the tax commissioner, prescribes. 71707

(C) Appropriation measures shall be classified so as to set 71708  
forth separately the amounts appropriated for each office, 71709  
department, and division, and, within each, the amount 71710  
appropriated for personal services. In the case of a municipal 71711  
university, the board of directors of which have assumed, in the 71712  
manner provided by law, custody and control of the funds of the 71713  
university, funds shall be appropriated as a lump sum for the use 71714  
of the university. 71715

Sec. 5705.72. (A) As used in this section and in section 71716  
5705.25 of the Revised Code with regard to a levy submitted under 71717  
this section, "electors" means electors of the unincorporated area 71718  
of a township. 71719

(B) The board of trustees of any township that withdraws or 71720  
proposes by resolution to withdraw the unincorporated area of the 71721

township from a regional transit authority under section 306.55 of 71722  
the Revised Code, by vote of two-thirds of all the members of the 71723  
board of trustees, may declare by resolution that the amount of 71724  
taxes that may be raised within the ten-mill limitation will be 71725  
insufficient to provide transportation services to the 71726  
unincorporated area of the township and that it is necessary to 71727  
levy a tax in excess of that limitation within the unincorporated 71728  
area of that township for the purpose of providing transportation 71729  
services for the movement of persons within, from, or to the 71730  
unincorporated area of that township. 71731

The resolution shall specify the necessary amount of the 71732  
increase in rate to levy, the purpose of such increase, and the 71733  
number of years, not exceeding ten, during which the rate increase 71734  
shall be in effect, which may or may not include a levy upon the 71735  
tax list of the current year. 71736

The resolution shall be submitted to the proper county board 71737  
of elections not less than ninety days before the date of the 71738  
election at which the question will appear on the ballot and in 71739  
the manner provided by section 5705.25 of the Revised Code, except 71740  
that the question may be submitted to electors at a general 71741  
election or a special election held on a date consistent with 71742  
section 3501.01 of the Revised Code. 71743

A resolution adopted by the board of trustees of a township 71744  
under this section may be combined with a resolution for the 71745  
withdrawal of the unincorporated area of the township from a 71746  
regional transit authority as provided in section 306.55 of the 71747  
Revised Code, by vote of two-thirds of all members of the board. 71748  
The board may certify the combined resolution to the board of 71749  
elections as a combined question. The question appearing on the 71750  
ballot shall be as provided in section 5705.252 of the Revised 71751  
Code. 71752

When electors have approved a tax levy under this section, 71753



the board of township trustees may anticipate a fraction of the 71754  
proceeds of the levy and issue anticipation notes as authorized by 71755  
section 5705.191 of the Revised Code for a current expense levy 71756  
with a fixed term, and may anticipate the collection of current 71757  
revenue under section 133.10 of the Revised Code. 71758

**Sec. 5709.084.** Real and personal property comprising a 71759  
convention center that is constructed or, in the case of personal 71760  
property, acquired, after January 1, 2010, are exempt from 71761  
taxation if the convention center is located in a county having a 71762  
population, when construction of the convention center commences, 71763  
of more than one million two hundred thousand according to the 71764  
most recent federal decennial census, and if the convention 71765  
center, or the land upon which the convention center is situated, 71766  
is owned or leased by the county. For the purposes of this 71767  
section, construction of the convention center commences upon the 71768  
earlier of issuance of debt to finance all or a portion of the 71769  
convention center, demolition of existing structures on the site, 71770  
or grading of the site in preparation for construction. 71771

Real and personal property comprising a convention center 71772  
owned by the largest city in a county having a population greater 71773  
than seven hundred thousand but less than nine hundred thousand 71774  
according to the most recent federal decennial census is exempt 71775  
from taxation, regardless of whether the property is leased to or 71776  
otherwise operated or managed by a person other than the city. 71777

Real and personal property comprising a convention center 71778  
owned by a convention facilities authority in a county having a 71779  
population greater than one million according to the most recent 71780  
federal decennial census is exempt from taxation, regardless of 71781  
whether the property is leased to or otherwise operated or managed 71782  
by a person other than the convention facilities authority. 71783

As used in this section, "convention center" has the same 71784

meaning as in section 307.695 of the Revised Code. 71785

**Sec. 5709.12.** (A) As used in this section, "independent 71786  
living facilities" means any residential housing facilities and 71787  
related property that are not a nursing home, residential care 71788  
facility, or ~~adult care~~ residential facility as defined in 71789  
division (A) of section 5701.13 of the Revised Code. 71790

(B) Lands, houses, and other buildings belonging to a county, 71791  
township, or municipal corporation and used exclusively for the 71792  
accommodation or support of the poor, or leased to the state or 71793  
any political subdivision for public purposes shall be exempt from 71794  
taxation. Real and tangible personal property belonging to 71795  
institutions that is used exclusively for charitable purposes 71796  
shall be exempt from taxation, including real property belonging 71797  
to an institution that is a nonprofit corporation that receives a 71798  
grant under the Thomas Alva Edison grant program authorized by 71799  
division (C) of section 122.33 of the Revised Code at any time 71800  
during the tax year and being held for leasing or resale to 71801  
others. If, at any time during a tax year for which such property 71802  
is exempted from taxation, the corporation ceases to qualify for 71803  
such a grant, the director of development shall notify the tax 71804  
commissioner, and the tax commissioner shall cause the property to 71805  
be restored to the tax list beginning with the following tax year. 71806  
All property owned and used by a nonprofit organization 71807  
exclusively for a home for the aged, as defined in section 5701.13 71808  
of the Revised Code, also shall be exempt from taxation. 71809

(C)(1) If a home for the aged described in division (B)(1) of 71810  
section 5701.13 of the Revised Code is operated in conjunction 71811  
with or at the same site as independent living facilities, the 71812  
exemption granted in division (B) of this section shall include 71813  
kitchen, dining room, clinic, entry ways, maintenance and storage 71814  
areas, and land necessary for access commonly used by both 71815

residents of the home for the aged and residents of the 71816  
independent living facilities. Other facilities commonly used by 71817  
both residents of the home for the aged and residents of 71818  
independent living units shall be exempt from taxation only if the 71819  
other facilities are used primarily by the residents of the home 71820  
for the aged. Vacant land currently unused by the home, and 71821  
independent living facilities and the lands connected with them 71822  
are not exempt from taxation. Except as provided in division 71823  
(A)(1) of section 5709.121 of the Revised Code, property of a home 71824  
leased for nonresidential purposes is not exempt from taxation. 71825

(2) Independent living facilities are exempt from taxation if 71826  
they are operated in conjunction with or at the same site as a 71827  
home for the aged described in division (B)(2) of section 5701.13 71828  
of the Revised Code; operated by a corporation, association, or 71829  
trust described in division (B)(1)(b) of that section; operated 71830  
exclusively for the benefit of members of the corporation, 71831  
association, or trust who are retired, aged, or infirm; and 71832  
provided to those members without charge in consideration of their 71833  
service, without compensation, to a charitable, religious, 71834  
fraternal, or educational institution. For the purposes of 71835  
division (C)(2) of this section, "compensation" does not include 71836  
furnishing room and board, clothing, health care, or other 71837  
necessities, or stipends or other de minimis payments to defray 71838  
the cost thereof. 71839

(D)(1) A private corporation established under federal law, 71840  
defined in 36 U.S.C. 1101, Pub. L. No. 102-199, 105 Stat. 1629, as 71841  
amended, the objects of which include encouraging the advancement 71842  
of science generally, or of a particular branch of science, the 71843  
promotion of scientific research, the improvement of the 71844  
qualifications and usefulness of scientists, or the increase and 71845  
diffusion of scientific knowledge is conclusively presumed to be a 71846  
charitable or educational institution. A private corporation 71847

established as a nonprofit corporation under the laws of a state, 71848  
that is exempt from federal income taxation under section 71849  
501(c)(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 71850  
U.S.C.A. 1, as amended, and has as its principal purpose one or 71851  
more of the foregoing objects, also is conclusively presumed to be 71852  
a charitable or educational institution. 71853

The fact that an organization described in this division 71854  
operates in a manner that results in an excess of revenues over 71855  
expenses shall not be used to deny the exemption granted by this 71856  
section, provided such excess is used, or is held for use, for 71857  
exempt purposes or to establish a reserve against future 71858  
contingencies; and, provided further, that such excess may not be 71859  
distributed to individual persons or to entities that would not be 71860  
entitled to the tax exemptions provided by this chapter. Nor shall 71861  
the fact that any scientific information diffused by the 71862  
organization is of particular interest or benefit to any of its 71863  
individual members be used to deny the exemption granted by this 71864  
section, provided that such scientific information is available to 71865  
the public for purchase or otherwise. 71866

(2) Division (D)(2) of this section does not apply to real 71867  
property exempted from taxation under this section and division 71868  
(A)(3) of section 5709.121 of the Revised Code and belonging to a 71869  
nonprofit corporation described in division (D)(1) of this section 71870  
that has received a grant under the Thomas Alva Edison grant 71871  
program authorized by division (C) of section 122.33 of the 71872  
Revised Code during any of the tax years the property was exempted 71873  
from taxation. 71874

When a private corporation described in division (D)(1) of 71875  
this section sells all or any portion of a tract, lot, or parcel 71876  
of real estate that has been exempt from taxation under this 71877  
section and section 5709.121 of the Revised Code, the portion sold 71878  
shall be restored to the tax list for the year following the year 71879

of the sale and, except in connection with a sale and transfer of 71880  
such a tract, lot, or parcel to a county land reutilization 71881  
corporation organized under Chapter 1724. of the Revised Code, a 71882  
charge shall be levied against the sold property in an amount 71883  
equal to the tax savings on such property during the four tax 71884  
years preceding the year the property is placed on the tax list. 71885  
The tax savings equals the amount of the additional taxes that 71886  
would have been levied if such property had not been exempt from 71887  
taxation. 71888

The charge constitutes a lien of the state upon such property 71889  
as of the first day of January of the tax year in which the charge 71890  
is levied and continues until discharged as provided by law. The 71891  
charge may also be remitted for all or any portion of such 71892  
property that the tax commissioner determines is entitled to 71893  
exemption from real property taxation for the year such property 71894  
is restored to the tax list under any provision of the Revised 71895  
Code, other than sections 725.02, 1728.10, 3735.67, 5709.40, 71896  
5709.41, 5709.62, 5709.63, 5709.71, 5709.73, 5709.78, and 5709.84, 71897  
upon an application for exemption covering the year such property 71898  
is restored to the tax list filed under section 5715.27 of the 71899  
Revised Code. 71900

(E) Real property held by an organization organized and 71901  
operated exclusively for charitable purposes as described under 71902  
section 501(c)(3) of the Internal Revenue Code and exempt from 71903  
federal taxation under section 501(a) of the Internal Revenue 71904  
Code, 26 U.S.C.A. 501(a) and (c)(3), as amended, for the purpose 71905  
of constructing or rehabilitating residences for eventual transfer 71906  
to qualified low-income families through sale, lease, or land 71907  
installment contract, shall be exempt from taxation. 71908

The exemption shall commence on the day title to the property 71909  
is transferred to the organization and shall continue to the end 71910  
of the tax year in which the organization transfers title to the 71911

property to a qualified low-income family. In no case shall the 71912  
exemption extend beyond the second succeeding tax year following 71913  
the year in which the title was transferred to the organization. 71914  
If the title is transferred to the organization and from the 71915  
organization to a qualified low-income family in the same tax 71916  
year, the exemption shall continue to the end of that tax year. 71917  
The proportionate amount of taxes that are a lien but not yet 71918  
determined, assessed, and levied for the tax year in which title 71919  
is transferred to the organization shall be remitted by the county 71920  
auditor for each day of the year that title is held by the 71921  
organization. 71922

Upon transferring the title to another person, the 71923  
organization shall file with the county auditor an affidavit 71924  
affirming that the title was transferred to a qualified low-income 71925  
family or that the title was not transferred to a qualified 71926  
low-income family, as the case may be; if the title was 71927  
transferred to a qualified low-income family, the affidavit shall 71928  
identify the transferee by name. If the organization transfers 71929  
title to the property to anyone other than a qualified low-income 71930  
family, the exemption, if it has not previously expired, shall 71931  
terminate, and the property shall be restored to the tax list for 71932  
the year following the year of the transfer and a charge shall be 71933  
levied against the property in an amount equal to the amount of 71934  
additional taxes that would have been levied if such property had 71935  
not been exempt from taxation. The charge constitutes a lien of 71936  
the state upon such property as of the first day of January of the 71937  
tax year in which the charge is levied and continues until 71938  
discharged as provided by law. 71939

The application for exemption shall be filed as otherwise 71940  
required under section 5715.27 of the Revised Code, except that 71941  
the organization holding the property shall file with its 71942  
application documentation substantiating its status as an 71943

organization organized and operated exclusively for charitable 71944  
purposes under section 501(c)(3) of the Internal Revenue Code and 71945  
its qualification for exemption from federal taxation under 71946  
section 501(a) of the Internal Revenue Code, and affirming its 71947  
intention to construct or rehabilitate the property for the 71948  
eventual transfer to qualified low-income families. 71949

As used in this division, "qualified low-income family" means 71950  
a family whose income does not exceed two hundred per cent of the 71951  
official federal poverty guidelines as revised annually in 71952  
accordance with section 673(2) of the "Omnibus Budget 71953  
Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 9902, as 71954  
amended, for a family size equal to the size of the family whose 71955  
income is being determined. 71956

(F) Real property held by a county land reutilization 71957  
corporation organized under Chapter 1724. of the Revised Code 71958  
shall be exempt from taxation. Notwithstanding section 5715.27 of 71959  
the Revised Code, a county land reutilization corporation is not 71960  
required to apply to any county or state agency in order to 71961  
qualify for the exemption. 71962

The exemption shall commence on the day title to the property 71963  
is transferred to the corporation and shall continue to the end of 71964  
the tax year in which the instrument transferring title from the 71965  
corporation to another owner is recorded, if the use to which the 71966  
other owner puts the property does not qualify for an exemption 71967  
under this section or any other section of the Revised Code. If 71968  
the title to the property is transferred to the corporation and 71969  
from the corporation in the same tax year, the exemption shall 71970  
continue to the end of that tax year. The proportionate amount of 71971  
taxes that are a lien but not yet determined, assessed, and levied 71972  
for the tax year in which title is transferred to the corporation 71973  
shall be remitted by the county auditor for each day of the year 71974  
that title is held by the corporation. 71975

Upon transferring the title to another person, the 71976  
corporation shall file with the county auditor an affidavit 71977  
affirming that the title was transferred to such other person and 71978  
shall identify the transferee by name. If the corporation 71979  
transfers title to the property to anyone that does not qualify or 71980  
the use to which the property is put does not qualify the property 71981  
for an exemption under this section or any other section of the 71982  
Revised Code, the exemption, if it has not previously expired, 71983  
shall terminate, and the property shall be restored to the tax 71984  
list for the year following the year of the transfer. A charge 71985  
shall be levied against the property in an amount equal to the 71986  
amount of additional taxes that would have been levied if such 71987  
property had not been exempt from taxation. The charge constitutes 71988  
a lien of the state upon such property as of the first day of 71989  
January of the tax year in which the charge is levied and 71990  
continues until discharged as provided by law. 71991

In lieu of the application for exemption otherwise required 71992  
to be filed as required under section 5715.27 of the Revised Code, 71993  
a count land reutilization corporation holding the property shall, 71994  
upon the request of any county or state agency, submit its 71995  
articles of incorporation substantiating its status as a county 71996  
land reutilization corporation. 71997

**Sec. 5709.121.** (A) Real property and tangible personal 71998  
property belonging to a charitable or educational institution or 71999  
to the state or a political subdivision, shall be considered as 72000  
used exclusively for charitable or public purposes by such 72001  
institution, the state, or political subdivision, if it meets one 72002  
of the following requirements: 72003

(1) It is used by such institution, the state, or political 72004  
subdivision, or by one or more other such institutions, the state, 72005  
or political subdivisions under a lease, sublease, or other 72006



contractual arrangement: 72007

(a) As a community or area center in which presentations in 72008  
music, dramatics, the arts, and related fields are made in order 72009  
to foster public interest and education therein; 72010

(b) For other charitable, educational, or public purposes. 72011

(2) It is made available under the direction or control of 72012  
such institution, the state, or political subdivision for use in 72013  
furtherance of or incidental to its charitable, educational, or 72014  
public purposes and not with the view to profit. 72015

(3) It is used by an organization described in division (D) 72016  
of section 5709.12 of the Revised Code. If the organization is a 72017  
corporation that receives a grant under the Thomas Alva Edison 72018  
grant program authorized by division (C) of section 122.33 of the 72019  
Revised Code at any time during the tax year, "used," for the 72020  
purposes of this division, includes holding property for lease or 72021  
resale to others. 72022

(B)(1) Property described in division (A)(1)(a) of this 72023  
section shall continue to be considered as used exclusively for 72024  
charitable or public purposes even if the property is conveyed 72025  
through one conveyance or a series of conveyances to an entity 72026  
that is not a charitable or educational institution and is not the 72027  
state or a political subdivision, provided that all of the 72028  
following conditions apply with respect to that property: 72029

(a) The property has been listed as exempt on the county 72030  
auditor's tax list and duplicate for the county in which it is 72031  
located for the ten tax years immediately preceding the year in 72032  
which the property is conveyed through one conveyance or a series 72033  
of conveyances; 72034

(b) ~~The owner to which the~~ property is conveyed through one 72035  
conveyance or a series of conveyances ~~leases~~ to an owner that does 72036  
any of the following: 72037

(i) Leases the property through one lease or a series of 72038  
leases to the entity that owned or occupied the property for the 72039  
ten tax years immediately preceding the year in which the property 72040  
is conveyed or to an affiliate of ~~such prior owner or occupant~~ 72041  
that entity; 72042

(ii) Contracts to have renovations performed as described in 72043  
division (B)(1)(d) of this section and is at least partially owned 72044  
by a nonprofit organization described in section 501(c)(3) of the 72045  
Internal Revenue Code that is exempt from taxation under section 72046  
501(a) of that code. 72047

(c) The property includes improvements that are at least 72048  
fifty years old; 72049

(d) The property is being renovated in connection with a 72050  
claim for historic preservation tax credits available under 72051  
federal law; 72052

(e) The property continues to be used for the purposes 72053  
described in division (A)(1)(a) of this section after its 72054  
conveyance; and 72055

(f) The property is certified by the United States secretary 72056  
of the interior as a "certified historic structure" or certified 72057  
as part of a certified historic structure. 72058

(2) Notwithstanding section 5715.27 of the Revised Code, an 72059  
application for exemption from taxation of property described in 72060  
division (B)(1) of this section may be filed by either the owner 72061  
of the property or its occupant. 72062

(C) For purposes of this section, an institution that meets 72063  
all of the following requirements is conclusively presumed to be a 72064  
charitable institution: 72065

(1) The institution is a nonprofit corporation or 72066  
association, no part of the net earnings of which inures to the 72067

benefit of any private shareholder or individual; 72068

(2) The institution is exempt from federal income taxation 72069  
under section 501(a) of the Internal Revenue Code; 72070

(3) The majority of the institution's board of directors are 72071  
appointed by the mayor or legislative authority of a municipal 72072  
corporation or a board of county commissioners, or a combination 72073  
thereof; 72074

(4) The primary purpose of the institution is to assist in 72075  
the development and revitalization of downtown urban areas. 72076

**Sec. 5709.212.** (A) With every application for an exempt 72077  
facility certificate filed pursuant to section 5709.21 of the 72078  
Revised Code, the applicant shall pay a fee equal to one-half of 72079  
one per cent of the total exempt facility project cost, not to 72080  
exceed two thousand dollars. One-half of the fee received with 72081  
applications for exempt facility certificates shall be credited to 72082  
the exempt facility administrative fund, which is hereby created 72083  
in the state treasury, for appropriation to the department of 72084  
taxation for use in administering sections 5709.20 to 5709.27 of 72085  
the Revised Code. If the director of environmental protection is 72086  
required to provide the opinion for an application, one-half of 72087  
the fee shall be credited to the non-Title V clean air fund 72088  
created in section 3704.035 of the Revised Code for use in 72089  
administering section 5709.211 of the Revised Code, unless the 72090  
application is for an industrial water pollution control facility. 72091  
If the application is for an industrial water pollution control 72092  
facility, one-half of the fee shall be credited to the surface 72093  
water protection fund created in section 6111.038 of the Revised 72094  
Code for use in administering section 5709.211 of the Revised 72095  
Code. If the director of development is required to provide the 72096  
opinion for an application, one-half of the fee for each exempt 72097  
facility application shall be credited to the exempt facility 72098

inspection fund, which is hereby created in the state treasury, 72099  
for appropriation to the department of development for use in 72100  
administering section 5709.211 of the Revised Code. 72101

An applicant is not entitled to any tax exemption under 72102  
section 5709.25 of the Revised Code until the fee required by this 72103  
section is paid. The fee required by this section is not 72104  
refundable, and is due with the application for an exempt facility 72105  
certificate even if an exempt facility certificate ultimately is 72106  
not issued or is withdrawn. Any application submitted without 72107  
payment of the fee shall be deemed incomplete until the fee is 72108  
paid. 72109

(B) The application fee imposed under division (A) of this 72110  
section for a jointly owned facility shall be equal to one-half of 72111  
one per cent of the total exempt facility project cost, not to 72112  
exceed two thousand dollars for each facility that is the subject 72113  
of the application. 72114

**Sec. 5709.43.** (A) A municipal corporation that grants a tax 72115  
exemption under section 5709.40 of the Revised Code shall 72116  
establish a municipal public improvement tax increment equivalent 72117  
fund into which shall be deposited service payments in lieu of 72118  
taxes distributed to the municipal corporation under section 72119  
5709.42 of the Revised Code. If the legislative authority of the 72120  
municipal corporation has adopted an ordinance under division (C) 72121  
of section 5709.40 of the Revised Code, the municipal corporation 72122  
shall establish at least one account in that fund with respect to 72123  
ordinances adopted under division (B) of that section, and one 72124  
account with respect to each incentive district created in an 72125  
ordinance adopted under division (C) of that section. If an 72126  
ordinance adopted under division (C) of section 5709.40 of the 72127  
Revised Code also authorizes the use of service payments for 72128  
housing renovations within the district, the municipal corporation 72129

shall establish separate accounts for the service payments 72130  
designated for public infrastructure improvements and for the 72131  
service payments authorized for the purpose of housing 72132  
renovations. Money in an account of the municipal public 72133  
improvement tax increment equivalent fund shall be used to finance 72134  
the public infrastructure improvements designated in, or the 72135  
housing renovations authorized by, the ordinance with respect to 72136  
which the account is established; in the case of an account 72137  
established with respect to an ordinance adopted under division 72138  
(C) of that section, money in the account shall be used to finance 72139  
the public infrastructure improvements designated, or the housing 72140  
renovations authorized, for each incentive district created in the 72141  
ordinance. Money in an account shall not be used to finance or 72142  
support housing renovations that take place after the incentive 72143  
district has expired. The municipal corporation also may deposit 72144  
into any of those accounts municipal income tax revenue that has 72145  
been designated by ordinance to finance the public infrastructure 72146  
improvements and housing renovations. 72147

(B) A municipal corporation may establish an urban 72148  
redevelopment tax increment equivalent fund, by resolution or 72149  
ordinance of its legislative authority, into which shall be 72150  
deposited service payments in lieu of taxes distributed to the 72151  
municipal corporation by the county treasurer as provided in 72152  
section 5709.42 of the Revised Code for improvements exempt from 72153  
taxation pursuant to an ordinance adopted under section 5709.41 of 72154  
the Revised Code. Moneys deposited in the urban redevelopment tax 72155  
increment equivalent fund shall be used for such purposes as are 72156  
authorized in the resolution or ordinance establishing the fund. 72157  
The municipal corporation also may deposit into the urban 72158  
redevelopment tax increment equivalent fund municipal income tax 72159  
revenue that has been dedicated to fund any of the purposes for 72160  
which the fund is established. 72161

(C)(1)(a) A municipal corporation may distribute money in the 72162  
municipal public improvement tax increment equivalent fund or the 72163  
urban redevelopment tax increment equivalent fund to any school 72164  
district in which the exempt property is located, in an amount not 72165  
to exceed the amount of real property taxes that such school 72166  
district would have received from the improvement if it were not 72167  
exempt from taxation, or use money in either or both funds to 72168  
finance specific public improvements benefiting the school 72169  
district. The resolution or ordinance establishing the fund shall 72170  
set forth the percentage of such maximum amount that will be 72171  
distributed to any affected school district or used to finance 72172  
specific public improvements benefiting the school district. 72173

(b) A municipal corporation also may distribute money in the 72174  
municipal public improvement tax increment equivalent fund or the 72175  
urban redevelopment tax increment equivalent fund as follows: 72176

(i) To a board of county commissioners, in the amount that is 72177  
owed to the board pursuant to division (E) of section 5709.40 of 72178  
the Revised Code; 72179

(ii) To a county in accordance with section 5709.913 of the 72180  
Revised Code. 72181

(2) Money from an account in a municipal public improvement 72182  
tax increment equivalent fund or from an urban redevelopment tax 72183  
increment equivalent fund may be distributed under division 72184  
(C)(1)(b) of this section, regardless of the date a resolution or 72185  
an ordinance was adopted under section 5709.40 or 5709.41 of the 72186  
Revised Code that prompted the establishment of the account or the 72187  
establishment of the urban redevelopment tax increment equivalent 72188  
fund, even if the resolution or ordinance was adopted prior to ~~the~~ 72189  
~~effective date of this amendment~~ March 30, 2006. 72190

(D)(1) A municipal corporation may use surplus money in the 72191  
municipal public improvement tax increment equivalent fund or an 72192

account of that fund, or in the urban redevelopment tax increment 72193  
equivalent fund, to repay a loan or provide matching funds for a 72194  
grant awarded to the municipal corporation under the local 72195  
government innovation program created in section 189.02 of the 72196  
Revised Code. 72197

(2) Any incidental surplus remaining in the municipal public 72198  
improvement tax increment equivalent fund or an account of that 72199  
fund, or in the urban redevelopment tax increment equivalent fund, 72200  
upon dissolution of the account or fund shall be used as provided 72201  
in division (D)(1) of this section or transferred to the general 72202  
fund of the municipal corporation. 72203

**Sec. 5709.62.** (A) In any municipal corporation that is 72204  
defined by the United States office of management and budget as a 72205  
principal city of a metropolitan statistical area, the legislative 72206  
authority of the municipal corporation may designate one or more 72207  
areas within its municipal corporation as proposed enterprise 72208  
zones. Upon designating an area, the legislative authority shall 72209  
petition the director of development for certification of the area 72210  
as having the characteristics set forth in division (A)(1) of 72211  
section 5709.61 of the Revised Code as amended by Substitute 72212  
Senate Bill No. 19 of the 120th general assembly. Except as 72213  
otherwise provided in division (E) of this section, on and after 72214  
July 1, 1994, legislative authorities shall not enter into 72215  
agreements under this section unless the legislative authority has 72216  
petitioned the director and the director has certified the zone 72217  
under this section as amended by that act; however, all agreements 72218  
entered into under this section as it existed prior to July 1, 72219  
1994, and the incentives granted under those agreements shall 72220  
remain in effect for the period agreed to under those agreements. 72221  
Within sixty days after receiving such a petition, the director 72222  
shall determine whether the area has the characteristics set forth 72223  
in division (A)(1) of section 5709.61 of the Revised Code, and 72224

shall forward the findings to the legislative authority of the 72225  
municipal corporation. If the director certifies the area as 72226  
having those characteristics, and thereby certifies it as a zone, 72227  
the legislative authority may enter into an agreement with an 72228  
enterprise under division (C) of this section. 72229

(B) Any enterprise that wishes to enter into an agreement 72230  
with a municipal corporation under division (C) of this section 72231  
shall submit a proposal to the legislative authority of the 72232  
municipal corporation on a form prescribed by the director of 72233  
development, together with the application fee established under 72234  
section 5709.68 of the Revised Code. The form shall require the 72235  
following information: 72236

(1) An estimate of the number of new employees whom the 72237  
enterprise intends to hire, or of the number of employees whom the 72238  
enterprise intends to retain, within the zone at a facility that 72239  
is a project site, and an estimate of the amount of payroll of the 72240  
enterprise attributable to these employees; 72241

(2) An estimate of the amount to be invested by the 72242  
enterprise to establish, expand, renovate, or occupy a facility, 72243  
including investment in new buildings, additions or improvements 72244  
to existing buildings, machinery, equipment, furniture, fixtures, 72245  
and inventory; 72246

(3) A listing of the enterprise's current investment, if any, 72247  
in a facility as of the date of the proposal's submission. 72248

The enterprise shall review and update the listings required 72249  
under this division to reflect material changes, and any agreement 72250  
entered into under division (C) of this section shall set forth 72251  
final estimates and listings as of the time the agreement is 72252  
entered into. The legislative authority may, on a separate form 72253  
and at any time, require any additional information necessary to 72254  
determine whether an enterprise is in compliance with an agreement 72255



and to collect the information required to be reported under 72256  
section 5709.68 of the Revised Code. 72257

(C) Upon receipt and investigation of a proposal under 72258  
division (B) of this section, if the legislative authority finds 72259  
that the enterprise submitting the proposal is qualified by 72260  
financial responsibility and business experience to create and 72261  
preserve employment opportunities in the zone and improve the 72262  
economic climate of the municipal corporation, the legislative 72263  
authority, on or before October 15, ~~2012~~ 2013, may do one of the 72264  
following: 72265

(1) Enter into an agreement with the enterprise under which 72266  
the enterprise agrees to establish, expand, renovate, or occupy a 72267  
facility and hire new employees, or preserve employment 72268  
opportunities for existing employees, in return for one or more of 72269  
the following incentives: 72270

(a) Exemption for a specified number of years, not to exceed 72271  
fifteen, of a specified portion, up to seventy-five per cent, of 72272  
the assessed value of tangible personal property first used in 72273  
business at the project site as a result of the agreement. If an 72274  
exemption for inventory is specifically granted in the agreement 72275  
pursuant to this division, the exemption applies to inventory 72276  
required to be listed pursuant to sections 5711.15 and 5711.16 of 72277  
the Revised Code, except that, in the instance of an expansion or 72278  
other situations in which an enterprise was in business at the 72279  
facility prior to the establishment of the zone, the inventory 72280  
that is exempt is that amount or value of inventory in excess of 72281  
the amount or value of inventory required to be listed in the 72282  
personal property tax return of the enterprise in the return for 72283  
the tax year in which the agreement is entered into. 72284

(b) Exemption for a specified number of years, not to exceed 72285  
fifteen, of a specified portion, up to seventy-five per cent, of 72286  
the increase in the assessed valuation of real property 72287

constituting the project site subsequent to formal approval of the 72288  
agreement by the legislative authority; 72289

(c) Provision for a specified number of years, not to exceed 72290  
fifteen, of any optional services or assistance that the municipal 72291  
corporation is authorized to provide with regard to the project 72292  
site. 72293

(2) Enter into an agreement under which the enterprise agrees 72294  
to remediate an environmentally contaminated facility, to spend an 72295  
amount equal to at least two hundred fifty per cent of the true 72296  
value in money of the real property of the facility prior to 72297  
remediation as determined for the purposes of property taxation to 72298  
establish, expand, renovate, or occupy the remediated facility, 72299  
and to hire new employees or preserve employment opportunities for 72300  
existing employees at the remediated facility, in return for one 72301  
or more of the following incentives: 72302

(a) Exemption for a specified number of years, not to exceed 72303  
fifteen, of a specified portion, not to exceed fifty per cent, of 72304  
the assessed valuation of the real property of the facility prior 72305  
to remediation; 72306

(b) Exemption for a specified number of years, not to exceed 72307  
fifteen, of a specified portion, not to exceed one hundred per 72308  
cent, of the increase in the assessed valuation of the real 72309  
property of the facility during or after remediation; 72310

(c) The incentive under division (C)(1)(a) of this section, 72311  
except that the percentage of the assessed value of such property 72312  
exempted from taxation shall not exceed one hundred per cent; 72313

(d) The incentive under division (C)(1)(c) of this section. 72314

(3) Enter into an agreement with an enterprise that plans to 72315  
purchase and operate a large manufacturing facility that has 72316  
ceased operation or announced its intention to cease operation, in 72317  
return for exemption for a specified number of years, not to 72318

exceed fifteen, of a specified portion, up to one hundred per 72319  
cent, of the assessed value of tangible personal property used in 72320  
business at the project site as a result of the agreement, or of 72321  
the assessed valuation of real property constituting the project 72322  
site, or both. 72323

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 72324  
section, the portion of the assessed value of tangible personal 72325  
property or of the increase in the assessed valuation of real 72326  
property exempted from taxation under those divisions may exceed 72327  
seventy-five per cent in any year for which that portion is 72328  
exempted if the average percentage exempted for all years in which 72329  
the agreement is in effect does not exceed sixty per cent, or if 72330  
the board of education of the city, local, or exempted village 72331  
school district within the territory of which the property is or 72332  
will be located approves a percentage in excess of seventy-five 72333  
per cent. 72334

(2) Notwithstanding any provision of the Revised Code to the 72335  
contrary, the exemptions described in divisions (C)(1)(a), (b), 72336  
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 72337  
be for up to fifteen years if the board of education of the city, 72338  
local, or exempted village school district within the territory of 72339  
which the property is or will be located approves a number of 72340  
years in excess of ten. 72341

(3) For the purpose of obtaining the approval of a city, 72342  
local, or exempted village school district under division (D)(1) 72343  
or (2) of this section, the legislative authority shall deliver to 72344  
the board of education a notice not later than forty-five days 72345  
prior to approving the agreement, excluding Saturdays, Sundays, 72346  
and legal holidays as defined in section 1.14 of the Revised Code. 72347  
The notice shall state the percentage to be exempted, an estimate 72348  
of the true value of the property to be exempted, and the number 72349  
of years the property is to be exempted. The board of education, 72350

by resolution adopted by a majority of the board, shall approve or 72351  
disapprove the agreement and certify a copy of the resolution to 72352  
the legislative authority not later than fourteen days prior to 72353  
the date stipulated by the legislative authority as the date upon 72354  
which approval of the agreement is to be formally considered by 72355  
the legislative authority. The board of education may include in 72356  
the resolution conditions under which the board would approve the 72357  
agreement, including the execution of an agreement to compensate 72358  
the school district under division (B) of section 5709.82 of the 72359  
Revised Code. The legislative authority may approve the agreement 72360  
at any time after the board of education certifies its resolution 72361  
approving the agreement to the legislative authority, or, if the 72362  
board approves the agreement conditionally, at any time after the 72363  
conditions are agreed to by the board and the legislative 72364  
authority. 72365

If a board of education has adopted a resolution waiving its 72366  
right to approve agreements and the resolution remains in effect, 72367  
approval of an agreement by the board is not required under this 72368  
division. If a board of education has adopted a resolution 72369  
allowing a legislative authority to deliver the notice required 72370  
under this division fewer than forty-five business days prior to 72371  
the legislative authority's approval of the agreement, the 72372  
legislative authority shall deliver the notice to the board not 72373  
later than the number of days prior to such approval as prescribed 72374  
by the board in its resolution. If a board of education adopts a 72375  
resolution waiving its right to approve agreements or shortening 72376  
the notification period, the board shall certify a copy of the 72377  
resolution to the legislative authority. If the board of education 72378  
rescinds such a resolution, it shall certify notice of the 72379  
rescission to the legislative authority. 72380

(4) The legislative authority shall comply with section 72381  
5709.83 of the Revised Code unless the board of education has 72382

adopted a resolution under that section waiving its right to 72383  
receive such notice. 72384

(E) This division applies to zones certified by the director 72385  
of development under this section prior to July 22, 1994. 72386

On or before October 15, ~~2012~~ 2013, the legislative authority 72387  
that designated a zone to which this division applies may enter 72388  
into an agreement with an enterprise if the legislative authority 72389  
finds that the enterprise satisfies one of the criteria described 72390  
in divisions (E)(1) to (5) of this section: 72391

(1) The enterprise currently has no operations in this state 72392  
and, subject to approval of the agreement, intends to establish 72393  
operations in the zone; 72394

(2) The enterprise currently has operations in this state 72395  
and, subject to approval of the agreement, intends to establish 72396  
operations at a new location in the zone that would not result in 72397  
a reduction in the number of employee positions at any of the 72398  
enterprise's other locations in this state; 72399

(3) The enterprise, subject to approval of the agreement, 72400  
intends to relocate operations, currently located in another 72401  
state, to the zone; 72402

(4) The enterprise, subject to approval of the agreement, 72403  
intends to expand operations at an existing site in the zone that 72404  
the enterprise currently operates; 72405

(5) The enterprise, subject to approval of the agreement, 72406  
intends to relocate operations, currently located in this state, 72407  
to the zone, and the director of development has issued a waiver 72408  
for the enterprise under division (B) of section 5709.633 of the 72409  
Revised Code. 72410

The agreement shall require the enterprise to agree to 72411  
establish, expand, renovate, or occupy a facility in the zone and 72412

hire new employees, or preserve employment opportunities for 72413  
existing employees, in return for one or more of the incentives 72414  
described in division (C) of this section. 72415

(F) All agreements entered into under this section shall be 72416  
in the form prescribed under section 5709.631 of the Revised Code. 72417  
After an agreement is entered into under this section, if the 72418  
legislative authority revokes its designation of a zone, or if the 72419  
director of development revokes a zone's certification, any 72420  
entitlements granted under the agreement shall continue for the 72421  
number of years specified in the agreement. 72422

(G) Except as otherwise provided in this division, an 72423  
agreement entered into under this section shall require that the 72424  
enterprise pay an annual fee equal to the greater of one per cent 72425  
of the dollar value of incentives offered under the agreement or 72426  
five hundred dollars; provided, however, that if the value of the 72427  
incentives exceeds two hundred fifty thousand dollars, the fee 72428  
shall not exceed two thousand five hundred dollars. The fee shall 72429  
be payable to the legislative authority once per year for each 72430  
year the agreement is effective on the days and in the form 72431  
specified in the agreement. Fees paid shall be deposited in a 72432  
special fund created for such purpose by the legislative authority 72433  
and shall be used by the legislative authority exclusively for the 72434  
purpose of complying with section 5709.68 of the Revised Code and 72435  
by the tax incentive review council created under section 5709.85 72436  
of the Revised Code exclusively for the purposes of performing the 72437  
duties prescribed under that section. The legislative authority 72438  
may waive or reduce the amount of the fee charged against an 72439  
enterprise, but such a waiver or reduction does not affect the 72440  
obligations of the legislative authority or the tax incentive 72441  
review council to comply with section 5709.68 or 5709.85 of the 72442  
Revised Code. 72443

(H) When an agreement is entered into pursuant to this 72444

section, the legislative authority authorizing the agreement shall 72445  
forward a copy of the agreement to the director of development and 72446  
to the tax commissioner within fifteen days after the agreement is 72447  
entered into. If any agreement includes terms not provided for in 72448  
section 5709.631 of the Revised Code affecting the revenue of a 72449  
city, local, or exempted village school district or causing 72450  
revenue to be forgone by the district, including any compensation 72451  
to be paid to the school district pursuant to section 5709.82 of 72452  
the Revised Code, those terms also shall be forwarded in writing 72453  
to the director of development along with the copy of the 72454  
agreement forwarded under this division. 72455

(I) After an agreement is entered into, the enterprise shall 72456  
file with each personal property tax return required to be filed, 72457  
or annual report required to be filed under section 5727.08 of the 72458  
Revised Code, while the agreement is in effect, an informational 72459  
return, on a form prescribed by the tax commissioner for that 72460  
purpose, setting forth separately the property, and related costs 72461  
and values, exempted from taxation under the agreement. 72462

(J) Enterprises may agree to give preference to residents of 72463  
the zone within which the agreement applies relative to residents 72464  
of this state who do not reside in the zone when hiring new 72465  
employees under the agreement. 72466

(K) An agreement entered into under this section may include 72467  
a provision requiring the enterprise to create one or more 72468  
temporary internship positions for students enrolled in a course 72469  
of study at a school or other educational institution in the 72470  
vicinity, and to create a scholarship or provide another form of 72471  
educational financial assistance for students holding such a 72472  
position in exchange for the student's commitment to work for the 72473  
enterprise at the completion of the internship. 72474

(L) The tax commissioner's authority in determining the 72475  
accuracy of any exemption granted by an agreement entered into 72476

under this section is limited to divisions (C)(1)(a) and (b), 72477  
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 72478  
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 72479  
and, as authorized by law, to enforcing any modification to, or 72480  
revocation of, that agreement by the legislative authority of a 72481  
municipal corporation or the director of development. 72482

**Sec. 5709.63.** (A) With the consent of the legislative 72483  
authority of each affected municipal corporation or of a board of 72484  
township trustees, a board of county commissioners may, in the 72485  
manner set forth in section 5709.62 of the Revised Code, designate 72486  
one or more areas in one or more municipal corporations or in 72487  
unincorporated areas of the county as proposed enterprise zones. A 72488  
board of county commissioners may designate no more than one area 72489  
within a township, or within adjacent townships, as a proposed 72490  
enterprise zone. The board shall petition the director of 72491  
development for certification of the area as having the 72492  
characteristics set forth in division (A)(1) or (2) of section 72493  
5709.61 of the Revised Code as amended by Substitute Senate Bill 72494  
No. 19 of the 120th general assembly. Except as otherwise provided 72495  
in division (D) of this section, on and after July 1, 1994, boards 72496  
of county commissioners shall not enter into agreements under this 72497  
section unless the board has petitioned the director and the 72498  
director has certified the zone under this section as amended by 72499  
that act; however, all agreements entered into under this section 72500  
as it existed prior to July 1, 1994, and the incentives granted 72501  
under those agreements shall remain in effect for the period 72502  
agreed to under those agreements. The director shall make the 72503  
determination in the manner provided under section 5709.62 of the 72504  
Revised Code. 72505

Any enterprise wishing to enter into an agreement with the 72506  
board under division (B) or (D) of this section shall submit a 72507  
proposal to the board on the form and accompanied by the 72508



application fee prescribed under division (B) of section 5709.62 72509  
of the Revised Code. The enterprise shall review and update the 72510  
estimates and listings required by the form in the manner required 72511  
under that division. The board may, on a separate form and at any 72512  
time, require any additional information necessary to determine 72513  
whether an enterprise is in compliance with an agreement and to 72514  
collect the information required to be reported under section 72515  
5709.68 of the Revised Code. 72516

(B) If the board of county commissioners finds that an 72517  
enterprise submitting a proposal is qualified by financial 72518  
responsibility and business experience to create and preserve 72519  
employment opportunities in the zone and to improve the economic 72520  
climate of the municipal corporation or municipal corporations or 72521  
the unincorporated areas in which the zone is located and to which 72522  
the proposal applies, the board, on or before October 15, ~~2012~~ 72523  
2013, and with the consent of the legislative authority of each 72524  
affected municipal corporation or of the board of township 72525  
trustees may do either of the following: 72526

(1) Enter into an agreement with the enterprise under which 72527  
the enterprise agrees to establish, expand, renovate, or occupy a 72528  
facility in the zone and hire new employees, or preserve 72529  
employment opportunities for existing employees, in return for the 72530  
following incentives: 72531

(a) When the facility is located in a municipal corporation, 72532  
the board may enter into an agreement for one or more of the 72533  
incentives provided in division (C) of section 5709.62 of the 72534  
Revised Code, subject to division (D) of that section; 72535

(b) When the facility is located in an unincorporated area, 72536  
the board may enter into an agreement for one or more of the 72537  
following incentives: 72538

(i) Exemption for a specified number of years, not to exceed 72539

fifteen, of a specified portion, up to sixty per cent, of the 72540  
assessed value of tangible personal property first used in 72541  
business at a project site as a result of the agreement. If an 72542  
exemption for inventory is specifically granted in the agreement 72543  
pursuant to this division, the exemption applies to inventory 72544  
required to be listed pursuant to sections 5711.15 and 5711.16 of 72545  
the Revised Code, except, in the instance of an expansion or other 72546  
situations in which an enterprise was in business at the facility 72547  
prior to the establishment of the zone, the inventory that is 72548  
exempt is that amount or value of inventory in excess of the 72549  
amount or value of inventory required to be listed in the personal 72550  
property tax return of the enterprise in the return for the tax 72551  
year in which the agreement is entered into. 72552

(ii) Exemption for a specified number of years, not to exceed 72553  
fifteen, of a specified portion, up to sixty per cent, of the 72554  
increase in the assessed valuation of real property constituting 72555  
the project site subsequent to formal approval of the agreement by 72556  
the board; 72557

(iii) Provision for a specified number of years, not to 72558  
exceed fifteen, of any optional services or assistance the board 72559  
is authorized to provide with regard to the project site; 72560

(iv) The incentive described in division (C)(2) of section 72561  
5709.62 of the Revised Code. 72562

(2) Enter into an agreement with an enterprise that plans to 72563  
purchase and operate a large manufacturing facility that has 72564  
ceased operation or has announced its intention to cease 72565  
operation, in return for exemption for a specified number of 72566  
years, not to exceed fifteen, of a specified portion, up to one 72567  
hundred per cent, of tangible personal property used in business 72568  
at the project site as a result of the agreement, or of real 72569  
property constituting the project site, or both. 72570

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 72571  
this section, the portion of the assessed value of tangible 72572  
personal property or of the increase in the assessed valuation of 72573  
real property exempted from taxation under those divisions may 72574  
exceed sixty per cent in any year for which that portion is 72575  
exempted if the average percentage exempted for all years in which 72576  
the agreement is in effect does not exceed fifty per cent, or if 72577  
the board of education of the city, local, or exempted village 72578  
school district within the territory of which the property is or 72579  
will be located approves a percentage in excess of sixty per cent. 72580

(b) Notwithstanding any provision of the Revised Code to the 72581  
contrary, the exemptions described in divisions (B)(1)(b)(i), 72582  
(ii), (iii), and (iv) and (B)(2) of this section may be for up to 72583  
fifteen years if the board of education of the city, local, or 72584  
exempted village school district within the territory of which the 72585  
property is or will be located approves a number of years in 72586  
excess of ten. 72587

(c) For the purpose of obtaining the approval of a city, 72588  
local, or exempted village school district under division 72589  
(C)(1)(a) or (b) of this section, the board of county 72590  
commissioners shall deliver to the board of education a notice not 72591  
later than forty-five days prior to approving the agreement, 72592  
excluding Saturdays, Sundays, and legal holidays as defined in 72593  
section 1.14 of the Revised Code. The notice shall state the 72594  
percentage to be exempted, an estimate of the true value of the 72595  
property to be exempted, and the number of years the property is 72596  
to be exempted. The board of education, by resolution adopted by a 72597  
majority of the board, shall approve or disapprove the agreement 72598  
and certify a copy of the resolution to the board of county 72599  
commissioners not later than fourteen days prior to the date 72600  
stipulated by the board of county commissioners as the date upon 72601  
which approval of the agreement is to be formally considered by 72602

the board of county commissioners. The board of education may 72603  
include in the resolution conditions under which the board would 72604  
approve the agreement, including the execution of an agreement to 72605  
compensate the school district under division (B) of section 72606  
5709.82 of the Revised Code. The board of county commissioners may 72607  
approve the agreement at any time after the board of education 72608  
certifies its resolution approving the agreement to the board of 72609  
county commissioners, or, if the board of education approves the 72610  
agreement conditionally, at any time after the conditions are 72611  
agreed to by the board of education and the board of county 72612  
commissioners. 72613

If a board of education has adopted a resolution waiving its 72614  
right to approve agreements and the resolution remains in effect, 72615  
approval of an agreement by the board of education is not required 72616  
under division (C) of this section. If a board of education has 72617  
adopted a resolution allowing a board of county commissioners to 72618  
deliver the notice required under this division fewer than 72619  
forty-five business days prior to approval of the agreement by the 72620  
board of county commissioners, the board of county commissioners 72621  
shall deliver the notice to the board of education not later than 72622  
the number of days prior to such approval as prescribed by the 72623  
board of education in its resolution. If a board of education 72624  
adopts a resolution waiving its right to approve agreements or 72625  
shortening the notification period, the board of education shall 72626  
certify a copy of the resolution to the board of county 72627  
commissioners. If the board of education rescinds such a 72628  
resolution, it shall certify notice of the rescission to the board 72629  
of county commissioners. 72630

(2) The board of county commissioners shall comply with 72631  
section 5709.83 of the Revised Code unless the board of education 72632  
has adopted a resolution under that section waiving its right to 72633  
receive such notice. 72634

(D) This division applies to zones certified by the director of development under this section prior to July 22, 1994.

On or before October 15, ~~2012~~ 2013, and with the consent of the legislative authority of each affected municipal corporation or board of township trustees of each affected township, the board of county commissioners that designated a zone to which this division applies may enter into an agreement with an enterprise if the board finds that the enterprise satisfies one of the criteria described in divisions (D)(1) to (5) of this section:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

The agreement shall require the enterprise to agree to establish, expand, renovate, or occupy a facility in the zone and hire new employees, or preserve employment opportunities for

existing employees, in return for one or more of the incentives 72666  
described in division (B) of this section. 72667

(E) All agreements entered into under this section shall be 72668  
in the form prescribed under section 5709.631 of the Revised Code. 72669  
After an agreement under this section is entered into, if the 72670  
board of county commissioners revokes its designation of a zone, 72671  
or if the director of development revokes a zone's certification, 72672  
any entitlements granted under the agreement shall continue for 72673  
the number of years specified in the agreement. 72674

(F) Except as otherwise provided in this division, an 72675  
agreement entered into under this section shall require that the 72676  
enterprise pay an annual fee equal to the greater of one per cent 72677  
of the dollar value of incentives offered under the agreement or 72678  
five hundred dollars; provided, however, that if the value of the 72679  
incentives exceeds two hundred fifty thousand dollars, the fee 72680  
shall not exceed two thousand five hundred dollars. The fee shall 72681  
be payable to the board of county commissioners once per year for 72682  
each year the agreement is effective on the days and in the form 72683  
specified in the agreement. Fees paid shall be deposited in a 72684  
special fund created for such purpose by the board and shall be 72685  
used by the board exclusively for the purpose of complying with 72686  
section 5709.68 of the Revised Code and by the tax incentive 72687  
review council created under section 5709.85 of the Revised Code 72688  
exclusively for the purposes of performing the duties prescribed 72689  
under that section. The board may waive or reduce the amount of 72690  
the fee charged against an enterprise, but such waiver or 72691  
reduction does not affect the obligations of the board or the tax 72692  
incentive review council to comply with section 5709.68 or 5709.85 72693  
of the Revised Code, respectively. 72694

(G) With the approval of the legislative authority of a 72695  
municipal corporation or the board of township trustees of a 72696  
township in which a zone is designated under division (A) of this 72697

section, the board of county commissioners may delegate to that 72698  
legislative authority or board any powers and duties of the board 72699  
of county commissioners to negotiate and administer agreements 72700  
with regard to that zone under this section. 72701

(H) When an agreement is entered into pursuant to this 72702  
section, the board of county commissioners authorizing the 72703  
agreement or the legislative authority or board of township 72704  
trustees that negotiates and administers the agreement shall 72705  
forward a copy of the agreement to the director of development and 72706  
to the tax commissioner within fifteen days after the agreement is 72707  
entered into. If any agreement includes terms not provided for in 72708  
section 5709.631 of the Revised Code affecting the revenue of a 72709  
city, local, or exempted village school district or causing 72710  
revenue to be foregone by the district, including any compensation 72711  
to be paid to the school district pursuant to section 5709.82 of 72712  
the Revised Code, those terms also shall be forwarded in writing 72713  
to the director of development along with the copy of the 72714  
agreement forwarded under this division. 72715

(I) After an agreement is entered into, the enterprise shall 72716  
file with each personal property tax return required to be filed, 72717  
or annual report that is required to be filed under section 72718  
5727.08 of the Revised Code, while the agreement is in effect, an 72719  
informational return, on a form prescribed by the tax commissioner 72720  
for that purpose, setting forth separately the property, and 72721  
related costs and values, exempted from taxation under the 72722  
agreement. 72723

(J) Enterprises may agree to give preference to residents of 72724  
the zone within which the agreement applies relative to residents 72725  
of this state who do not reside in the zone when hiring new 72726  
employees under the agreement. 72727

(K) An agreement entered into under this section may include 72728  
a provision requiring the enterprise to create one or more 72729

temporary internship positions for students enrolled in a course 72730  
of study at a school or other educational institution in the 72731  
vicinity, and to create a scholarship or provide another form of 72732  
educational financial assistance for students holding such a 72733  
position in exchange for the student's commitment to work for the 72734  
enterprise at the completion of the internship. 72735

(L) The tax commissioner's authority in determining the 72736  
accuracy of any exemption granted by an agreement entered into 72737  
under this section is limited to divisions (B)(1)(b)(i) and (ii), 72738  
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 72739  
this section as it pertains to divisions (C)(2)(a), (b), and (c) 72740  
of section 5709.62 of the Revised Code, and divisions (B)(1) to 72741  
(10) of section 5709.631 of the Revised Code and, as authorized by 72742  
law, to enforcing any modification to, or revocation of, that 72743  
agreement by the board of county commissioners or the director of 72744  
development or, if the board's powers and duties are delegated 72745  
under division (G) of this section, by the legislative authority 72746  
of a municipal corporation or board of township trustees. 72747

**Sec. 5709.632.** (A)(1) The legislative authority of a 72748  
municipal corporation defined by the United States office of 72749  
management and budget as a principal city of a metropolitan 72750  
statistical area may, in the manner set forth in section 5709.62 72751  
of the Revised Code, designate one or more areas in the municipal 72752  
corporation as a proposed enterprise zone. 72753

(2) With the consent of the legislative authority of each 72754  
affected municipal corporation or of a board of township trustees, 72755  
a board of county commissioners may, in the manner set forth in 72756  
section 5709.62 of the Revised Code, designate one or more areas 72757  
in one or more municipal corporations or in unincorporated areas 72758  
of the county as proposed urban jobs and enterprise zones, except 72759  
that a board of county commissioners may designate no more than 72760



one area within a township, or within adjacent townships, as a 72761  
proposed urban jobs and enterprise zone. 72762

(3) The legislative authority or board of county 72763  
commissioners may petition the director of development for 72764  
certification of the area as having the characteristics set forth 72765  
in division (A)(3) of section 5709.61 of the Revised Code. Within 72766  
sixty days after receiving such a petition, the director shall 72767  
determine whether the area has the characteristics set forth in 72768  
that division and forward the findings to the legislative 72769  
authority or board of county commissioners. If the director 72770  
certifies the area as having those characteristics and thereby 72771  
certifies it as a zone, the legislative authority or board may 72772  
enter into agreements with enterprises under division (B) of this 72773  
section. Any enterprise wishing to enter into an agreement with a 72774  
legislative authority or board of county commissioners under this 72775  
section and satisfying one of the criteria described in divisions 72776  
(B)(1) to (5) of this section shall submit a proposal to the 72777  
legislative authority or board on the form prescribed under 72778  
division (B) of section 5709.62 of the Revised Code and shall 72779  
review and update the estimates and listings required by the form 72780  
in the manner required under that division. The legislative 72781  
authority or board may, on a separate form and at any time, 72782  
require any additional information necessary to determine whether 72783  
an enterprise is in compliance with an agreement and to collect 72784  
the information required to be reported under section 5709.68 of 72785  
the Revised Code. 72786

(B) Prior to entering into an agreement with an enterprise, 72787  
the legislative authority or board of county commissioners shall 72788  
determine whether the enterprise submitting the proposal is 72789  
qualified by financial responsibility and business experience to 72790  
create and preserve employment opportunities in the zone and to 72791  
improve the economic climate of the municipal corporation or 72792

municipal corporations or the unincorporated areas in which the zone is located and to which the proposal applies, and whether the enterprise satisfies one of the following criteria:

(1) The enterprise currently has no operations in this state and, subject to approval of the agreement, intends to establish operations in the zone;

(2) The enterprise currently has operations in this state and, subject to approval of the agreement, intends to establish operations at a new location in the zone that would not result in a reduction in the number of employee positions at any of the enterprise's other locations in this state;

(3) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in another state, to the zone;

(4) The enterprise, subject to approval of the agreement, intends to expand operations at an existing site in the zone that the enterprise currently operates;

(5) The enterprise, subject to approval of the agreement, intends to relocate operations, currently located in this state, to the zone, and the director of development has issued a waiver for the enterprise under division (B) of section 5709.633 of the Revised Code.

(C) If the legislative authority or board determines that the enterprise is so qualified and satisfies one of the criteria described in divisions (B)(1) to (5) of this section, the legislative authority or board may, after complying with section 5709.83 of the Revised Code and on or before October 15, ~~2012~~ 2013, and, in the case of a board of commissioners, with the consent of the legislative authority of each affected municipal corporation or of the board of township trustees, enter into an agreement with the enterprise under which the enterprise agrees to

establish, expand, renovate, or occupy a facility in the zone and 72824  
hire new employees, or preserve employment opportunities for 72825  
existing employees, in return for the following incentives: 72826

(1) When the facility is located in a municipal corporation, 72827  
a legislative authority or board of commissioners may enter into 72828  
an agreement for one or more of the incentives provided in 72829  
division (C) of section 5709.62 of the Revised Code, subject to 72830  
division (D) of that section; 72831

(2) When the facility is located in an unincorporated area, a 72832  
board of commissioners may enter into an agreement for one or more 72833  
of the incentives provided in divisions (B)(1)(b), (B)(2), and 72834  
(B)(3) of section 5709.63 of the Revised Code, subject to division 72835  
(C) of that section. 72836

(D) All agreements entered into under this section shall be 72837  
in the form prescribed under section 5709.631 of the Revised Code. 72838  
After an agreement under this section is entered into, if the 72839  
legislative authority or board of county commissioners revokes its 72840  
designation of the zone, or if the director of development revokes 72841  
the zone's certification, any entitlements granted under the 72842  
agreement shall continue for the number of years specified in the 72843  
agreement. 72844

(E) Except as otherwise provided in this division, an 72845  
agreement entered into under this section shall require that the 72846  
enterprise pay an annual fee equal to the greater of one per cent 72847  
of the dollar value of incentives offered under the agreement or 72848  
five hundred dollars; provided, however, that if the value of the 72849  
incentives exceeds two hundred fifty thousand dollars, the fee 72850  
shall not exceed two thousand five hundred dollars. The fee shall 72851  
be payable to the legislative authority or board of commissioners 72852  
once per year for each year the agreement is effective on the days 72853  
and in the form specified in the agreement. Fees paid shall be 72854  
deposited in a special fund created for such purpose by the 72855

legislative authority or board and shall be used by the 72856  
legislative authority or board exclusively for the purpose of 72857  
complying with section 5709.68 of the Revised Code and by the tax 72858  
incentive review council created under section 5709.85 of the 72859  
Revised Code exclusively for the purposes of performing the duties 72860  
prescribed under that section. The legislative authority or board 72861  
may waive or reduce the amount of the fee charged against an 72862  
enterprise, but such waiver or reduction does not affect the 72863  
obligations of the legislative authority or board or the tax 72864  
incentive review council to comply with section 5709.68 or 5709.85 72865  
of the Revised Code, respectively. 72866

(F) With the approval of the legislative authority of a 72867  
municipal corporation or the board of township trustees of a 72868  
township in which a zone is designated under division (A)(2) of 72869  
this section, the board of county commissioners may delegate to 72870  
that legislative authority or board any powers and duties of the 72871  
board to negotiate and administer agreements with regard to that 72872  
zone under this section. 72873

(G) When an agreement is entered into pursuant to this 72874  
section, the legislative authority or board of commissioners 72875  
authorizing the agreement shall forward a copy of the agreement to 72876  
the director of development and to the tax commissioner within 72877  
fifteen days after the agreement is entered into. If any agreement 72878  
includes terms not provided for in section 5709.631 of the Revised 72879  
Code affecting the revenue of a city, local, or exempted village 72880  
school district or causing revenue to be forgone by the district, 72881  
including any compensation to be paid to the school district 72882  
pursuant to section 5709.82 of the Revised Code, those terms also 72883  
shall be forwarded in writing to the director of development along 72884  
with the copy of the agreement forwarded under this division. 72885

(H) After an agreement is entered into, the enterprise shall 72886  
file with each personal property tax return required to be filed 72887

while the agreement is in effect, an informational return, on a 72888  
form prescribed by the tax commissioner for that purpose, setting 72889  
forth separately the property, and related costs and values, 72890  
exempted from taxation under the agreement. 72891

(I) An agreement entered into under this section may include 72892  
a provision requiring the enterprise to create one or more 72893  
temporary internship positions for students enrolled in a course 72894  
of study at a school or other educational institution in the 72895  
vicinity, and to create a scholarship or provide another form of 72896  
educational financial assistance for students holding such a 72897  
position in exchange for the student's commitment to work for the 72898  
enterprise at the completion of the internship. 72899

**Sec. 5709.73.** (A) As used in this section and section 5709.74 72900  
of the Revised Code: 72901

(1) "Business day" means a day of the week excluding 72902  
Saturday, Sunday, and a legal holiday as defined in section 1.14 72903  
of the Revised Code. 72904

(2) "Further improvements" or "improvements" means the 72905  
increase in the assessed value of real property that would first 72906  
appear on the tax list and duplicate of real and public utility 72907  
property after the effective date of a resolution adopted under 72908  
this section were it not for the exemption granted by that 72909  
resolution. For purposes of division (B) of this section, 72910  
"improvements" do not include any property used or to be used for 72911  
residential purposes. 72912

(3) "Housing renovation" means a project carried out for 72913  
residential purposes. 72914

(4) "Incentive district" has the same meaning as in section 72915  
5709.40 of the Revised Code, except that a blighted area is in the 72916  
unincorporated area of a township. 72917

(5) "Project" and "public infrastructure improvement" have 72918  
the same meanings as in section 5709.40 of the Revised Code. 72919

(B) A board of township trustees may, by unanimous vote, 72920  
adopt a resolution that declares to be a public purpose any public 72921  
infrastructure improvements made that are necessary for the 72922  
development of certain parcels of land located in the 72923  
unincorporated area of the township. Except with the approval 72924  
under division (D) of this section of the board of education of 72925  
each city, local, or exempted village school district within which 72926  
the improvements are located, the resolution may exempt from real 72927  
property taxation not more than seventy-five per cent of further 72928  
improvements to a parcel of land that directly benefits from the 72929  
public infrastructure improvements, for a period of not more than 72930  
ten years. The resolution shall specify the percentage of the 72931  
further improvements to be exempted and the life of the exemption. 72932

(C)(1) A board of township trustees may adopt, by unanimous 72933  
vote, a resolution creating an incentive district and declaring 72934  
improvements to parcels within the district to be a public purpose 72935  
and, except as provided in division (F) of this section, exempt 72936  
from taxation as provided in this section, but no board of 72937  
township trustees of a township that has a population that exceeds 72938  
twenty-five thousand, as shown by the most recent federal 72939  
decennial census, shall adopt a resolution that creates an 72940  
incentive district if the sum of the taxable value of real 72941  
property in the proposed district for the preceding tax year and 72942  
the taxable value of all real property in the township that would 72943  
have been taxable in the preceding year were it not for the fact 72944  
that the property was in an existing incentive district and 72945  
therefore exempt from taxation exceeds twenty-five per cent of the 72946  
taxable value of real property in the township for the preceding 72947  
tax year. The district shall be located within the unincorporated 72948  
area of the township and shall not include any territory that is 72949

included within a district created under division (B) of section 72950  
5709.78 of the Revised Code. The resolution shall delineate the 72951  
boundary of the district and specifically identify each parcel 72952  
within the district. A district may not include any parcel that is 72953  
or has been exempted from taxation under division (B) of this 72954  
section or that is or has been within another district created 72955  
under this division. A resolution may create more than one 72956  
district, and more than one resolution may be adopted under 72957  
division (C)(1) of this section. 72958

(2) Not later than thirty days prior to adopting a resolution 72959  
under division (C)(1) of this section, if the township intends to 72960  
apply for exemptions from taxation under section 5709.911 of the 72961  
Revised Code on behalf of owners of real property located within 72962  
the proposed incentive district, the board shall conduct a public 72963  
hearing on the proposed resolution. Not later than thirty days 72964  
prior to the public hearing, the board shall give notice of the 72965  
public hearing and the proposed resolution by first class mail to 72966  
every real property owner whose property is located within the 72967  
boundaries of the proposed incentive district that is the subject 72968  
of the proposed resolution. 72969

(3)(a) A resolution adopted under division (C)(1) of this 72970  
section shall specify the life of the incentive district and the 72971  
percentage of the improvements to be exempted, shall designate the 72972  
public infrastructure improvements made, to be made, or in the 72973  
process of being made, that benefit or serve, or, once made, will 72974  
benefit or serve parcels in the district. The resolution also 72975  
shall identify one or more specific projects being, or to be, 72976  
undertaken in the district that place additional demand on the 72977  
public infrastructure improvements designated in the resolution. 72978  
The project identified may, but need not be, the project under 72979  
division (C)(3)(b) of this section that places real property in 72980  
use for commercial or industrial purposes. 72981

A resolution adopted under division (C)(1) of this section on 72982  
or after March 30, 2006, shall not designate police or fire 72983  
equipment as public infrastructure improvements, and no service 72984  
payment provided for in section 5709.74 of the Revised Code and 72985  
received by the township under the resolution shall be used for 72986  
police or fire equipment. 72987

(b) A resolution adopted under division (C)(1) of this 72988  
section may authorize the use of service payments provided for in 72989  
section 5709.74 of the Revised Code for the purpose of housing 72990  
renovations within the incentive district, provided that the 72991  
resolution also designates public infrastructure improvements that 72992  
benefit or serve the district, and that a project within the 72993  
district places real property in use for commercial or industrial 72994  
purposes. Service payments may be used to finance or support 72995  
loans, deferred loans, and grants to persons for the purpose of 72996  
housing renovations within the district. The resolution shall 72997  
designate the parcels within the district that are eligible for 72998  
housing renovations. The resolution shall state separately the 72999  
amount or the percentages of the expected aggregate service 73000  
payments that are designated for each public infrastructure 73001  
improvement and for the purpose of housing renovations. 73002

(4) Except with the approval of the board of education of 73003  
each city, local, or exempted village school district within the 73004  
territory of which the incentive district is or will be located, 73005  
and subject to division (E) of this section, the life of an 73006  
incentive district shall not exceed ten years, and the percentage 73007  
of improvements to be exempted shall not exceed seventy-five per 73008  
cent. With approval of the board of education, the life of a 73009  
district may be not more than thirty years, and the percentage of 73010  
improvements to be exempted may be not more than one hundred per 73011  
cent. The approval of a board of education shall be obtained in 73012  
the manner provided in division (D) of this section. 73013



(D) Improvements with respect to a parcel may be exempted 73014  
from taxation under division (B) of this section, and improvements 73015  
to parcels within an incentive district may be exempted from 73016  
taxation under division (C) of this section, for up to ten years 73017  
or, with the approval of the board of education of the city, 73018  
local, or exempted village school district within which the parcel 73019  
or district is located, for up to thirty years. The percentage of 73020  
the improvements exempted from taxation may, with such approval, 73021  
exceed seventy-five per cent, but shall not exceed one hundred per 73022  
cent. Not later than forty-five business days prior to adopting a 73023  
resolution under this section declaring improvements to be a 73024  
public purpose that is subject to approval by a board of education 73025  
under this division, the board of township trustees shall deliver 73026  
to the board of education a notice stating its intent to adopt a 73027  
resolution making that declaration. The notice regarding 73028  
improvements with respect to a parcel under division (B) of this 73029  
section shall identify the parcels for which improvements are to 73030  
be exempted from taxation, provide an estimate of the true value 73031  
in money of the improvements, specify the period for which the 73032  
improvements would be exempted from taxation and the percentage of 73033  
the improvements that would be exempted, and indicate the date on 73034  
which the board of township trustees intends to adopt the 73035  
resolution. The notice regarding improvements made under division 73036  
(C) of this section to parcels within an incentive district shall 73037  
delineate the boundaries of the district, specifically identify 73038  
each parcel within the district, identify each anticipated 73039  
improvement in the district, provide an estimate of the true value 73040  
in money of each such improvement, specify the life of the 73041  
district and the percentage of improvements that would be 73042  
exempted, and indicate the date on which the board of township 73043  
trustees intends to adopt the resolution. The board of education, 73044  
by resolution adopted by a majority of the board, may approve the 73045  
exemption for the period or for the exemption percentage specified 73046

in the notice; may disapprove the exemption for the number of 73047  
years in excess of ten, may disapprove the exemption for the 73048  
percentage of the improvements to be exempted in excess of 73049  
seventy-five per cent, or both; or may approve the exemption on 73050  
the condition that the board of township trustees and the board of 73051  
education negotiate an agreement providing for compensation to the 73052  
school district equal in value to a percentage of the amount of 73053  
taxes exempted in the eleventh and subsequent years of the 73054  
exemption period or, in the case of exemption percentages in 73055  
excess of seventy-five per cent, compensation equal in value to a 73056  
percentage of the taxes that would be payable on the portion of 73057  
the improvements in excess of seventy-five per cent were that 73058  
portion to be subject to taxation, or other mutually agreeable 73059  
compensation. 73060

The board of education shall certify its resolution to the 73061  
board of township trustees not later than fourteen days prior to 73062  
the date the board of township trustees intends to adopt the 73063  
resolution as indicated in the notice. If the board of education 73064  
and the board of township trustees negotiate a mutually acceptable 73065  
compensation agreement, the resolution may declare the 73066  
improvements a public purpose for the number of years specified in 73067  
the resolution or, in the case of exemption percentages in excess 73068  
of seventy-five per cent, for the exemption percentage specified 73069  
in the resolution. In either case, if the board of education and 73070  
the board of township trustees fail to negotiate a mutually 73071  
acceptable compensation agreement, the resolution may declare the 73072  
improvements a public purpose for not more than ten years, and 73073  
shall not exempt more than seventy-five per cent of the 73074  
improvements from taxation. If the board of education fails to 73075  
certify a resolution to the board of township trustees within the 73076  
time prescribed by this section, the board of township trustees 73077  
thereupon may adopt the resolution and may declare the 73078  
improvements a public purpose for up to thirty years or, in the 73079

case of exemption percentages proposed in excess of seventy-five 73080  
per cent, for the exemption percentage specified in the 73081  
resolution. The board of township trustees may adopt the 73082  
resolution at any time after the board of education certifies its 73083  
resolution approving the exemption to the board of township 73084  
trustees, or, if the board of education approves the exemption on 73085  
the condition that a mutually acceptable compensation agreement be 73086  
negotiated, at any time after the compensation agreement is agreed 73087  
to by the board of education and the board of township trustees. 73088  
If a mutually acceptable compensation agreement is negotiated 73089  
between the board of township trustees and the board of education, 73090  
including agreements for payments in lieu of taxes under section 73091  
5709.74 of the Revised Code, the board of township trustees shall 73092  
compensate the joint vocational school district within which the 73093  
parcel or district is located at the same rate and under the same 73094  
terms received by the city, local, or exempted village school 73095  
district. 73096

If a board of education has adopted a resolution waiving its 73097  
right to approve exemptions from taxation under this section and 73098  
the resolution remains in effect, approval of such exemptions by 73099  
the board of education is not required under division (D) of this 73100  
section. If a board of education has adopted a resolution allowing 73101  
a board of township trustees to deliver the notice required under 73102  
division (D) of this section fewer than forty-five business days 73103  
prior to adoption of the resolution by the board of township 73104  
trustees, the board of township trustees shall deliver the notice 73105  
to the board of education not later than the number of days prior 73106  
to the adoption as prescribed by the board of education in its 73107  
resolution. If a board of education adopts a resolution waiving 73108  
its right to approve exemptions or shortening the notification 73109  
period, the board of education shall certify a copy of the 73110  
resolution to the board of township trustees. If the board of 73111  
education rescinds the resolution, it shall certify notice of the 73112

rescission to the board of township trustees. 73113

If the board of township trustees is not required by division 73114  
(D) of this section to notify the board of education of the board 73115  
of township trustees' intent to declare improvements to be a 73116  
public purpose, the board of township trustees shall comply with 73117  
the notice requirements imposed under section 5709.83 of the 73118  
Revised Code before taking formal action to adopt the resolution 73119  
making that declaration, unless the board of education has adopted 73120  
a resolution under that section waiving its right to receive the 73121  
notice. 73122

(E)(1) If a proposed resolution under division (C)(1) of this 73123  
section exempts improvements with respect to a parcel within an 73124  
incentive district for more than ten years, or the percentage of 73125  
the improvement exempted from taxation exceeds seventy-five per 73126  
cent, not later than forty-five business days prior to adopting 73127  
the resolution the board of township trustees shall deliver to the 73128  
board of county commissioners of the county within which the 73129  
incentive district is or will be located a notice that states its 73130  
intent to adopt a resolution creating an incentive district. The 73131  
notice shall include a copy of the proposed resolution, identify 73132  
the parcels for which improvements are to be exempted from 73133  
taxation, provide an estimate of the true value in money of the 73134  
improvements, specify the period of time for which the 73135  
improvements would be exempted from taxation, specify the 73136  
percentage of the improvements that would be exempted from 73137  
taxation, and indicate the date on which the board of township 73138  
trustees intends to adopt the resolution. 73139

(2) The board of county commissioners, by resolution adopted 73140  
by a majority of the board, may object to the exemption for the 73141  
number of years in excess of ten, may object to the exemption for 73142  
the percentage of the improvement to be exempted in excess of 73143  
seventy-five per cent, or both. If the board of county 73144

commissioners objects, the board may negotiate a mutually 73145  
acceptable compensation agreement with the board of township 73146  
trustees. In no case shall the compensation provided to the board 73147  
of county commissioners exceed the property taxes foregone due to 73148  
the exemption. If the board of county commissioners objects, and 73149  
the board of county commissioners and board of township trustees 73150  
fail to negotiate a mutually acceptable compensation agreement, 73151  
the resolution adopted under division (C)(1) of this section shall 73152  
provide to the board of county commissioners compensation in the 73153  
eleventh and subsequent years of the exemption period equal in 73154  
value to not more than fifty per cent of the taxes that would be 73155  
payable to the county or, if the board of county commissioner's 73156  
objection includes an objection to an exemption percentage in 73157  
excess of seventy-five per cent, compensation equal in value to 73158  
not more than fifty per cent of the taxes that would be payable to 73159  
the county, on the portion of the improvement in excess of 73160  
seventy-five per cent, were that portion to be subject to 73161  
taxation. The board of county commissioners shall certify its 73162  
resolution to the board of township trustees not later than thirty 73163  
days after receipt of the notice. 73164

(3) If the board of county commissioners does not object or 73165  
fails to certify its resolution objecting to an exemption within 73166  
thirty days after receipt of the notice, the board of township 73167  
trustees may adopt its resolution, and no compensation shall be 73168  
provided to the board of county commissioners. If the board of 73169  
county commissioners timely certifies its resolution objecting to 73170  
the trustees' resolution, the board of township trustees may adopt 73171  
its resolution at any time after a mutually acceptable 73172  
compensation agreement is agreed to by the board of county 73173  
commissioners and the board of township trustees, or, if no 73174  
compensation agreement is negotiated, at any time after the board 73175  
of township trustees agrees in the proposed resolution to provide 73176  
compensation to the board of county commissioners of fifty per 73177

cent of the taxes that would be payable to the county in the 73178  
eleventh and subsequent years of the exemption period or on the 73179  
portion of the improvement in excess of seventy-five per cent, 73180  
were that portion to be subject to taxation. 73181

(F) Service payments in lieu of taxes that are attributable 73182  
to any amount by which the effective tax rate of either a renewal 73183  
levy with an increase or a replacement levy exceeds the effective 73184  
tax rate of the levy renewed or replaced, or that are attributable 73185  
to an additional levy, for a levy authorized by the voters for any 73186  
of the following purposes on or after January 1, 2006, and which 73187  
are provided pursuant to a resolution creating an incentive 73188  
district under division (C)(1) of this section that is adopted on 73189  
or after January 1, 2006, shall be distributed to the appropriate 73190  
taxing authority as required under division (C) of section 5709.74 73191  
of the Revised Code in an amount equal to the amount of taxes from 73192  
that additional levy or from the increase in the effective tax 73193  
rate of such renewal or replacement levy that would have been 73194  
payable to that taxing authority from the following levies were it 73195  
not for the exemption authorized under division (C) of this 73196  
section: 73197

(1) A tax levied under division (L) of section 5705.19 or 73198  
section 5705.191 of the Revised Code for community mental 73199  
retardation and developmental disabilities programs and services 73200  
pursuant to Chapter 5126. of the Revised Code; 73201

(2) A tax levied under division (Y) of section 5705.19 of the 73202  
Revised Code for providing or maintaining senior citizens services 73203  
or facilities; 73204

(3) A tax levied under section 5705.22 of the Revised Code 73205  
for county hospitals; 73206

(4) A tax levied by a joint-county district or by a county 73207  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 73208

for alcohol, drug addiction, and mental health services or	73209
families;	73210
(5) A tax levied under section 5705.23 of the Revised Code	73211
for library purposes;	73212
(6) A tax levied under section 5705.24 of the Revised Code	73213
for the support of children services and the placement and care of	73214
children;	73215
(7) A tax levied under division (Z) of section 5705.19 of the	73216
Revised Code for the provision and maintenance of zoological park	73217
services and facilities under section 307.76 of the Revised Code;	73218
(8) A tax levied under section 511.27 or division (H) of	73219
section 5705.19 of the Revised Code for the support of township	73220
park districts;	73221
(9) A tax levied under division (A), (F), or (H) of section	73222
5705.19 of the Revised Code for parks and recreational purposes of	73223
a joint recreation district organized pursuant to division (B) of	73224
section 755.14 of the Revised Code;	73225
(10) A tax levied under section 1545.20 or 1545.21 of the	73226
Revised Code for park district purposes;	73227
(11) A tax levied under section 5705.191 of the Revised Code	73228
for the purpose of making appropriations for public assistance;	73229
human or social services; public relief; public welfare; public	73230
health and hospitalization; and support of general hospitals;	73231
(12) A tax levied under section 3709.29 of the Revised Code	73232
for a general health district program.	73233
(G) An exemption from taxation granted under this section	73234
commences with the tax year specified in the resolution so long as	73235
the year specified in the resolution commences after the effective	73236
date of the resolution. If the resolution specifies a year	73237
commencing before the effective date of the resolution or	73238

specifies no year whatsoever, the exemption commences with the tax 73239  
year in which an exempted improvement first appears on the tax 73240  
list and duplicate of real and public utility property and that 73241  
commences after the effective date of the resolution. Except as 73242  
otherwise provided in this division, the exemption ends on the 73243  
date specified in the resolution as the date the improvement 73244  
ceases to be a public purpose or the incentive district expires, 73245  
or ends on the date on which the public infrastructure 73246  
improvements and housing renovations are paid in full from the 73247  
township public improvement tax increment equivalent fund 73248  
established under section 5709.75 of the Revised Code, whichever 73249  
occurs first. The exemption of an improvement with respect to a 73250  
parcel or within an incentive district may end on a later date, as 73251  
specified in the resolution, if the board of township trustees and 73252  
the board of education of the city, local, or exempted village 73253  
school district within which the parcel or district is located 73254  
have entered into a compensation agreement under section 5709.82 73255  
of the Revised Code with respect to the improvement and the board 73256  
of education has approved the term of the exemption under division 73257  
(D) of this section, but in no case shall the improvement be 73258  
exempted from taxation for more than thirty years. The board of 73259  
township trustees may, by majority vote, adopt a resolution 73260  
permitting the township to enter into such agreements as the board 73261  
finds necessary or appropriate to provide for the construction or 73262  
undertaking of public infrastructure improvements and housing 73263  
renovations. Any exemption shall be claimed and allowed in the 73264  
same or a similar manner as in the case of other real property 73265  
exemptions. If an exemption status changes during a tax year, the 73266  
procedure for the apportionment of the taxes for that year is the 73267  
same as in the case of other changes in tax exemption status 73268  
during the year. 73269

(H) The board of township trustees may issue the notes of the 73270  
township to finance all costs pertaining to the construction or 73271



undertaking of public infrastructure improvements and housing 73272  
renovations made pursuant to this section. The notes shall be 73273  
signed by the board and attested by the signature of the township 73274  
fiscal officer, shall bear interest not to exceed the rate 73275  
provided in section 9.95 of the Revised Code, and are not subject 73276  
to Chapter 133. of the Revised Code. The resolution authorizing 73277  
the issuance of the notes shall pledge the funds of the township 73278  
public improvement tax increment equivalent fund established 73279  
pursuant to section 5709.75 of the Revised Code to pay the 73280  
interest on and principal of the notes. The notes, which may 73281  
contain a clause permitting prepayment at the option of the board, 73282  
shall be offered for sale on the open market or given to the 73283  
vendor or contractor if no sale is made. 73284

(I) The township, not later than fifteen days after the 73285  
adoption of a resolution under this section, shall submit to the 73286  
director of development a copy of the resolution. On or before the 73287  
thirty-first day of March of each year, the township shall submit 73288  
a status report to the director of development. The report shall 73289  
indicate, in the manner prescribed by the director, the progress 73290  
of the project during each year that the exemption remains in 73291  
effect, including a summary of the receipts from service payments 73292  
in lieu of taxes; expenditures of money from the fund created 73293  
under section 5709.75 of the Revised Code; a description of the 73294  
public infrastructure improvements and housing renovations 73295  
financed with the expenditures; and a quantitative summary of 73296  
changes in private investment resulting from each project. 73297

(J) Nothing in this section shall be construed to prohibit a 73298  
board of township trustees from declaring to be a public purpose 73299  
improvements with respect to more than one parcel. 73300

(K) A board of township trustees that adopted a resolution 73301  
under this section prior to July 21, 1994, may amend that 73302  
resolution to include any additional public infrastructure 73303

improvement. A board of township trustees that seeks by the 73304  
amendment to utilize money from its township public improvement 73305  
tax increment equivalent fund for land acquisition in aid of 73306  
industry, commerce, distribution, or research, demolition on 73307  
private property, or stormwater and flood remediation projects may 73308  
do so provided that the board currently is a party to a 73309  
hold-harmless agreement with the board of education of the city, 73310  
local, or exempted village school district within the territory of 73311  
which are located the parcels that are subject to an exemption. 73312  
For the purposes of this division, a "hold-harmless agreement" 73313  
means an agreement under which the board of township trustees 73314  
agrees to compensate the school district for one hundred per cent 73315  
of the tax revenue that the school district would have received 73316  
from further improvements to parcels designated in the resolution 73317  
were it not for the exemption granted by the resolution. 73318

(L) With respect to improvements resulting from projects, for 73319  
which construction commences on or after April 1, 2012, and on or 73320  
before December 31, 2013, and for which an exemption has been or 73321  
will be sought pursuant to a resolution adopted under this section 73322  
before December 14, 2001, "property used or to be used for 73323  
residential purposes," as used in division (A)(2) of this section, 73324  
means only that property that, as improved, the tax commissioner 73325  
would classify as residential land and improvements pursuant to 73326  
rules adopted by the tax commissioner under section 5713.041 of 73327  
the Revised Code. 73328

**Sec. 5709.75.** (A) Any township that receives service payments 73329  
in lieu of taxes under section 5709.74 of the Revised Code shall 73330  
establish a township public improvement tax increment equivalent 73331  
fund into which those payments shall be deposited. If the board of 73332  
township trustees has adopted a resolution under division (C) of 73333  
section 5709.73 of the Revised Code, the township shall establish 73334  
at least one account in that fund with respect to resolutions 73335

adopted under division (B) of that section, and one account with 73336  
respect to each incentive district created by a resolution adopted 73337  
under division (C) of that section. If a resolution adopted under 73338  
division (C) of section 5709.73 of the Revised Code also 73339  
authorizes the use of service payments for housing renovations 73340  
within the incentive district, the township shall establish 73341  
separate accounts for the service payments designated for public 73342  
infrastructure improvements and for the service payments 73343  
authorized for the purpose of housing renovations. 73344

(B) Except as otherwise provided in division (C) or (D) of 73345  
this section, money deposited in an account of the township public 73346  
improvement tax increment equivalent fund shall be used by the 73347  
township to pay the costs of public infrastructure improvements 73348  
designated in or the housing renovations authorized by the 73349  
resolution with respect to which the account is established, 73350  
including any interest on and principal of the notes; in the case 73351  
of an account established with respect to a resolution adopted 73352  
under division (C) of that section, money in the account shall be 73353  
used to finance the public infrastructure improvements designated, 73354  
or the housing renovations authorized, for each incentive district 73355  
created in the resolution. Money in an account shall not be used 73356  
to finance or support housing renovations that take place after 73357  
the incentive district has expired. 73358

(C)(1)(a) A township may distribute money in such an account 73359  
to any school district in which the exempt property is located in 73360  
an amount not to exceed the amount of real property taxes that 73361  
such school district would have received from the improvement if 73362  
it were not exempt from taxation. The resolution establishing the 73363  
fund shall set forth the percentage of such maximum amount that 73364  
will be distributed to any affected school district. 73365

(b) A township also may distribute money in such an account 73366  
as follows: 73367

(i) To a board of county commissioners, in the amount that is owed to the board pursuant to division (E) of section 5709.73 of the Revised Code;

(ii) To a county in accordance with section 5709.913 of the Revised Code.

(2) Money from an account in a township public improvement tax increment equivalent fund may be distributed under division (C)(1)(b) of this section, regardless of the date a resolution was adopted under section 5709.73 of the Revised Code that prompted the establishment of the account, even if the resolution was adopted prior to March 30, 2006.

(D) A board of township trustees that adopted a resolution under ~~division (B)~~ of section 5709.73 of the Revised Code before January 1, ~~1995~~ 2011, and that, with respect to property exempted under such a resolution, is party to a hold-harmless or service agreement, may appropriate and expend unencumbered money in the fund to pay current public safety expenses of the township. A township appropriating and expending money under this division shall reimburse the fund for the sum so appropriated and expended not later than the day the exemption granted under the resolution expires. For the purposes of this division, a "hold-harmless agreement" is an agreement with the board of education of a city, local, or exempted village school district under which the board of township trustees agrees to compensate the school district for one hundred per cent of the tax revenue the school district would have received from improvements to parcels designated in the resolution were it not for the exemption granted by the resolution. For the purposes of this division, a "service agreement" is an agreement with the board of education of a city, local, or exempted village school district under which the board of township trustees agrees to compensate the school district for a portion of the tax revenue the school district would have

received from improvements to parcels designated in the resolution 73400  
if not for the exemption granted by the resolution. 73401

(E)(1) A township may use surplus money in the township 73402  
public improvement tax increment equivalent fund, or an account of 73403  
that fund, to repay a loan or provide matching funds for a grant 73404  
awarded to the township under the local government innovation 73405  
program created in section 189.02 of the Revised Code. 73406

(2) Any incidental surplus remaining in the township public 73407  
improvement tax increment equivalent fund or an account of that 73408  
fund upon dissolution of the account or fund shall be used as 73409  
provided in division (E)(1) of this section or transferred to the 73410  
general fund of the township. 73411

**Sec. 5709.80.** (A) The board of county commissioners of a 73412  
county that receives service payments in lieu of taxes under 73413  
section 5709.79 of the Revised Code shall establish a 73414  
redevelopment tax equivalent fund into which those payments shall 73415  
be deposited. Separate accounts shall be established in the fund 73416  
for each resolution adopted by the board of county commissioners 73417  
under section 5709.78 of the Revised Code. If the board of county 73418  
commissioners has adopted a resolution under division (B) of that 73419  
section, the county shall establish an account for each incentive 73420  
district created in that resolution. If a resolution adopted under 73421  
division (B) of section 5709.78 of the Revised Code also 73422  
authorizes the use of service payments for housing renovations 73423  
within the incentive district, the county shall establish separate 73424  
accounts for the service payments designated for public 73425  
infrastructure improvements and for the service payments 73426  
authorized for the purpose of housing renovations. 73427

(B) Moneys deposited into each account of the fund shall be 73428  
used by the county to pay the cost of constructing or repairing 73429  
the public infrastructure improvements designated in, or the 73430

housing renovations authorized by, the resolution, or for each 73431  
incentive district for which the account is established, to pay 73432  
the interest on and principal of bonds or notes issued under 73433  
division (B) of section 307.082 or division (A) of section 5709.81 73434  
of the Revised Code, or for the purposes pledged under division 73435  
(B) of section 5709.81 of the Revised Code. Money in an account 73436  
shall not be used to finance or support housing renovations that 73437  
take place after the incentive district has expired. 73438

(C)(1)(a) The board of county commissioners may distribute 73439  
money in an account to any school district in which the exempt 73440  
property is located in an amount not to exceed the amount of real 73441  
property taxes that such school district would have received from 73442  
the improvement if it were not exempt from taxation. The 73443  
resolution under which an account is established shall set forth 73444  
the percentage of such maximum amount that will be distributed to 73445  
any affected school district. 73446

(b) A board of county commissioners also may distribute money 73447  
in such an account as follows: 73448

(i) To a board of township trustees or legislative authority 73449  
of a municipal corporation, as applicable, in the amount that is 73450  
owed to the board of township trustees or legislative authority 73451  
pursuant to division (D) of section 5709.78 of the Revised Code; 73452

(ii) To a township in accordance with section 5709.914 of the 73453  
Revised Code. 73454

(2) Money from an account in the redevelopment tax equivalent 73455  
fund may be distributed under division (C)(1)(b) of this section, 73456  
regardless of the date a resolution was adopted under section 73457  
5709.78 of the Revised Code that prompted the establishment of the 73458  
account, even if the resolution was adopted prior to ~~the effective~~ 73459  
~~date of this amendment~~ March 30, 2006. 73460

~~(D) An account dissolves upon fulfillment of the purposes for~~ 73461

which money in the account may be used (1) A county may use 73462  
surplus money in an account of the redevelopment tax equivalent 73463  
fund to repay a loan or provide matching funds for a grant awarded 73464  
to the county under the local government innovation program 73465  
created in section 189.02 of the Revised Code. 73466

(2) An incidental surplus remaining in an account upon its 73467  
dissolution shall be used as provided in division (D)(1) of this 73468  
section or transferred to the general fund of the county. 73469

**Sec. 5713.012.** (A) For purposes of this section: 73470

(1) "Mass appraisal project" means any sexennial reappraisal, 73471  
triennial update, or other revaluation of all real property or the 73472  
valuation of newly constructed real property in accordance with 73473  
section 5713.01 of the Revised Code. 73474

(2) "Qualified project manager" means a person who plans, 73475  
manages, coordinates, and controls the execution of a mass 73476  
appraisal project under the direction of the county auditor and 73477  
who has all of the following qualifications: 73478

(a) Has passed a comprehensive final examination that 73479  
corresponds to a course, approved by the superintendent of real 73480  
estate and professional licensing, that consists of at least 73481  
thirty hours of instruction, quizzes, and learning aids. The 73482  
superintendent shall not approve a course under this division that 73483  
does not address the following topics in both the instruction and 73484  
the examination: 73485

(i) Concepts and principles of mass appraisal as they relate 73486  
to the assessment of real property for the purposes of ad valorem 73487  
taxation; 73488

(ii) Methods of data collection and data management relative 73489  
to parcels of real property, including modern alternative data 73490  
collection methods and currently utilized computer-assisted mass 73491

<u>appraisal systems;</u>	73492
<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>	73493 73494 73495 73496
<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>	73497 73498 73499
<u>(v) Methods and systems for model building and model calibration as related to mass appraisal of real property;</u>	73500 73501
<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>	73502 73503 73504 73505 73506
<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>	73507 73508 73509 73510 73511
<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>	73512 73513 73514 73515 73516 73517 73518
<u>(2) The tax commissioner, beginning two years after the effective date of the enactment of this section by H.B. 487 of the 129th general assembly, shall not approve any contract entered into by the auditor under division (E) of section 5713.01 of the</u>	73519 73520 73521 73522



Revised Code, with a person to do all or any part of the work 73523  
necessary to the performance of the auditor's duties as assessor 73524  
unless that person designates an officer or employee of that 73525  
person, with the appropriate credentials, to act as a qualified 73526  
project manager. 73527

(3) The tax commissioner, beginning two years after the 73528  
effective date of the enactment of this section by H.B. 487 of the 73529  
129th general assembly, shall not include any person that has not 73530  
designated an officer or employee, with the appropriate 73531  
credentials, to act as a qualified project manager on a list 73532  
generated by the commissioner for either of the following 73533  
purposes: 73534

(a) To assist county auditors in selecting a person to do all 73535  
or any part of the work necessary to the performance of the 73536  
auditor's duties as assessor of all real property under section 73537  
5713.01 of the Revised Code; 73538

(b) To assist the commissioner in the consideration of 73539  
whether to approve or disapprove the auditor's application 73540  
requesting authority to employ an appraisal firm or individual 73541  
appraiser. 73542

**Sec. 5713.03.** The county auditor, from the best sources of 73543  
information available, shall determine, as nearly as practicable, 73544  
the true value of the fee simple estate, as if unencumbered, of 73545  
each separate tract, lot, or parcel of real property and of 73546  
buildings, structures, and improvements located thereon and the 73547  
current agricultural use value of land valued for tax purposes in 73548  
accordance with section 5713.31 of the Revised Code, in every 73549  
district, according to the rules prescribed by this chapter and 73550  
section 5715.01 of the Revised Code, and in accordance with the 73551  
uniform rules and methods of valuing and assessing real property 73552  
as adopted, prescribed, and promulgated by the tax commissioner. 73553

~~He~~ The auditor shall determine the taxable value of all real property by reducing its true or current agricultural use value by the percentage ordered by the commissioner. In determining the true value of any tract, lot, or parcel of real estate under this section, if such tract, lot, or parcel has been the subject of an arm's length sale between a willing seller and a willing buyer within a reasonable length of time, either before or after the tax lien date, the auditor ~~shall~~ may consider the sale price of such tract, lot, or parcel to be the true value for taxation purposes. However, the sale price in an arm's length transaction between a willing seller and a willing buyer shall not be considered the true value of the property sold if subsequent to the sale:

(A) The tract, lot, or parcel of real estate loses value due to some casualty;

(B) An improvement is added to the property. Nothing in this section or section 5713.01 of the Revised Code and no rule adopted under section 5715.01 of the Revised Code shall require the county auditor to change the true value in money of any property in any year except a year in which the tax commissioner is required to determine under section 5715.24 of the Revised Code whether the property has been assessed as required by law.

The county auditor shall adopt and use a real property record approved by the commissioner for each tract, lot, or parcel of real property, setting forth the true and taxable value of land and, in the case of land valued in accordance with section 5713.31 of the Revised Code, its current agricultural use value, the number of acres of arable land, permanent pasture land, woodland, and wasteland in each tract, lot, or parcel. ~~He~~ The auditor shall record pertinent information and the true and taxable value of each building, structure, or improvement to land, which value shall be included as a separate part of the total value of each tract, lot, or parcel of real property.

**Sec. 5719.13.** Taxes assessed on the shares of stock of a dealer in intangibles shall be a lien on such shares from the first day of January in each year until they are paid. Each dealer in intangibles shall collect the taxes due from the owners of such shares and ~~pay~~ remit the same to the tax commissioner, who shall accept the remittance on behalf of the treasurer of state. The remittance shall be made payable to the treasurer of state and shall be made in the form prescribed by the commissioner. Any dealer in intangibles who fails to pay said taxes as provided in this section shall be liable by way of penalty for the gross amount of the taxes due from all the owners of shares, and for an additional amount of one hundred dollars for each day of delay in the payment of said taxes.

A dealer in intangibles who ~~pays to the treasurer of state~~ the taxes assessed upon its shares in the hands of its shareholders, as provided in this section, may deduct the amount thereof from dividends or distributions that are due or thereafter become due on such shares, and shall have a lien on the shares of stock and all funds belonging to such shareholders in its possession, or which come into its possession, for reimbursement of such tax paid on account of the shareholders, with legal interest. Such lien may be enforced in any appropriate manner.

**Sec. 5725.14.** (A) As used in this section and section 5725.15 of the Revised Code:

(1) "Billing address" of a customer means one of the following:

(a) The customer's address as set forth in any notice, statement, bill, or similar acknowledgment shall be presumed to be the address where the customer is located with respect to the transaction for which the dealer issued the notice, statement,

bill, or acknowledgment. 73616

(b) If the dealer issues any notice, statement, bill, or 73617  
similar acknowledgment electronically to an address other than a 73618  
street address or post office box address or if the dealer does 73619  
not issue such a notice, statement, bill, or acknowledgment, the 73620  
customer's street address as set forth in the records of the 73621  
dealer at the time of the transaction shall be presumed to be the 73622  
address where the customer is located. 73623

(2) "Commissions" includes but is not limited to brokerage 73624  
commissions, asset management fees, and similar fees charged in 73625  
the regular course of business to a customer for the maintenance 73626  
and management of the customer's account. 73627

(3) "Gross receipts" means one of the following: 73628

(a) In the case of a dealer in intangibles principally 73629  
engaged in the business of lending money or discounting loans, the 73630  
aggregate amount of loans effected or discounted; 73631

(b) In the case of a dealer in intangibles principally 73632  
engaged in the business of selling or buying stocks, bonds, or 73633  
other similar securities either on the dealer's own account or as 73634  
agent for another, the aggregate amount of all commissions 73635  
charged. 73636

(B) Each dealer in intangibles shall return to the tax 73637  
commissioner between the first and second Mondays of March, 73638  
annually, a report exhibiting in detail, and under appropriate 73639  
heads, the dealer's resources and liabilities at the close of 73640  
business on the thirty-first day of December next preceding, 73641  
together with remittance made payable to the treasurer of state of 73642  
the tax levied under division (D) of section 5707.03 of the 73643  
Revised Code. In the case of an unincorporated dealer in 73644  
intangibles, such report shall also exhibit the amount or value as 73645  
of the date of conversion of all property within the year 73646

preceding the date of listing, and on or after the first day of 73647  
November converted into bonds or other securities not taxed to the 73648  
extent such nontaxable bonds or securities may be shown in the 73649  
dealer's resources on such date, without deduction for 73650  
indebtedness created in the purchase of such nontaxable bonds or 73651  
securities. 73652

If a dealer in intangibles maintains separate business 73653  
offices, whether within this state only or within and without this 73654  
state, the report shall also show the gross receipts from business 73655  
done at each such office during the year ending on the 73656  
thirty-first day of December next preceding. 73657

For the purposes of this section and section 5725.15 of the 73658  
Revised Code, business is considered done at an office when it 73659  
originates at such office, but the receipts from business 73660  
originating at one office and consummated at another office shall 73661  
be divided equitably between such offices. 73662

(C) For the purposes of this section and section 5725.15 of 73663  
the Revised Code, in the case of a dealer in intangibles 73664  
principally engaged in the business of selling or buying stocks, 73665  
bonds, or other similar securities either on the dealer's own 73666  
account or as agent for another, the dealer's capital, surplus, 73667  
and undivided profits employed in this state shall bear the same 73668  
ratio to the dealer's total capital, surplus, and undivided 73669  
profits employed everywhere as the amount described in division 73670  
(C)(1) of this section bears to the amount described in division 73671  
(C)(2) of this section: 73672

(1) The sum of the commissions earned during the year covered 73673  
by the ~~report~~ return from transactions with respect to brokerage 73674  
accounts owned by customers having billing addresses in this 73675  
state; 73676

(2) The sum of the commissions earned during that year from 73677

transactions with respect to brokerage accounts owned by all of 73678  
the dealer's customers. 73679

(D) An incorporated dealer in intangibles which owns or 73680  
controls fifty-one per cent or more of the common stock of another 73681  
incorporated dealer in intangibles may, under uniform regulations 73682  
prescribed by the tax commissioner, make a consolidated return for 73683  
the purpose of sections 5725.01 to 5725.26, ~~inclusive,~~ of the 73684  
Revised Code. In such case the parent corporation making such 73685  
return is not required to include in its resources any of the 73686  
stocks, securities, or other obligations of its subsidiary 73687  
dealers, nor permitted to include in its liabilities any of its 73688  
own securities or other obligations belonging to its subsidiaries. 73689

**Sec. 5725.15.** ~~Upon receiving the~~ The report required by 73690  
section 5725.14 of the Revised Code, ~~the tax commissioner~~ shall 73691  
~~ascertain and assess~~ include as taxable property all the shares of 73692  
~~such dealers~~ the dealer in intangibles, the capital stock of which 73693  
is divided into shares, representing capital employed in this 73694  
state, and the value of the property representing the capital, not 73695  
divided into shares, employed in this state by such dealer in 73696  
intangibles, according to the aggregate fair value of the capital, 73697  
surplus, and undivided profits as shown in such report, including 73698  
in the case of an unincorporated dealer, the value of property 73699  
converted into nontaxable bonds or securities within the preceding 73700  
year, without deduction for indebtedness created in the purchase 73701  
of such nontaxable bonds or securities. 73702

The filing by a dealer of the report required by section 73703  
5725.14 of the Revised Code shall be the preliminary assessment of 73704  
the shares and property listed therein. 73705

If a dealer has separate offices, whether within this state 73706  
only or within and without this state, the ~~commissioner~~ dealer 73707  
shall ~~find~~ list the amount of capital employed in each office in 73708

this state, which shall bear the same ratio to the entire capital 73709  
of such dealer, wherever employed, as the gross receipts of such 73710  
office bears to the entire gross receipts of such dealer, wherever 73711  
arising. 73712

The aggregate book value of the capital, surplus, and 73713  
undivided profits of a dealer in intangibles as shown in such 73714  
report shall be taken as the fair value thereof for the purpose of 73715  
the assessment required by this section, unless the commissioner 73716  
finds that such book value is greater or less than the then fair 73717  
value of said capital, surplus, and undivided profits. Claim for 73718  
any deduction from book value of capital, surplus, and undivided 73719  
profits must be made in writing by the dealer in intangibles at 73720  
the time of making ~~his~~ the dealer's return. 73721

Whenever the commissioner assesses the fair value of the 73722  
capital, surplus, and undivided profits of a dealer in intangibles 73723  
at an amount in excess of the ~~book~~ value thereof as ~~shown by its~~ 73724  
~~report, or disallows any claim for deduction from book value of~~ 73725  
~~such capital, surplus, and undivided profits~~ listed in the 73726  
dealer's report, or assesses the shares or property of a dealer 73727  
that fails to file a return, he the commissioner shall give notice 73728  
and proceed as provided in section 5711.31 of the Revised Code. 73729

**Sec. 5725.16.** On or before the first Monday of May, annually 73730  
, the tax commissioner shall certify to the treasurer of state the 73731  
assessment of the shares or property representing capital, or 73732  
apportionment of either, of each dealer in intangibles doing 73733  
business in the state, showing separately the amount representing 73734  
capital employed in each county. 73735

The treasurer of state shall place the amounts certified on 73736  
the intangible property tax list in ~~his~~ the treasurer of state's 73737  
office in the names of the dealers represented by those 73738  
certificates. 73739

~~Any certificate of abatement issued pursuant to section 5703.05 of the Revised Code for the overpayment of the tax on shares or property representing capital of a The commissioner shall collect, on behalf of the treasurer, the taxes due on the assessments certified pursuant to this section, together with any applicable penalties or interest, in the manner prescribed by section 5725.22 of the Revised Code. The commissioner shall immediately forward to the treasurer any payments received under 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.~~ 73740  
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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.~~ 73751  
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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: 73758  
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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. 73761  
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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.

(3) If a dealer in intangibles submits a report required by section 5725.14 of the Revised Code that is marked, defaced, or otherwise designed by the dealer to be a frivolous protest or an attempt to delay or impede the administration of the tax levied by division (D) of section 5707.03 of the Revised Code, a penalty shall be imposed equal to the greater of one hundred dollars or twenty-five per cent of the tax required to be shown on the report.

(4) If a dealer in intangibles makes a fraudulent attempt to evade the reporting or payment of the tax levied by division (D) of section 5707.03 of the Revised Code, a penalty shall be imposed equal to the greater of one thousand dollars or one hundred per cent of the tax required to be shown on the report required by section 5725.14 of the Revised Code.

(5) If any person makes a false or fraudulent claim for abatement or refund of the tax levied by division (D) of section 5707.03 of the Revised Code, a penalty shall be imposed equal to the greater of one thousand dollars or one hundred per cent of the claim. The penalty imposed by this division, any abatement or refund on the claim, and interest on any refund from the date of the refund, may be assessed under section 5725.15 of the Revised Code or added by the ~~treasurer of state~~ tax commissioner as tax, penalty, and interest due from the tax levied by division (D) of section 5707.03 of the Revised Code, without regard to whether the

person making the claim is otherwise subject to the tax, and 73803  
without regard to any time limitation for assessment. 73804

(B) Each penalty imposed under division (A) of this section 73805  
shall be in addition to any other penalty imposed under that 73806  
division. All or part of any penalty imposed under division (A) of 73807  
this section may be abated by the commissioner ~~or the treasurer of~~ 73808  
~~state, as appropriate.~~ 73809

**Sec. 5725.22.** (A) The treasurer of state shall maintain an 73810  
intangible property tax list of taxes levied by section 5707.03 of 73811  
the Revised Code and certified by the tax commissioner pursuant to 73812  
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 73813  
Code, and a separate list of taxes levied by section 5725.18 of 73814  
the Revised Code and certified by the superintendent of insurance 73815  
pursuant to section 5725.20 of the Revised Code. ~~Upon receipt of~~ 73816  
~~any assessment certified to him~~ 73817

(B)(1) With respect to taxes levied under section 5725.18 of 73818  
the Revised Code, the treasurer of state, upon receipt of an 73819  
assessment, shall compute the taxes at the rates prescribed by law 73820  
and enter the taxes on the proper tax list. ~~He~~ The treasurer shall 73821  
collect, and the taxpayer shall pay, all such taxes and any 73822  
interest applicable thereto. Payments may be made by mail, in 73823  
person, or by any other means authorized by the treasurer ~~of~~ 73824  
~~state.~~ The treasurer ~~of state~~ shall render a daily itemized 73825  
statement to the ~~tax commissioner~~ superintendent of insurance of 73826  
the amount of taxes collected and the name of the domestic 73827  
insurance company ~~or assessment certificate number of the person~~ 73828  
from whom collected. The treasurer of state may adopt rules 73829  
concerning the methods and timeliness of ~~payment~~ payments under 73830  
this division. 73831

(2) With respect to taxes levied under section 5707.03 of the 73832  
Revised Code, any assessment certified to the treasurer of state 73833

shall reflect the taxes computed at the rates prescribed by law. 73834  
Upon receipt of such an assessment, the treasurer shall enter the 73835  
taxes on the proper tax list. The tax commissioner shall collect, 73836  
and the taxpayer shall pay, all such taxes and any interest 73837  
applicable thereto. Payments may be made by mail, in person, or by 73838  
any other means authorized by the commissioner. The commissioner 73839  
shall immediately forward to the treasurer any payments received 73840  
under this division, together with any information necessary for 73841  
the treasurer to properly credit such payments. The commissioner 73842  
may adopt rules concerning the method and timeliness of payments 73843  
under this division. 73844

(C) Each tax bill issued pursuant to this section shall 73845  
separately reflect the taxes due, interest, if any, due date, and 73846  
any other information considered necessary. The last day on which 73847  
payment may be made without penalty shall be at least twenty but 73848  
not more than thirty days from the date of mailing the tax bill. 73849  
The treasurer of state or tax commissioner, as appropriate, shall 73850  
mail the tax bill, and the mailing thereof shall be prima-facie 73851  
evidence of receipt thereof by the taxpayer. 73852

The treasurer ~~of state~~ or commissioner, as appropriate, shall 73853  
refund taxes as provided in this section, but no refund shall be 73854  
made to a taxpayer having a delinquent claim certified pursuant to 73855  
this section that remains unpaid. The treasurer ~~of state~~ or 73856  
commissioner may consult the attorney general regarding such 73857  
claims. Refunds shall be paid from the tax refund fund created by 73858  
section 5703.052 of the Revised Code. 73859

~~(A)(D)(1)~~ Within twenty days after receipt of any preliminary 73860  
~~assessment certified to him of taxes levied under section 5725.18~~ 73861  
~~of the Revised Code,~~ the treasurer of state shall issue a tax 73862  
bill, but if such preliminary assessment reflects a late filed tax 73863  
return, the treasurer of state shall add interest as provided in 73864  
division (A) of section 5725.221 of the Revised Code and issue a 73865

tax bill. 73866

~~(B)(2)~~ Within twenty days after receipt of any amended or 73867  
final assessment ~~certified to him~~ of taxes levied under section 73868  
5725.18 of the Revised Code, the treasurer of state shall 73869  
ascertain the difference between the total taxes computed on such 73870  
assessment and the total taxes computed on the most recent 73871  
assessment certified for the same tax year. If the difference is a 73872  
deficiency, the treasurer of state shall add interest as provided 73873  
in division (B)(1) of section 5725.221 of the Revised Code and 73874  
issue a tax bill. If the difference is an excess, the treasurer of 73875  
state shall add interest as provided in division (B)(2) of section 73876  
5725.221 of the Revised Code and certify the name of the taxpayer 73877  
and the amount to be refunded to the director of budget and 73878  
management for payment to the taxpayer. If the taxpayer has a 73879  
deficiency for one tax year and an excess for another tax year, or 73880  
any combination thereof for more than two tax years, the treasurer 73881  
of state may determine the net result after adding interest, if 73882  
applicable, and, depending on such result, proceed to mail a tax 73883  
bill or certify a refund. 73884

~~(C)(E)(1)~~ Except as provided in division (E)(2) of this 73885  
section, within twenty days after certifying to the treasurer of 73886  
state an amended or final assessment, or a preliminary assessment 73887  
of a dealer in intangibles that has failed to file a report or 73888  
disclose taxable property, the tax commissioner shall ascertain 73889  
the difference between the total taxes computed on such assessment 73890  
and the total taxes computed on the most recent assessment 73891  
certified for the same tax year, if any. If the difference is a 73892  
deficiency, the commissioner shall add interest as provided in 73893  
division (B)(1) of section 5725.221 of the Revised Code and issue 73894  
a tax bill. If the difference is an excess, the commissioner shall 73895  
add interest as provided in division (B)(2) of section 5725.221 of 73896  
the Revised Code and certify the name of the taxpayer and the 73897

amount to be refunded to the director of budget and management for 73898  
payment to the taxpayer. If the taxpayer has a deficiency for one 73899  
tax year and excess for another tax year, or any combination 73900  
thereof for more than two tax years, the commissioner may 73901  
determine the net result after adding interest, if applicable, 73902  
and, depending on such result, proceed to mail a tax bill or 73903  
certify a refund. 73904

(2) The tax commissioner may issue a tax bill for any 73905  
deficiency resulting from an assessment at the time the 73906  
commissioner issues the assessment. 73907

(F) If a taxpayer fails to pay all taxes and interest, if 73908  
any, on or before the due date shown on the tax bill but makes 73909  
payment within ten calendar days of such date, the treasurer of 73910  
state or tax commissioner, as appropriate, shall add a penalty 73911  
equal to five per cent of the taxes due. If payment is not made 73912  
within ten days of such date, the treasurer ~~of state~~ or 73913  
~~commissioner~~ shall add a penalty equal to ten per cent of the 73914  
taxes due. The treasurer ~~of state~~ or commissioner shall prepare a 73915  
delinquent claim for each tax bill on which penalties were added 73916  
and certify such claims to the attorney general for collection. 73917  
The attorney general shall transmit a copy of each claim certified 73918  
by the treasurer to the ~~tax commissioner~~ or the superintendent of 73919  
insurance ~~and~~. For each claim certified by the treasurer or 73920  
commissioner, the attorney general shall proceed to collect the 73921  
delinquent taxes, penalties, and interest thereon in the manner 73922  
prescribed by law. 73923

**Sec. 5725.221.** For the purposes of this section, interest 73924  
shall be computed at a rate per calendar month, rounded to the 73925  
nearest one-hundredth of one per cent, equal to one-twelfth of the 73926  
rate per annum prescribed by section 5703.47 of the Revised Code 73927  
for the calendar year that includes the month for which the 73928

interest accrues. 73929

(A) When taxes levied by section 3737.71, 5707.03, or 5725.18 73930  
of the Revised Code are assessed as the result of a tax return 73931  
being filed late, the treasurer of state or tax commissioner, as 73932  
appropriate, shall add interest to the taxes due. The interest 73933  
shall accrue from the first day of the month following the last 73934  
day on which such taxes were required to be paid, had the 73935  
assessment been certified by the date prescribed, to the last day 73936  
of the month preceding the date on which the assessment was 73937  
certified, and shall be computed on the taxes due. 73938

(B) If an assessment has been certified pursuant to section 73939  
5711.13, 5725.08, 5725.16, 5725.20, or 5725.222 of the Revised 73940  
Code and an amended or final assessment is certified for the same 73941  
taxpayer and the same tax year, the treasurer of state or tax 73942  
commissioner, as appropriate, shall add interest to the deficiency 73943  
or excess. The interest shall be computed on the excess or 73944  
deficiency, and shall be accrued in the following manner: 73945

(1) On a deficiency, interest shall accrue from the first day 73946  
of the month following the last day on which the previous 73947  
assessment was required to be paid, to the last day of the month 73948  
preceding the date on which the amended or final assessment is 73949  
certified; 73950

(2) On an excess, interest shall be allowed from the first 73951  
day of the month following the date of payment of the previous 73952  
assessment, to the last day of the month preceding the date on 73953  
which the amended or final assessment is certified. 73954

**Sec. 5731.39.** (A) No corporation organized or existing under 73955  
the laws of this state shall transfer on its books or issue a new 73956  
certificate for any share of its capital stock registered in the 73957  
name of a decedent, or in trust for a decedent, or in the name of 73958  
a decedent and another person or persons, without the written 73959

consent of the tax commissioner. 73960

(B) No safe deposit company, trust company, financial 73961  
institution as defined in division (A) of section 5725.01 of the 73962  
Revised Code or other corporation or person, having in possession, 73963  
control, or custody a deposit standing in the name of a decedent, 73964  
or in trust for a decedent, or in the name of a decedent and 73965  
another person or persons, shall deliver or transfer an amount in 73966  
excess of three-fourths of the total value of such deposit, 73967  
including accrued interest and dividends, as of the date of 73968  
decedent's death, without the written consent of the tax 73969  
commissioner. The written consent of the tax commissioner need not 73970  
be obtained prior to the delivery or transfer of amounts having a 73971  
value of three-fourths or less of said total value. 73972

(C) No life insurance company shall pay the proceeds of an 73973  
annuity or matured endowment contract, or of a life insurance 73974  
contract payable to the estate of a decedent, or of any other 73975  
insurance contract taxable under Chapter 5731. of the Revised 73976  
Code, without the written consent of the tax commissioner. Any 73977  
life insurance company may pay the proceeds of any insurance 73978  
contract not specified in this division (C) without the written 73979  
consent of the tax commissioner. 73980

(D) No trust company or other corporation or person shall pay 73981  
the proceeds of any death benefit, retirement, pension or profit 73982  
sharing plan in excess of two thousand dollars, without the 73983  
written consent of the tax commissioner. Such trust company or 73984  
other corporation or person, however, may pay the proceeds of any 73985  
death benefit, retirement, pension, or profit-sharing plan which 73986  
consists of insurance on the life of the decedent payable to a 73987  
beneficiary other than the estate of the insured without the 73988  
written consent of the tax commissioner. 73989

(E) No safe deposit company, trust company, financial 73990  
institution as defined in division (A) of section 5725.01 of the 73991

Revised Code, or other corporation or person, having in 73992  
possession, control, or custody securities, assets, or other 73993  
property (including the shares of the capital stock of, or other 73994  
interest in, such safe deposit company, trust company, financial 73995  
institution as defined in division (A) of section 5725.01 of the 73996  
Revised Code, or other corporation), standing in the name of a 73997  
decedent, or in trust for a decedent, or in the name of a decedent 73998  
and another person or persons, and the transfer of which is 73999  
taxable under Chapter 5731. of the Revised Code, shall deliver or 74000  
transfer any such securities, assets, or other property which have 74001  
a value as of the date of decedent's death in excess of 74002  
three-fourths of the total value thereof, without the written 74003  
consent of the tax commissioner. The written consent of the tax 74004  
commissioner need not be obtained prior to the delivery or 74005  
transfer of any such securities, assets, or other property having 74006  
a value of three-fourths or less of said total value. 74007

(F) No safe deposit company, financial institution as defined 74008  
in division (A) of section 5725.01 of the Revised Code, or other 74009  
corporation or person having possession or control of a safe 74010  
deposit box or similar receptacle standing in the name of a 74011  
decedent or in the name of the decedent and another person or 74012  
persons, or to which the decedent had a right of access, except 74013  
when such safe deposit box or other receptacle stands in the name 74014  
of a corporation or partnership, or in the name of the decedent as 74015  
guardian or executor, shall deliver any of the contents thereof 74016  
unless the safe deposit box or similar receptacle has been opened 74017  
and inventoried in the presence of the tax commissioner or the 74018  
commissioner's agent, and a written consent to transfer issued; 74019  
provided, however, that a safe deposit company, financial 74020  
institution, or other corporation or person having possession or 74021  
control of a safe deposit box may deliver wills, deeds to burial 74022  
lots, and insurance policies to a representative of the decedent, 74023  
but that a representative of the safe deposit company, financial 74024



institution, or other corporation or person must supervise the 74025  
opening of the box and make a written record of the wills, deeds, 74026  
and policies removed. Such written record shall be included in the 74027  
tax commissioner's inventory records. 74028

(G) Notwithstanding any provision of this section: 74029

(1) The tax commissioner may authorize any delivery or 74030  
transfer or waive any of the foregoing requirements under such 74031  
terms and conditions as the commissioner may prescribe; 74032

(2) ~~An adult care facility, as defined in section 5119.70 of~~ 74033  
~~the Revised Code, or a A home, as defined in section 3721.10 of~~ 74034  
~~the Revised Code, or a residential facility licensed under section~~ 74035  
~~5119.22 of the Revised Code that provides accommodations,~~ 74036  
~~supervision, and personal care services for three to sixteen~~ 74037  
~~unrelated adults, may transfer or use the money in a personal~~ 74038  
needs allowance account in accordance with section 5111.113 of the 74039  
Revised Code without the written consent of the tax commissioner, 74040  
and without the account having been opened and inventoried in the 74041  
presence of the commissioner or the commissioner's agent. 74042

Failure to comply with this section shall render such safe 74043  
deposit company, trust company, life insurance company, financial 74044  
institution as defined in division (A) of section 5725.01 of the 74045  
Revised Code, or other corporation or person liable for the amount 74046  
of the taxes and interest due under the provisions of Chapter 74047  
5731. of the Revised Code on the transfer of such stock, deposit, 74048  
proceeds of an annuity or matured endowment contract or of a life 74049  
insurance contract payable to the estate of a decedent, or other 74050  
insurance contract taxable under Chapter 5731. of the Revised 74051  
Code, proceeds of any death benefit, retirement, pension, or 74052  
profit sharing plan in excess of two thousand dollars, or 74053  
securities, assets, or other property of any resident decedent, 74054  
and in addition thereto, to a penalty of not less than five 74055  
hundred or more than five thousand dollars. 74056

**Sec. 5733.064.** There is hereby allowed a credit against the 74057  
tax imposed under sections 5733.06, 5733.065, and 5733.066 of the 74058  
Revised Code. The credit shall equal the lesser of fifty per cent 74059  
of any cash donations made during the taxable year by the taxpayer 74060  
to an Ohio corporation organized prior to January 1, 1987, whose 74061  
sole purpose is to promote and encourage recycling and that has 74062  
been determined by the internal revenue service to be a nonprofit 74063  
corporation regardless of whether the nonprofit corporation 74064  
received a grant under section ~~1502.05~~ 3736.05 of the Revised 74065  
Code, or to municipal corporations, counties, townships, park 74066  
districts, and boards of education that received grants pursuant 74067  
to that section, or one-half of the amount of the taxpayer's 74068  
additional tax liability for the tax year resulting from the 74069  
additional rates imposed by sections 5733.065 and 5733.066 of the 74070  
Revised Code to provide funding for ~~the division of~~ recycling and 74071  
litter prevention under Chapter ~~1502.~~ 3736. of the Revised Code. 74072  
The taxpayer shall claim the nonrefundable credit in the order 74073  
required under section 5733.98 of the Revised Code. 74074

The tax commissioner may require the taxpayer to furnish such 74075  
information as is necessary to support a claim for a credit under 74076  
this section, and no credit shall be allowed unless the 74077  
information is provided. 74078

**Sec. 5739.01.** As used in this chapter: 74079

(A) "Person" includes individuals, receivers, assignees, 74080  
trustees in bankruptcy, estates, firms, partnerships, 74081  
associations, joint-stock companies, joint ventures, clubs, 74082  
societies, corporations, the state and its political subdivisions, 74083  
and combinations of individuals of any form. 74084

(B) "Sale" and "selling" include all of the following 74085  
transactions for a consideration in any manner, whether absolutely 74086

or conditionally, whether for a price or rental, in money or by	74087
exchange, and by any means whatsoever:	74088
(1) All transactions by which title or possession, or both,	74089
of tangible personal property, is or is to be transferred, or a	74090
license to use or consume tangible personal property is or is to	74091
be granted;	74092
(2) All transactions by which lodging by a hotel is or is to	74093
be furnished to transient guests;	74094
(3) All transactions by which:	74095
(a) An item of tangible personal property is or is to be	74096
repaired, except property, the purchase of which would not be	74097
subject to the tax imposed by section 5739.02 of the Revised Code;	74098
(b) An item of tangible personal property is or is to be	74099
installed, except property, the purchase of which would not be	74100
subject to the tax imposed by section 5739.02 of the Revised Code	74101
or property that is or is to be incorporated into and will become	74102
a part of a production, transmission, transportation, or	74103
distribution system for the delivery of a public utility service;	74104
(c) The service of washing, cleaning, waxing, polishing, or	74105
painting a motor vehicle is or is to be furnished;	74106
(d) Until August 1, 2003, industrial laundry cleaning	74107
services are or are to be provided and, on and after August 1,	74108
2003, laundry and dry cleaning services are or are to be provided;	74109
(e) Automatic data processing, computer services, or	74110
electronic information services are or are to be provided for use	74111
in business when the true object of the transaction is the receipt	74112
by the consumer of automatic data processing, computer services,	74113
or electronic information services rather than the receipt of	74114
personal or professional services to which automatic data	74115
processing, computer services, or electronic information services	74116

are incidental or supplemental. Notwithstanding any other 74117  
provision of this chapter, such transactions that occur between 74118  
members of an affiliated group are not sales. An "affiliated 74119  
group" means two or more persons related in such a way that one 74120  
person owns or controls the business operation of another member 74121  
of the group. In the case of corporations with stock, one 74122  
corporation owns or controls another if it owns more than fifty 74123  
per cent of the other corporation's common stock with voting 74124  
rights. 74125

(f) Telecommunications service, including prepaid calling 74126  
service, prepaid wireless calling service, or ancillary service, 74127  
is or is to be provided, but not including coin-operated telephone 74128  
service; 74129

(g) Landscaping and lawn care service is or is to be 74130  
provided; 74131

(h) Private investigation and security service is or is to be 74132  
provided; 74133

(i) Information services or tangible personal property is 74134  
provided or ordered by means of a nine hundred telephone call; 74135

(j) Building maintenance and janitorial service is or is to 74136  
be provided; 74137

(k) Employment service is or is to be provided; 74138

(l) Employment placement service is or is to be provided; 74139

(m) Exterminating service is or is to be provided; 74140

(n) Physical fitness facility service is or is to be 74141  
provided; 74142

(o) Recreation and sports club service is or is to be 74143  
provided; 74144

(p) On and after August 1, 2003, satellite broadcasting 74145  
service is or is to be provided; 74146

(q) On and after August 1, 2003, personal care service is or 74147  
is to be provided to an individual. As used in this division, 74148  
"personal care service" includes skin care, the application of 74149  
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 74150  
piercing, tanning, massage, and other similar services. "Personal 74151  
care service" does not include a service provided by or on the 74152  
order of a licensed physician or licensed chiropractor, or the 74153  
cutting, coloring, or styling of an individual's hair. 74154

(r) On and after August 1, 2003, the transportation of 74155  
persons by motor vehicle or aircraft is or is to be provided, when 74156  
the transportation is entirely within this state, except for 74157  
transportation provided by an ambulance service, by a transit bus, 74158  
as defined in section 5735.01 of the Revised Code, and 74159  
transportation provided by a citizen of the United States holding 74160  
a certificate of public convenience and necessity issued under 49 74161  
U.S.C. 41102; 74162

(s) On and after August 1, 2003, motor vehicle towing service 74163  
is or is to be provided. As used in this division, "motor vehicle 74164  
towing service" means the towing or conveyance of a wrecked, 74165  
disabled, or illegally parked motor vehicle. 74166

(t) On and after August 1, 2003, snow removal service is or 74167  
is to be provided. As used in this division, "snow removal 74168  
service" means the removal of snow by any mechanized means, but 74169  
does not include the providing of such service by a person that 74170  
has less than five thousand dollars in sales of such service 74171  
during the calendar year. 74172

(u) Electronic publishing service is or is to be provided to 74173  
a consumer for use in business, except that such transactions 74174  
occurring between members of an affiliated group, as defined in 74175  
division (B)(3)(e) of this section, are not sales. 74176

(4) All transactions by which printed, imprinted, 74177

overprinted, lithographic, multilithic, blueprinted, photostatic, 74178  
or other productions or reproductions of written or graphic matter 74179  
are or are to be furnished or transferred; 74180

(5) The production or fabrication of tangible personal 74181  
property for a consideration for consumers who furnish either 74182  
directly or indirectly the materials used in the production of 74183  
fabrication work; and include the furnishing, preparing, or 74184  
serving for a consideration of any tangible personal property 74185  
consumed on the premises of the person furnishing, preparing, or 74186  
serving such tangible personal property. Except as provided in 74187  
section 5739.03 of the Revised Code, a construction contract 74188  
pursuant to which tangible personal property is or is to be 74189  
incorporated into a structure or improvement on and becoming a 74190  
part of real property is not a sale of such tangible personal 74191  
property. The construction contractor is the consumer of such 74192  
tangible personal property, provided that the sale and 74193  
installation of carpeting, the sale and installation of 74194  
agricultural land tile, the sale and erection or installation of 74195  
portable grain bins, or the provision of landscaping and lawn care 74196  
service and the transfer of property as part of such service is 74197  
never a construction contract. 74198

As used in division (B)(5) of this section: 74199

(a) "Agricultural land tile" means fired clay or concrete 74200  
tile, or flexible or rigid perforated plastic pipe or tubing, 74201  
incorporated or to be incorporated into a subsurface drainage 74202  
system appurtenant to land used or to be used primarily in 74203  
production by farming, agriculture, horticulture, or floriculture. 74204  
The term does not include such materials when they are or are to 74205  
be incorporated into a drainage system appurtenant to a building 74206  
or structure even if the building or structure is used or to be 74207  
used in such production. 74208

(b) "Portable grain bin" means a structure that is used or to 74209

be used by a person engaged in farming or agriculture to shelter 74210  
the person's grain and that is designed to be disassembled without 74211  
significant damage to its component parts. 74212

(6) All transactions in which all of the shares of stock of a 74213  
closely held corporation are transferred, if the corporation is 74214  
not engaging in business and its entire assets consist of boats, 74215  
planes, motor vehicles, or other tangible personal property 74216  
operated primarily for the use and enjoyment of the shareholders; 74217

(7) All transactions in which a warranty, maintenance or 74218  
service contract, or similar agreement by which the vendor of the 74219  
warranty, contract, or agreement agrees to repair or maintain the 74220  
tangible personal property of the consumer is or is to be 74221  
provided; 74222

(8) The transfer of copyrighted motion picture films used 74223  
solely for advertising purposes, except that the transfer of such 74224  
films for exhibition purposes is not a sale; 74225

(9) On and after August 1, 2003, all transactions by which 74226  
tangible personal property is or is to be stored, except such 74227  
property that the consumer of the storage holds for sale in the 74228  
regular course of business; 74229

(10) All transactions in which "guaranteed auto protection" 74230  
is provided whereby a person promises to pay to the consumer the 74231  
difference between the amount the consumer receives from motor 74232  
vehicle insurance and the amount the consumer owes to a person 74233  
holding title to or a lien on the consumer's motor vehicle in the 74234  
event the consumer's motor vehicle suffers a total loss under the 74235  
terms of the motor vehicle insurance policy or is stolen and not 74236  
recovered, if the protection and its price are included in the 74237  
purchase or lease agreement; 74238

(11)(a) Except as provided in division (B)(11)(b) of this 74239  
section, on and after October 1, 2009, all transactions by which 74240

health care services are paid for, reimbursed, provided, 74241  
delivered, arranged for, or otherwise made available by a medicaid 74242  
health insuring corporation pursuant to the corporation's contract 74243  
with the state. 74244

(b) If the centers for medicare and medicaid services of the 74245  
United States department of health and human services determines 74246  
that the taxation of transactions described in division (B)(11)(a) 74247  
of this section constitutes an impermissible health care-related 74248  
tax under section 1903(w) of the "Social Security Act," 49 Stat. 74249  
620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations 74250  
adopted thereunder, the director of job and family services shall 74251  
notify the tax commissioner of that determination. Beginning with 74252  
the first day of the month following that notification, the 74253  
transactions described in division (B)(11)(a) of this section are 74254  
not sales for the purposes of this chapter or Chapter 5741. of the 74255  
Revised Code. The tax commissioner shall order that the collection 74256  
of taxes under sections 5739.02, 5739.021, 5739.023, 5739.026, 74257  
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code 74258  
shall cease for transactions occurring on or after that date. 74259

Except as provided in this section, "sale" and "selling" do 74260  
not include transfers of interest in leased property where the 74261  
original lessee and the terms of the original lease agreement 74262  
remain unchanged, or professional, insurance, or personal service 74263  
transactions that involve the transfer of tangible personal 74264  
property as an inconsequential element, for which no separate 74265  
charges are made. 74266

(C) "Vendor" means the person providing the service or by 74267  
whom the transfer effected or license given by a sale is or is to 74268  
be made or given and, for sales described in division (B)(3)(i) of 74269  
this section, the telecommunications service vendor that provides 74270  
the nine hundred telephone service; if two or more persons are 74271  
engaged in business at the same place of business under a single 74272



trade name in which all collections on account of sales by each 74273  
are made, such persons shall constitute a single vendor. 74274

Physicians, dentists, hospitals, and veterinarians who are 74275  
engaged in selling tangible personal property as received from 74276  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 74277  
articles, are vendors. Veterinarians who are engaged in 74278  
transferring to others for a consideration drugs, the dispensing 74279  
of which does not require an order of a licensed veterinarian or 74280  
physician under federal law, are vendors. 74281

(D)(1) "Consumer" means the person for whom the service is 74282  
provided, to whom the transfer effected or license given by a sale 74283  
is or is to be made or given, to whom the service described in 74284  
division (B)(3)(f) or (i) of this section is charged, or to whom 74285  
the admission is granted. 74286

(2) Physicians, dentists, hospitals, and blood banks operated 74287  
by nonprofit institutions and persons licensed to practice 74288  
veterinary medicine, surgery, and dentistry are consumers of all 74289  
tangible personal property and services purchased by them in 74290  
connection with the practice of medicine, dentistry, the rendition 74291  
of hospital or blood bank service, or the practice of veterinary 74292  
medicine, surgery, and dentistry. In addition to being consumers 74293  
of drugs administered by them or by their assistants according to 74294  
their direction, veterinarians also are consumers of drugs that 74295  
under federal law may be dispensed only by or upon the order of a 74296  
licensed veterinarian or physician, when transferred by them to 74297  
others for a consideration to provide treatment to animals as 74298  
directed by the veterinarian. 74299

(3) A person who performs a facility management, or similar 74300  
service contract for a contractee is a consumer of all tangible 74301  
personal property and services purchased for use in connection 74302  
with the performance of such contract, regardless of whether title 74303  
to any such property vests in the contractee. The purchase of such 74304

property and services is not subject to the exception for resale 74305  
under division (E)(1) of this section. 74306

(4)(a) In the case of a person who purchases printed matter 74307  
for the purpose of distributing it or having it distributed to the 74308  
public or to a designated segment of the public, free of charge, 74309  
that person is the consumer of that printed matter, and the 74310  
purchase of that printed matter for that purpose is a sale. 74311

(b) In the case of a person who produces, rather than 74312  
purchases, printed matter for the purpose of distributing it or 74313  
having it distributed to the public or to a designated segment of 74314  
the public, free of charge, that person is the consumer of all 74315  
tangible personal property and services purchased for use or 74316  
consumption in the production of that printed matter. That person 74317  
is not entitled to claim exemption under division (B)(42)(f) of 74318  
section 5739.02 of the Revised Code for any material incorporated 74319  
into the printed matter or any equipment, supplies, or services 74320  
primarily used to produce the printed matter. 74321

(c) The distribution of printed matter to the public or to a 74322  
designated segment of the public, free of charge, is not a sale to 74323  
the members of the public to whom the printed matter is 74324  
distributed or to any persons who purchase space in the printed 74325  
matter for advertising or other purposes. 74326

(5) A person who makes sales of any of the services listed in 74327  
division (B)(3) of this section is the consumer of any tangible 74328  
personal property used in performing the service. The purchase of 74329  
that property is not subject to the resale exception under 74330  
division (E)(1) of this section. 74331

(6) A person who engages in highway transportation for hire 74332  
is the consumer of all packaging materials purchased by that 74333  
person and used in performing the service, except for packaging 74334  
materials sold by such person in a transaction separate from the 74335

service. 74336

(7) In the case of a transaction for health care services 74337  
under division (B)(11) of this section, a medicaid health insuring 74338  
corporation is the consumer of such services. The purchase of such 74339  
services by a medicaid health insuring corporation is not subject 74340  
to the exception for resale under division (E)(1) of this section 74341  
or to the exemptions provided under divisions (B)(12), (18), (19), 74342  
and (22) of section 5739.02 of the Revised Code. 74343

(E) "Retail sale" and "sales at retail" include all sales, 74344  
except those in which the purpose of the consumer is to resell the 74345  
thing transferred or benefit of the service provided, by a person 74346  
engaging in business, in the form in which the same is, or is to 74347  
be, received by the person. 74348

(F) "Business" includes any activity engaged in by any person 74349  
with the object of gain, benefit, or advantage, either direct or 74350  
indirect. "Business" does not include the activity of a person in 74351  
managing and investing the person's own funds. 74352

(G) "Engaging in business" means commencing, conducting, or 74353  
continuing in business, and liquidating a business when the 74354  
liquidator thereof holds itself out to the public as conducting 74355  
such business. Making a casual sale is not engaging in business. 74356

(H)(1)(a) "Price," except as provided in divisions (H)(2), 74357  
(3), and (4) of this section, means the total amount of 74358  
consideration, including cash, credit, property, and services, for 74359  
which tangible personal property or services are sold, leased, or 74360  
rented, valued in money, whether received in money or otherwise, 74361  
without any deduction for any of the following: 74362

(i) The vendor's cost of the property sold; 74363

(ii) The cost of materials used, labor or service costs, 74364  
interest, losses, all costs of transportation to the vendor, all 74365  
taxes imposed on the vendor, including the tax imposed under 74366

Chapter 5751. of the Revised Code, and any other expense of the vendor;	74367 74368
(iii) Charges by the vendor for any services necessary to complete the sale;	74369 74370
(iv) On and after August 1, 2003, delivery charges. As used in this division, "delivery charges" means charges by the vendor for preparation and delivery to a location designated by the consumer of tangible personal property or a service, including transportation, shipping, postage, handling, crating, and packing.	74371 74372 74373 74374 74375
(v) Installation charges;	74376
(vi) Credit for any trade-in.	74377
(b) "Price" includes consideration received by the vendor from a third party, if the vendor actually receives the consideration from a party other than the consumer, and the consideration is directly related to a price reduction or discount on the sale; the vendor has an obligation to pass the price reduction or discount through to the consumer; the amount of the consideration attributable to the sale is fixed and determinable by the vendor at the time of the sale of the item to the consumer; and one of the following criteria is met:	74378 74379 74380 74381 74382 74383 74384 74385 74386
(i) The consumer presents a coupon, certificate, or other document to the vendor to claim a price reduction or discount where the coupon, certificate, or document is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any vendor to whom the coupon, certificate, or document is presented;	74387 74388 74389 74390 74391 74392
(ii) The consumer identifies the consumer's self to the seller as a member of a group or organization entitled to a price reduction or discount. A preferred customer card that is available to any patron does not constitute membership in such a group or organization.	74393 74394 74395 74396 74397

(iii) The price reduction or discount is identified as a third party price reduction or discount on the invoice received by the consumer, or on a coupon, certificate, or other document presented by the consumer. 74398  
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(c) "Price" does not include any of the following: 74402

(i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a vendor and taken by a consumer on a sale; 74403  
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(ii) Interest, financing, and carrying charges from credit extended on the sale of tangible personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser; 74406  
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(iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the consumer. For the purpose of this division, the tax imposed under Chapter 5751. of the Revised Code is not a tax directly on the consumer, even if the tax or a portion thereof is separately stated. 74410  
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(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state. 74416  
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(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the 74420  
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consumer shall not be treated as consideration exchanged for a 74429  
gift card. 74430

(2) In the case of a sale of any new motor vehicle by a new 74431  
motor vehicle dealer, as defined in section 4517.01 of the Revised 74432  
Code, in which another motor vehicle is accepted by the dealer as 74433  
part of the consideration received, "price" has the same meaning 74434  
as in division (H)(1) of this section, reduced by the credit 74435  
afforded the consumer by the dealer for the motor vehicle received 74436  
in trade. 74437

(3) In the case of a sale of any watercraft or outboard motor 74438  
by a watercraft dealer licensed in accordance with section 74439  
1547.543 of the Revised Code, in which another watercraft, 74440  
watercraft and trailer, or outboard motor is accepted by the 74441  
dealer as part of the consideration received, "price" has the same 74442  
meaning as in division (H)(1) of this section, reduced by the 74443  
credit afforded the consumer by the dealer for the watercraft, 74444  
watercraft and trailer, or outboard motor received in trade. As 74445  
used in this division, "watercraft" includes an outdrive unit 74446  
attached to the watercraft. 74447

(4) In the case of transactions for health care services 74448  
under division (B)(11) of this section, "price" means the amount 74449  
of managed care premiums received each month by a medicaid health 74450  
insuring corporation. 74451

(I) "Receipts" means the total amount of the prices of the 74452  
sales of vendors, provided that the dollar value of gift cards 74453  
distributed pursuant to an awards, loyalty, or promotional 74454  
program, and cash discounts allowed and taken on sales at the time 74455  
they are consummated are not included, minus any amount deducted 74456  
as a bad debt pursuant to section 5739.121 of the Revised Code. 74457  
"Receipts" does not include the sale price of property returned or 74458  
services rejected by consumers when the full sale price and tax 74459  
are refunded either in cash or by credit. 74460

(J) "Place of business" means any location at which a person 74461  
engages in business. 74462

(K) "Premises" includes any real property or portion thereof 74463  
upon which any person engages in selling tangible personal 74464  
property at retail or making retail sales and also includes any 74465  
real property or portion thereof designated for, or devoted to, 74466  
use in conjunction with the business engaged in by such person. 74467

(L) "Casual sale" means a sale of an item of tangible 74468  
personal property that was obtained by the person making the sale, 74469  
through purchase or otherwise, for the person's own use and was 74470  
previously subject to any state's taxing jurisdiction on its sale 74471  
or use, and includes such items acquired for the seller's use that 74472  
are sold by an auctioneer employed directly by the person for such 74473  
purpose, provided the location of such sales is not the 74474  
auctioneer's permanent place of business. As used in this 74475  
division, "permanent place of business" includes any location 74476  
where such auctioneer has conducted more than two auctions during 74477  
the year. 74478

(M) "Hotel" means every establishment kept, used, maintained, 74479  
advertised, or held out to the public to be a place where sleeping 74480  
accommodations are offered to guests, in which five or more rooms 74481  
are used for the accommodation of such guests, whether the rooms 74482  
are in one or several structures, except as otherwise provided in 74483  
division (G) of section 5739.09 of the Revised Code. 74484

(N) "Transient guests" means persons occupying a room or 74485  
rooms for sleeping accommodations for less than thirty consecutive 74486  
days. 74487

(O) "Making retail sales" means the effecting of transactions 74488  
wherein one party is obligated to pay the price and the other 74489  
party is obligated to provide a service or to transfer title to or 74490  
possession of the item sold. "Making retail sales" does not 74491

include the preliminary acts of promoting or soliciting the retail 74492  
sales, other than the distribution of printed matter which 74493  
displays or describes and prices the item offered for sale, nor 74494  
does it include delivery of a predetermined quantity of tangible 74495  
personal property or transportation of property or personnel to or 74496  
from a place where a service is performed, regardless of whether 74497  
the vendor is a delivery vendor. 74498

(P) "Used directly in the rendition of a public utility 74499  
service" means that property that is to be incorporated into and 74500  
will become a part of the consumer's production, transmission, 74501  
transportation, or distribution system and that retains its 74502  
classification as tangible personal property after such 74503  
incorporation; fuel or power used in the production, transmission, 74504  
transportation, or distribution system; and tangible personal 74505  
property used in the repair and maintenance of the production, 74506  
transmission, transportation, or distribution system, including 74507  
only such motor vehicles as are specially designed and equipped 74508  
for such use. Tangible personal property and services used 74509  
primarily in providing highway transportation for hire are not 74510  
used directly in the rendition of a public utility service. In 74511  
this definition, "public utility" includes a citizen of the United 74512  
States holding, and required to hold, a certificate of public 74513  
convenience and necessity issued under 49 U.S.C. 41102. 74514

(Q) "Refining" means removing or separating a desirable 74515  
product from raw or contaminated materials by distillation or 74516  
physical, mechanical, or chemical processes. 74517

(R) "Assembly" and "assembling" mean attaching or fitting 74518  
together parts to form a product, but do not include packaging a 74519  
product. 74520

(S) "Manufacturing operation" means a process in which 74521  
materials are changed, converted, or transformed into a different 74522  
state or form from which they previously existed and includes 74523



refining materials, assembling parts, and preparing raw materials 74524  
and parts by mixing, measuring, blending, or otherwise committing 74525  
such materials or parts to the manufacturing process. 74526

"Manufacturing operation" does not include packaging. 74527

(T) "Fiscal officer" means, with respect to a regional 74528  
transit authority, the secretary-treasurer thereof, and with 74529  
respect to a county that is a transit authority, the fiscal 74530  
officer of the county transit board if one is appointed pursuant 74531  
to section 306.03 of the Revised Code or the county auditor if the 74532  
board of county commissioners operates the county transit system. 74533

(U) "Transit authority" means a regional transit authority 74534  
created pursuant to section 306.31 of the Revised Code or a county 74535  
in which a county transit system is created pursuant to section 74536  
306.01 of the Revised Code. For the purposes of this chapter, a 74537  
transit authority must extend to at least the entire area of a 74538  
single county. A transit authority that includes territory in more 74539  
than one county must include all the area of the most populous 74540  
county that is a part of such transit authority. County population 74541  
shall be measured by the most recent census taken by the United 74542  
States census bureau. 74543

(V) "Legislative authority" means, with respect to a regional 74544  
transit authority, the board of trustees thereof, and with respect 74545  
to a county that is a transit authority, the board of county 74546  
commissioners. 74547

(W) "Territory of the transit authority" means all of the 74548  
area included within the territorial boundaries of a transit 74549  
authority as they from time to time exist. Such territorial 74550  
boundaries must at all times include all the area of a single 74551  
county or all the area of the most populous county that is a part 74552  
of such transit authority. County population shall be measured by 74553  
the most recent census taken by the United States census bureau. 74554

(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 together with verification thereof, or providing access to computer equipment for the purpose of processing data.

(b) "Computer services" means providing services consisting of specifying computer hardware configurations and evaluating technical processing characteristics, computer programming, and training of computer programmers and operators, provided in conjunction with and to support the sale, lease, or operation of taxable computer equipment or systems.

(c) "Electronic information services" means providing access to computer equipment by means of telecommunications equipment for the purpose of either of the following:

(i) Examining or acquiring data stored in or accessible to the computer equipment;

(ii) Placing data into the computer equipment to be retrieved by designated recipients with access to the computer equipment.

For transactions occurring on or after the effective date of the amendment of this section by H.B. 157 of the 127th general assembly, December 21, 2007, "electronic information services" does not include electronic publishing as defined in division (LLL) of this section.

(d) "Automatic data processing, computer services, or electronic information services" shall not include personal or professional services.

(2) As used in divisions (B)(3)(e) and (Y)(1) of this section, "personal and professional services" means all services

other than automatic data processing, computer services, or	74585
electronic information services, including but not limited to:	74586
(a) Accounting and legal services such as advice on tax	74587
matters, asset management, budgetary matters, quality control,	74588
information security, and auditing and any other situation where	74589
the service provider receives data or information and studies,	74590
alters, analyzes, interprets, or adjusts such material;	74591
(b) Analyzing business policies and procedures;	74592
(c) Identifying management information needs;	74593
(d) Feasibility studies, including economic and technical	74594
analysis of existing or potential computer hardware or software	74595
needs and alternatives;	74596
(e) Designing policies, procedures, and custom software for	74597
collecting business information, and determining how data should	74598
be summarized, sequenced, formatted, processed, controlled, and	74599
reported so that it will be meaningful to management;	74600
(f) Developing policies and procedures that document how	74601
business events and transactions are to be authorized, executed,	74602
and controlled;	74603
(g) Testing of business procedures;	74604
(h) Training personnel in business procedure applications;	74605
(i) Providing credit information to users of such information	74606
by a consumer reporting agency, as defined in the "Fair Credit	74607
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	74608
as hereafter amended, including but not limited to gathering,	74609
organizing, analyzing, recording, and furnishing such information	74610
by any oral, written, graphic, or electronic medium;	74611
(j) Providing debt collection services by any oral, written,	74612
graphic, or electronic means.	74613
The services listed in divisions (Y)(2)(a) to (j) of this	74614

section are not automatic data processing or computer services. 74615

(Z) "Highway transportation for hire" means the 74616  
transportation of personal property belonging to others for 74617  
consideration by any of the following: 74618

(1) The holder of a permit or certificate issued by this 74619  
state or the United States authorizing the holder to engage in 74620  
transportation of personal property belonging to others for 74621  
consideration over or on highways, roadways, streets, or any 74622  
similar public thoroughfare; 74623

(2) A person who engages in the transportation of personal 74624  
property belonging to others for consideration over or on 74625  
highways, roadways, streets, or any similar public thoroughfare 74626  
but who could not have engaged in such transportation on December 74627  
11, 1985, unless the person was the holder of a permit or 74628  
certificate of the types described in division (Z)(1) of this 74629  
section; 74630

(3) A person who leases a motor vehicle to and operates it 74631  
for a person described by division (Z)(1) or (2) of this section. 74632

(AA)(1) "Telecommunications service" means the electronic 74633  
transmission, conveyance, or routing of voice, data, audio, video, 74634  
or any other information or signals to a point, or between or 74635  
among points. "Telecommunications service" includes such 74636  
transmission, conveyance, or routing in which computer processing 74637  
applications are used to act on the form, code, or protocol of the 74638  
content for purposes of transmission, conveyance, or routing 74639  
without regard to whether the service is referred to as voice-over 74640  
internet protocol service or is classified by the federal 74641  
communications commission as enhanced or value-added. 74642  
"Telecommunications service" does not include any of the 74643  
following: 74644

(a) Data processing and information services that allow data 74645

to be generated, acquired, stored, processed, or retrieved and 74646  
delivered by an electronic transmission to a consumer where the 74647  
consumer's primary purpose for the underlying transaction is the 74648  
processed data or information; 74649

(b) Installation or maintenance of wiring or equipment on a 74650  
customer's premises; 74651

(c) Tangible personal property; 74652

(d) Advertising, including directory advertising; 74653

(e) Billing and collection services provided to third 74654  
parties; 74655

(f) Internet access service; 74656

(g) Radio and television audio and video programming 74657  
services, regardless of the medium, including the furnishing of 74658  
transmission, conveyance, and routing of such services by the 74659  
programming service provider. Radio and television audio and video 74660  
programming services include, but are not limited to, cable 74661  
service, as defined in 47 U.S.C. 522(6), and audio and video 74662  
programming services delivered by commercial mobile radio service 74663  
providers, as defined in 47 C.F.R. 20.3; 74664

(h) Ancillary service; 74665

(i) Digital products delivered electronically, including 74666  
software, music, video, reading materials, or ring tones. 74667

(2) "Ancillary service" means a service that is associated 74668  
with or incidental to the provision of telecommunications service, 74669  
including conference bridging service, detailed telecommunications 74670  
billing service, directory assistance, vertical service, and voice 74671  
mail service. As used in this division: 74672

(a) "Conference bridging service" means an ancillary service 74673  
that links two or more participants of an audio or video 74674  
conference call, including providing a telephone number. 74675

"Conference bridging service" does not include telecommunications services used to reach the conference bridge. 74676  
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(b) "Detailed telecommunications billing service" means an ancillary service of separately stating information pertaining to individual calls on a customer's billing statement. 74678  
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(c) "Directory assistance" means an ancillary service of providing telephone number or address information. 74681  
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(d) "Vertical service" means an ancillary service that is offered in connection with one or more telecommunications services, which offers advanced calling features that allow customers to identify callers and manage multiple calls and call connections, including conference bridging service. 74683  
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(e) "Voice mail service" means an ancillary service that enables the customer to store, send, or receive recorded messages. "Voice mail service" does not include any vertical services that the customer may be required to have in order to utilize the voice mail service. 74688  
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(3) "900 service" means an inbound toll telecommunications service purchased by a subscriber that allows the subscriber's customers to call in to the subscriber's prerecorded announcement or live service, and which is typically marketed under the name "900" service and any subsequent numbers designated by the federal communications commission. "900 service" does not include the charge for collection services provided by the seller of the telecommunications service to the subscriber, or services or products sold by the subscriber to the subscriber's customer. 74693  
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(4) "Prepaid calling service" means the right to access exclusively telecommunications services, which must be paid for in advance and which enables the origination of calls using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units of ~~of~~ or dollars of 74702  
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which the number declines with use in a known amount. 74707

(5) "Prepaid wireless calling service" means a 74708  
telecommunications service that provides the right to utilize 74709  
mobile telecommunications service as well as other 74710  
non-telecommunications services, including the download of digital 74711  
products delivered electronically, and content and ancillary 74712  
services, that must be paid for in advance and that is sold in 74713  
predetermined units of or dollars of which the number declines 74714  
with use in a known amount. 74715

(6) "Value-added non-voice data service" means a 74716  
telecommunications service in which computer processing 74717  
applications are used to act on the form, content, code, or 74718  
protocol of the information or data primarily for a purpose other 74719  
than transmission, conveyance, or routing. 74720

(7) "Coin-operated telephone service" means a 74721  
telecommunications service paid for by inserting money into a 74722  
telephone accepting direct deposits of money to operate. 74723

(8) "Customer" has the same meaning as in section 5739.034 of 74724  
the Revised Code. 74725

(BB) "Laundry and dry cleaning services" means removing soil 74726  
or dirt from towels, linens, articles of clothing, or other fabric 74727  
items that belong to others and supplying towels, linens, articles 74728  
of clothing, or other fabric items. "Laundry and dry cleaning 74729  
services" does not include the provision of self-service 74730  
facilities for use by consumers to remove soil or dirt from 74731  
towels, linens, articles of clothing, or other fabric items. 74732

(CC) "Magazines distributed as controlled circulation 74733  
publications" means magazines containing at least twenty-four 74734  
pages, at least twenty-five per cent editorial content, issued at 74735  
regular intervals four or more times a year, and circulated 74736  
without charge to the recipient, provided that such magazines are 74737

not owned or controlled by individuals or business concerns which 74738  
conduct such publications as an auxiliary to, and essentially for 74739  
the advancement of the main business or calling of, those who own 74740  
or control them. 74741

(DD) "Landscaping and lawn care service" means the services 74742  
of planting, seeding, sodding, removing, cutting, trimming, 74743  
pruning, mulching, aerating, applying chemicals, watering, 74744  
fertilizing, and providing similar services to establish, promote, 74745  
or control the growth of trees, shrubs, flowers, grass, ground 74746  
cover, and other flora, or otherwise maintaining a lawn or 74747  
landscape grown or maintained by the owner for ornamentation or 74748  
other nonagricultural purpose. However, "landscaping and lawn care 74749  
service" does not include the providing of such services by a 74750  
person who has less than five thousand dollars in sales of such 74751  
services during the calendar year. 74752

(EE) "Private investigation and security service" means the 74753  
performance of any activity for which the provider of such service 74754  
is required to be licensed pursuant to Chapter 4749. of the 74755  
Revised Code, or would be required to be so licensed in performing 74756  
such services in this state, and also includes the services of 74757  
conducting polygraph examinations and of monitoring or overseeing 74758  
the activities on or in, or the condition of, the consumer's home, 74759  
business, or other facility by means of electronic or similar 74760  
monitoring devices. "Private investigation and security service" 74761  
does not include special duty services provided by off-duty police 74762  
officers, deputy sheriffs, and other peace officers regularly 74763  
employed by the state or a political subdivision. 74764

(FF) "Information services" means providing conversation, 74765  
giving consultation or advice, playing or making a voice or other 74766  
recording, making or keeping a record of the number of callers, 74767  
and any other service provided to a consumer by means of a nine 74768  
hundred telephone call, except when the nine hundred telephone 74769



call is the means by which the consumer makes a contribution to a 74770  
recognized charity. 74771

(GG) "Research and development" means designing, creating, or 74772  
formulating new or enhanced products, equipment, or manufacturing 74773  
processes, and also means conducting scientific or technological 74774  
inquiry and experimentation in the physical sciences with the goal 74775  
of increasing scientific knowledge which may reveal the bases for 74776  
new or enhanced products, equipment, or manufacturing processes. 74777

(HH) "Qualified research and development equipment" means 74778  
capitalized tangible personal property, and leased personal 74779  
property that would be capitalized if purchased, used by a person 74780  
primarily to perform research and development. Tangible personal 74781  
property primarily used in testing, as defined in division (A)(4) 74782  
of section 5739.011 of the Revised Code, or used for recording or 74783  
storing test results, is not qualified research and development 74784  
equipment unless such property is primarily used by the consumer 74785  
in testing the product, equipment, or manufacturing process being 74786  
created, designed, or formulated by the consumer in the research 74787  
and development activity or in recording or storing such test 74788  
results. 74789

(II) "Building maintenance and janitorial service" means 74790  
cleaning the interior or exterior of a building and any tangible 74791  
personal property located therein or thereon, including any 74792  
services incidental to such cleaning for which no separate charge 74793  
is made. However, "building maintenance and janitorial service" 74794  
does not include the providing of such service by a person who has 74795  
less than five thousand dollars in sales of such service during 74796  
the calendar year. 74797

(JJ) "Employment service" means providing or supplying 74798  
personnel, on a temporary or long-term basis, to perform work or 74799  
labor under the supervision or control of another, when the 74800  
personnel so provided or supplied receive their wages, salary, or 74801

other compensation from the provider or supplier of the employment 74802  
service or from a third party that provided or supplied the 74803  
personnel to the provider or supplier. "Employment service" does 74804  
not include: 74805

(1) Acting as a contractor or subcontractor, where the 74806  
personnel performing the work are not under the direct control of 74807  
the purchaser. 74808

(2) Medical and health care services. 74809

(3) Supplying personnel to a purchaser pursuant to a contract 74810  
of at least one year between the service provider and the 74811  
purchaser that specifies that each employee covered under the 74812  
contract is assigned to the purchaser on a permanent basis. 74813

(4) Transactions between members of an affiliated group, as 74814  
defined in division (B)(3)(e) of this section. 74815

(5) Transactions where the personnel so provided or supplied 74816  
by a provider or supplier to a purchaser of an employment service 74817  
are then provided or supplied by that purchaser to a third party 74818  
as an employment service, except "employment service" does include 74819  
the transaction between that purchaser and the third party. 74820

(KK) "Employment placement service" means locating or finding 74821  
employment for a person or finding or locating an employee to fill 74822  
an available position. 74823

(LL) "Exterminating service" means eradicating or attempting 74824  
to eradicate vermin infestations from a building or structure, or 74825  
the area surrounding a building or structure, and includes 74826  
activities to inspect, detect, or prevent vermin infestation of a 74827  
building or structure. 74828

(MM) "Physical fitness facility service" means all 74829  
transactions by which a membership is granted, maintained, or 74830  
renewed, including initiation fees, membership dues, renewal fees, 74831

monthly minimum fees, and other similar fees and dues, by a 74832  
physical fitness facility such as an athletic club, health spa, or 74833  
gymnasium, which entitles the member to use the facility for 74834  
physical exercise. 74835

(NN) "Recreation and sports club service" means all 74836  
transactions by which a membership is granted, maintained, or 74837  
renewed, including initiation fees, membership dues, renewal fees, 74838  
monthly minimum fees, and other similar fees and dues, by a 74839  
recreation and sports club, which entitles the member to use the 74840  
facilities of the organization. "Recreation and sports club" means 74841  
an organization that has ownership of, or controls or leases on a 74842  
continuing, long-term basis, the facilities used by its members 74843  
and includes an aviation club, gun or shooting club, yacht club, 74844  
card club, swimming club, tennis club, golf club, country club, 74845  
riding club, amateur sports club, or similar organization. 74846

(OO) "Livestock" means farm animals commonly raised for food, 74847  
food production, or other agricultural purposes, including, but 74848  
not limited to, cattle, sheep, goats, swine, poultry, and captive 74849  
deer. "Livestock" does not include invertebrates, amphibians, 74850  
reptiles, domestic pets, animals for use in laboratories or for 74851  
exhibition, or other animals not commonly raised for food or food 74852  
production. 74853

(PP) "Livestock structure" means a building or structure used 74854  
exclusively for the housing, raising, feeding, or sheltering of 74855  
livestock, and includes feed storage or handling structures and 74856  
structures for livestock waste handling. 74857

(QQ) "Horticulture" means the growing, cultivation, and 74858  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 74859  
and nursery stock. As used in this division, "nursery stock" has 74860  
the same meaning as in section 927.51 of the Revised Code. 74861

(RR) "Horticulture structure" means a building or structure 74862

used exclusively for the commercial growing, raising, or 74863  
overwintering of horticultural products, and includes the area 74864  
used for stocking, storing, and packing horticultural products 74865  
when done in conjunction with the production of those products. 74866

(SS) "Newspaper" means an unbound publication bearing a title 74867  
or name that is regularly published, at least as frequently as 74868  
biweekly, and distributed from a fixed place of business to the 74869  
public in a specific geographic area, and that contains a 74870  
substantial amount of news matter of international, national, or 74871  
local events of interest to the general public. 74872

(TT) "Professional racing team" means a person that employs 74873  
at least twenty full-time employees for the purpose of conducting 74874  
a motor vehicle racing business for profit. The person must 74875  
conduct the business with the purpose of racing one or more motor 74876  
racing vehicles in at least ten competitive professional racing 74877  
events each year that comprise all or part of a motor racing 74878  
series sanctioned by one or more motor racing sanctioning 74879  
organizations. A "motor racing vehicle" means a vehicle for which 74880  
the chassis, engine, and parts are designed exclusively for motor 74881  
racing, and does not include a stock or production model vehicle 74882  
that may be modified for use in racing. For the purposes of this 74883  
division: 74884

(1) A "competitive professional racing event" is a motor 74885  
vehicle racing event sanctioned by one or more motor racing 74886  
sanctioning organizations, at which aggregate cash prizes in 74887  
excess of eight hundred thousand dollars are awarded to the 74888  
competitors. 74889

(2) "Full-time employee" means an individual who is employed 74890  
for consideration for thirty-five or more hours a week, or who 74891  
renders any other standard of service generally accepted by custom 74892  
or specified by contract as full-time employment. 74893

(UU)(1) "Lease" or "rental" means any transfer of the 74894  
possession or control of tangible personal property for a fixed or 74895  
indefinite term, for consideration. "Lease" or "rental" includes 74896  
future options to purchase or extend, and agreements described in 74897  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 74898  
the amount of consideration may be increased or decreased by 74899  
reference to the amount realized upon the sale or disposition of 74900  
the property. "Lease" or "rental" does not include: 74901

(a) A transfer of possession or control of tangible personal 74902  
property under a security agreement or a deferred payment plan 74903  
that requires the transfer of title upon completion of the 74904  
required payments; 74905

(b) A transfer of possession or control of tangible personal 74906  
property under an agreement that requires the transfer of title 74907  
upon completion of required payments and payment of an option 74908  
price that does not exceed the greater of one hundred dollars or 74909  
one per cent of the total required payments; 74910

(c) Providing tangible personal property along with an 74911  
operator for a fixed or indefinite period of time, if the operator 74912  
is necessary for the property to perform as designed. For purposes 74913  
of this division, the operator must do more than maintain, 74914  
inspect, or set-up the tangible personal property. 74915

(2) "Lease" and "rental," as defined in division (UU) of this 74916  
section, shall not apply to leases or rentals that exist before 74917  
June 26, 2003. 74918

(3) "Lease" and "rental" have the same meaning as in division 74919  
(UU)(1) of this section regardless of whether a transaction is 74920  
characterized as a lease or rental under generally accepted 74921  
accounting principles, the Internal Revenue Code, Title XIII of 74922  
the Revised Code, or other federal, state, or local laws. 74923

(VV) "Mobile telecommunications service" has the same meaning 74924

as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, on and after August 1, 2003, includes related fees and ancillary services, including universal service fees, detailed billing service, directory assistance, service initiation, voice mail service, and vertical services, such as caller ID and three-way calling.

(WW) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(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.

(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.

(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 74957  
single address. 74958

(AAA) "Computer" means an electronic device that accepts 74959  
information in digital or similar form and manipulates it for a 74960  
result based on a sequence of instructions. 74961

(BBB) "Computer software" means a set of coded instructions 74962  
designed to cause a computer or automatic data processing 74963  
equipment to perform a task. 74964

(CCC) "Delivered electronically" means delivery of computer 74965  
software from the seller to the purchaser by means other than 74966  
tangible storage media. 74967

(DDD) "Prewritten computer software" means computer software, 74968  
including prewritten upgrades, that is not designed and developed 74969  
by the author or other creator to the specifications of a specific 74970  
purchaser. The combining of two or more prewritten computer 74971  
software programs or prewritten portions thereof does not cause 74972  
the combination to be other than prewritten computer software. 74973  
"Prewritten computer software" includes software designed and 74974  
developed by the author or other creator to the specifications of 74975  
a specific purchaser when it is sold to a person other than the 74976  
purchaser. If a person modifies or enhances computer software of 74977  
which the person is not the author or creator, the person shall be 74978  
deemed to be the author or creator only of such person's 74979  
modifications or enhancements. Prewritten computer software or a 74980  
prewritten portion thereof that is modified or enhanced to any 74981  
degree, where such modification or enhancement is designed and 74982  
developed to the specifications of a specific purchaser, remains 74983  
prewritten computer software; provided, however, that where there 74984  
is a reasonable, separately stated charge or an invoice or other 74985  
statement of the price given to the purchaser for the modification 74986  
or enhancement, the modification or enhancement shall not 74987  
constitute prewritten computer software. 74988

(EEE)(1) "Food" means substances, whether in liquid, 74989  
concentrated, solid, frozen, dried, or dehydrated form, that are 74990  
sold for ingestion or chewing by humans and are consumed for their 74991  
taste or nutritional value. "Food" does not include alcoholic 74992  
beverages, dietary supplements, soft drinks, or tobacco. 74993

(2) As used in division (EEE)(1) of this section: 74994

(a) "Alcoholic beverages" means beverages that are suitable 74995  
for human consumption and contain one-half of one per cent or more 74996  
of alcohol by volume. 74997

(b) "Dietary supplements" means any product, other than 74998  
tobacco, that is intended to supplement the diet and that is 74999  
intended for ingestion in tablet, capsule, powder, softgel, 75000  
gelcap, or liquid form, or, if not intended for ingestion in such 75001  
a form, is not represented as conventional food for use as a sole 75002  
item of a meal or of the diet; that is required to be labeled as a 75003  
dietary supplement, identifiable by the "supplement facts" box 75004  
found on the label, as required by 21 C.F.R. 101.36; and that 75005  
contains one or more of the following dietary ingredients: 75006

(i) A vitamin; 75007

(ii) A mineral; 75008

(iii) An herb or other botanical; 75009

(iv) An amino acid; 75010

(v) A dietary substance for use by humans to supplement the 75011  
diet by increasing the total dietary intake; 75012

(vi) A concentrate, metabolite, constituent, extract, or 75013  
combination of any ingredient described in divisions 75014  
(EEE)(2)(b)(i) to (v) of this section. 75015

(c) "Soft drinks" means nonalcoholic beverages that contain 75016  
natural or artificial sweeteners. "Soft drinks" does not include 75017  
beverages that contain milk or milk products, soy, rice, or 75018



similar milk substitutes, or that contains greater than fifty per 75019  
cent vegetable or fruit juice by volume. 75020

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 75021  
tobacco, or any other item that contains tobacco. 75022

(FFF) "Drug" means a compound, substance, or preparation, and 75023  
any component of a compound, substance, or preparation, other than 75024  
food, dietary supplements, or alcoholic beverages that is 75025  
recognized in the official United States pharmacopoeia, official 75026  
homeopathic pharmacopoeia of the United States, or official 75027  
national formulary, and supplements to them; is intended for use 75028  
in the diagnosis, cure, mitigation, treatment, or prevention of 75029  
disease; or is intended to affect the structure or any function of 75030  
the body. 75031

(GGG) "Prescription" means an order, formula, or recipe 75032  
issued in any form of oral, written, electronic, or other means of 75033  
transmission by a duly licensed practitioner authorized by the 75034  
laws of this state to issue a prescription. 75035

(HHH) "Durable medical equipment" means equipment, including 75036  
repair and replacement parts for such equipment, that can 75037  
withstand repeated use, is primarily and customarily used to serve 75038  
a medical purpose, generally is not useful to a person in the 75039  
absence of illness or injury, and is not worn in or on the body. 75040  
"Durable medical equipment" does not include mobility enhancing 75041  
equipment. 75042

(III) "Mobility enhancing equipment" means equipment, 75043  
including repair and replacement parts for such equipment, that is 75044  
primarily and customarily used to provide or increase the ability 75045  
to move from one place to another and is appropriate for use 75046  
either in a home or a motor vehicle, that is not generally used by 75047  
persons with normal mobility, and that does not include any motor 75048  
vehicle or equipment on a motor vehicle normally provided by a 75049

motor vehicle manufacturer. "Mobility enhancing equipment" does 75050  
not include durable medical equipment. 75051

(JJJ) "Prosthetic device" means a replacement, corrective, or 75052  
supportive device, including repair and replacement parts for the 75053  
device, worn on or in the human body to artificially replace a 75054  
missing portion of the body, prevent or correct physical deformity 75055  
or malfunction, or support a weak or deformed portion of the body. 75056  
As used in this division, "prosthetic device" does not include 75057  
corrective eyeglasses, contact lenses, or dental prosthesis. 75058

(KKK)(1) "Fractional aircraft ownership program" means a 75059  
program in which persons within an affiliated group sell and 75060  
manage fractional ownership program aircraft, provided that at 75061  
least one hundred airworthy aircraft are operated in the program 75062  
and the program meets all of the following criteria: 75063

(a) Management services are provided by at least one program 75064  
manager within an affiliated group on behalf of the fractional 75065  
owners. 75066

(b) Each program aircraft is owned or possessed by at least 75067  
one fractional owner. 75068

(c) Each fractional owner owns or possesses at least a 75069  
one-sixteenth interest in at least one fixed-wing program 75070  
aircraft. 75071

(d) A dry-lease aircraft interchange arrangement is in effect 75072  
among all of the fractional owners. 75073

(e) Multi-year program agreements are in effect regarding the 75074  
fractional ownership, management services, and dry-lease aircraft 75075  
interchange arrangement aspects of the program. 75076

(2) As used in division (KKK)(1) of this section: 75077

(a) "Affiliated group" has the same meaning as in division 75078  
(B)(3)(e) of this section. 75079

(b) "Fractional owner" means a person that owns or possesses 75080  
at least a one-sixteenth interest in a program aircraft and has 75081  
entered into the agreements described in division (KKK)(1)(e) of 75082  
this section. 75083

(c) "Fractional ownership program aircraft" or "program 75084  
aircraft" means a turbojet aircraft that is owned or possessed by 75085  
a fractional owner and that has been included in a dry-lease 75086  
aircraft interchange arrangement and agreement under divisions 75087  
(KKK)(1)(d) and (e) of this section, or an aircraft a program 75088  
manager owns or possesses primarily for use in a fractional 75089  
aircraft ownership program. 75090

(d) "Management services" means administrative and aviation 75091  
support services furnished under a fractional aircraft ownership 75092  
program in accordance with a management services agreement under 75093  
division (KKK)(1)(e) of this section, and offered by the program 75094  
manager to the fractional owners, including, at a minimum, the 75095  
establishment and implementation of safety guidelines; the 75096  
coordination of the scheduling of the program aircraft and crews; 75097  
program aircraft maintenance; program aircraft insurance; crew 75098  
training for crews employed, furnished, or contracted by the 75099  
program manager or the fractional owner; the satisfaction of 75100  
record-keeping requirements; and the development and use of an 75101  
operations manual and a maintenance manual for the fractional 75102  
aircraft ownership program. 75103

(e) "Program manager" means the person that offers management 75104  
services to fractional owners pursuant to a management services 75105  
agreement under division (KKK)(1)(e) of this section. 75106

(LLL) "Electronic publishing" means providing access to one 75107  
or more of the following primarily for business customers, 75108  
including the federal government or a state government or a 75109  
political subdivision thereof, to conduct research: news; 75110  
business, financial, legal, consumer, or credit materials; 75111

editorials, columns, reader commentary, or features; photos or 75112  
images; archival or research material; legal notices, identity 75113  
verification, or public records; scientific, educational, 75114  
instructional, technical, professional, trade, or other literary 75115  
materials; or other similar information which has been gathered 75116  
and made available by the provider to the consumer in an 75117  
electronic format. Providing electronic publishing includes the 75118  
functions necessary for the acquisition, formatting, editing, 75119  
storage, and dissemination of data or information that is the 75120  
subject of a sale. 75121

(MMM) "Medicaid health insuring corporation" means a health 75122  
insuring corporation that holds a certificate of authority under 75123  
Chapter 1751. of the Revised Code and is under contract with the 75124  
department of job and family services pursuant to section 5111.17 75125  
of the Revised Code. 75126

(NNN) "Managed care premium" means any premium, capitation, 75127  
or other payment a medicaid health insuring corporation receives 75128  
for providing or arranging for the provision of health care 75129  
services to its members or enrollees residing in this state. 75130

(OOO) "Captive deer" means deer and other cervidae that have 75131  
been legally acquired, or their offspring, that are privately 75132  
owned for agricultural or farming purposes. 75133

(PPP) "Gift card" means a document, card, certificate, or 75134  
other record, whether tangible or intangible, that may be redeemed 75135  
by a consumer for a dollar value when making a purchase of 75136  
tangible personal property or services. 75137

**Sec. 5739.02.** For the purpose of providing revenue with which 75138  
to meet the needs of the state, for the use of the general revenue 75139  
fund of the state, for the purpose of securing a thorough and 75140  
efficient system of common schools throughout the state, for the 75141  
purpose of affording revenues, in addition to those from general 75142

property taxes, permitted under constitutional limitations, and 75143  
from other sources, for the support of local governmental 75144  
functions, and for the purpose of reimbursing the state for the 75145  
expense of administering this chapter, an excise tax is hereby 75146  
levied on each retail sale made in this state. 75147

(A)(1) The tax shall be collected as provided in section 75148  
5739.025 of the Revised Code. The rate of the tax shall be five 75149  
and one-half per cent. The tax applies and is collectible when the 75150  
sale is made, regardless of the time when the price is paid or 75151  
delivered. 75152

(2) In the case of the lease or rental, with a fixed term of 75153  
more than thirty days or an indefinite term with a minimum period 75154  
of more than thirty days, of any motor vehicles designed by the 75155  
manufacturer to carry a load of not more than one ton, watercraft, 75156  
outboard motor, or aircraft, or of any tangible personal property, 75157  
other than motor vehicles designed by the manufacturer to carry a 75158  
load of more than one ton, to be used by the lessee or renter 75159  
primarily for business purposes, the tax shall be collected by the 75160  
vendor at the time the lease or rental is consummated and shall be 75161  
calculated by the vendor on the basis of the total amount to be 75162  
paid by the lessee or renter under the lease agreement. If the 75163  
total amount of the consideration for the lease or rental includes 75164  
amounts that are not calculated at the time the lease or rental is 75165  
executed, the tax shall be calculated and collected by the vendor 75166  
at the time such amounts are billed to the lessee or renter. In 75167  
the case of an open-end lease or rental, the tax shall be 75168  
calculated by the vendor on the basis of the total amount to be 75169  
paid during the initial fixed term of the lease or rental, and for 75170  
each subsequent renewal period as it comes due. As used in this 75171  
division, "motor vehicle" has the same meaning as in section 75172  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 75173  
unit attached to the watercraft. 75174

A lease with a renewal clause and a termination penalty or similar provision that applies if the renewal clause is not exercised is presumed to be a sham transaction. In such a case, the tax shall be calculated and paid on the basis of the entire length of the lease period, including any renewal periods, until the termination penalty or similar provision no longer applies. The taxpayer shall bear the burden, by a preponderance of the evidence, that the transaction or series of transactions is not a sham transaction.

(3) Except as provided in division (A)(2) of this section, in the case of a sale, the price of which consists in whole or in part of the lease or rental of tangible personal property, the tax shall be measured by the installments of that lease or rental.

(4) In the case of a sale of a physical fitness facility service or recreation and sports club service, the price of which consists in whole or in part of a membership for the receipt of the benefit of the service, the tax applicable to the sale shall be measured by the installments thereof.

(B) The tax does not apply to the following:

(1) Sales to the state or any of its political subdivisions, or to any other state or its political subdivisions if the laws of that state exempt from taxation sales made to this state and its political subdivisions;

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and of magazine subscriptions and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done; 75206  
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(6) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A) of section 5735.14 of the Revised Code; and the tax commissioner may deduct the amount of tax levied by this section applicable to the price of motor fuel when granting a refund of motor fuel tax pursuant to division (A) of section 5735.14 of the Revised Code and shall cause the amount deducted to be paid into the general revenue fund of this state; 75210  
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(7) Sales of natural gas by a natural gas company, of water by a water-works company, or of steam by a heating company, if in each case the thing sold is delivered to consumers through pipes or conduits, and all sales of communications services by a telegraph company, all terms as defined in section 5727.01 of the Revised Code, and sales of electricity delivered through wires; 75220  
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(8) Casual sales by a person, or auctioneer employed directly by the person to conduct such sales, except as to such sales of motor vehicles, watercraft or outboard motors required to be titled under section 1548.06 of the Revised Code, watercraft documented with the United States coast guard, snowmobiles, and all-purpose vehicles as defined in section 4519.01 of the Revised Code; 75226  
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(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as 75233  
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defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization.

(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school.

(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station.

(10) Sales not within the taxing power of this state under the Constitution of the United States;

(11) Except for transactions that are sales under division (B)(3)(r) of section 5739.01 of the Revised Code, the transportation of persons or property, unless the transportation is by a private investigation and security service;

(12) Sales of tangible personal property or services to churches, to organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, and to any other nonprofit organizations operated exclusively for charitable



purposes in this state, no part of the net income of which inures 75269  
to the benefit of any private shareholder or individual, and no 75270  
substantial part of the activities of which consists of carrying 75271  
on propaganda or otherwise attempting to influence legislation; 75272  
sales to offices administering one or more homes for the aged or 75273  
one or more hospital facilities exempt under section 140.08 of the 75274  
Revised Code; and sales to organizations described in division (D) 75275  
of section 5709.12 of the Revised Code. 75276

"Charitable purposes" means the relief of poverty; the 75277  
improvement of health through the alleviation of illness, disease, 75278  
or injury; the operation of an organization exclusively for the 75279  
provision of professional, laundry, printing, and purchasing 75280  
services to hospitals or charitable institutions; the operation of 75281  
a home for the aged, as defined in section 5701.13 of the Revised 75282  
Code; the operation of a radio or television broadcasting station 75283  
that is licensed by the federal communications commission as a 75284  
noncommercial educational radio or television station; the 75285  
operation of a nonprofit animal adoption service or a county 75286  
humane society; the promotion of education by an institution of 75287  
learning that maintains a faculty of qualified instructors, 75288  
teaches regular continuous courses of study, and confers a 75289  
recognized diploma upon completion of a specific curriculum; the 75290  
operation of a parent-teacher association, booster group, or 75291  
similar organization primarily engaged in the promotion and 75292  
support of the curricular or extracurricular activities of a 75293  
primary or secondary school; the operation of a community or area 75294  
center in which presentations in music, dramatics, the arts, and 75295  
related fields are made in order to foster public interest and 75296  
education therein; the production of performances in music, 75297  
dramatics, and the arts; or the promotion of education by an 75298  
organization engaged in carrying on research in, or the 75299  
dissemination of, scientific and technological knowledge and 75300  
information primarily for the public. 75301

Nothing in this division shall be deemed to exempt sales to 75302  
any organization for use in the operation or carrying on of a 75303  
trade or business, or sales to a home for the aged for use in the 75304  
operation of independent living facilities as defined in division 75305  
(A) of section 5709.12 of the Revised Code. 75306

(13) Building and construction materials and services sold to 75307  
construction contractors for incorporation into a structure or 75308  
improvement to real property under a construction contract with 75309  
this state or a political subdivision of this state, or with the 75310  
United States government or any of its agencies; building and 75311  
construction materials and services sold to construction 75312  
contractors for incorporation into a structure or improvement to 75313  
real property that are accepted for ownership by this state or any 75314  
of its political subdivisions, or by the United States government 75315  
or any of its agencies at the time of completion of the structures 75316  
or improvements; building and construction materials sold to 75317  
construction contractors for incorporation into a horticulture 75318  
structure or livestock structure for a person engaged in the 75319  
business of horticulture or producing livestock; building 75320  
materials and services sold to a construction contractor for 75321  
incorporation into a house of public worship or religious 75322  
education, or a building used exclusively for charitable purposes 75323  
under a construction contract with an organization whose purpose 75324  
is as described in division (B)(12) of this section; building 75325  
materials and services sold to a construction contractor for 75326  
incorporation into a building under a construction contract with 75327  
an organization exempt from taxation under section 501(c)(3) of 75328  
the Internal Revenue Code of 1986 when the building is to be used 75329  
exclusively for the organization's exempt purposes; building and 75330  
construction materials sold for incorporation into the original 75331  
construction of a sports facility under section 307.696 of the 75332  
Revised Code; building and construction materials and services 75333  
sold to a construction contractor for incorporation into real 75334

property outside this state if such materials and services, when 75335  
sold to a construction contractor in the state in which the real 75336  
property is located for incorporation into real property in that 75337  
state, would be exempt from a tax on sales levied by that state; 75338  
and, until one calendar year after the construction of a 75339  
convention center that qualifies for property tax exemption under 75340  
section 5709.084 of the Revised Code is completed, building and 75341  
construction materials and services sold to a construction 75342  
contractor for incorporation into the real property comprising 75343  
that convention center; 75344

(14) Sales of ships or vessels or rail rolling stock used or 75345  
to be used principally in interstate or foreign commerce, and 75346  
repairs, alterations, fuel, and lubricants for such ships or 75347  
vessels or rail rolling stock; 75348

(15) Sales to persons primarily engaged in any of the 75349  
activities mentioned in division (B)(42)(a), (g), or (h) of this 75350  
section, to persons engaged in making retail sales, or to persons 75351  
who purchase for sale from a manufacturer tangible personal 75352  
property that was produced by the manufacturer in accordance with 75353  
specific designs provided by the purchaser, of packages, including 75354  
material, labels, and parts for packages, and of machinery, 75355  
equipment, and material for use primarily in packaging tangible 75356  
personal property produced for sale, including any machinery, 75357  
equipment, and supplies used to make labels or packages, to 75358  
prepare packages or products for labeling, or to label packages or 75359  
products, by or on the order of the person doing the packaging, or 75360  
sold at retail. "Packages" includes bags, baskets, cartons, 75361  
crates, boxes, cans, bottles, bindings, wrappings, and other 75362  
similar devices and containers, but does not include motor 75363  
vehicles or bulk tanks, trailers, or similar devices attached to 75364  
motor vehicles. "Packaging" means placing in a package. Division 75365  
(B)(15) of this section does not apply to persons engaged in 75366

highway transportation for hire. 75367

(16) Sales of food to persons using supplemental nutrition 75368  
assistance program benefits to purchase the food. As used in this 75369  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 75370  
federal regulations adopted pursuant to the Food and Nutrition Act 75371  
of 2008. 75372

(17) Sales to persons engaged in farming, agriculture, 75373  
horticulture, or floriculture, of tangible personal property for 75374  
use or consumption primarily in the production by farming, 75375  
agriculture, horticulture, or floriculture of other tangible 75376  
personal property for use or consumption primarily in the 75377  
production of tangible personal property for sale by farming, 75378  
agriculture, horticulture, or floriculture; or material and parts 75379  
for incorporation into any such tangible personal property for use 75380  
or consumption in production; and of tangible personal property 75381  
for such use or consumption in the conditioning or holding of 75382  
products produced by and for such use, consumption, or sale by 75383  
persons engaged in farming, agriculture, horticulture, or 75384  
floriculture, except where such property is incorporated into real 75385  
property; 75386

(18) Sales of drugs for a human being that may be dispensed 75387  
only pursuant to a prescription; insulin as recognized in the 75388  
official United States pharmacopoeia; urine and blood testing 75389  
materials when used by diabetics or persons with hypoglycemia to 75390  
test for glucose or acetone; hypodermic syringes and needles when 75391  
used by diabetics for insulin injections; epoetin alfa when 75392  
purchased for use in the treatment of persons with medical 75393  
disease; hospital beds when purchased by hospitals, nursing homes, 75394  
or other medical facilities; and medical oxygen and medical 75395  
oxygen-dispensing equipment when purchased by hospitals, nursing 75396  
homes, or other medical facilities; 75397

(19) Sales of prosthetic devices, durable medical equipment 75398

for home use, or mobility enhancing equipment, when made pursuant 75399  
to a prescription and when such devices or equipment are for use 75400  
by a human being. 75401

(20) Sales of emergency and fire protection vehicles and 75402  
equipment to nonprofit organizations for use solely in providing 75403  
fire protection and emergency services, including trauma care and 75404  
emergency medical services, for political subdivisions of the 75405  
state; 75406

(21) Sales of tangible personal property manufactured in this 75407  
state, if sold by the manufacturer in this state to a retailer for 75408  
use in the retail business of the retailer outside of this state 75409  
and if possession is taken from the manufacturer by the purchaser 75410  
within this state for the sole purpose of immediately removing the 75411  
same from this state in a vehicle owned by the purchaser; 75412

(22) Sales of services provided by the state or any of its 75413  
political subdivisions, agencies, instrumentalities, institutions, 75414  
or authorities, or by governmental entities of the state or any of 75415  
its political subdivisions, agencies, instrumentalities, 75416  
institutions, or authorities; 75417

(23) Sales of motor vehicles to nonresidents of this state 75418  
under the circumstances described in division (B) of section 75419  
5739.029 of the Revised Code; 75420

(24) Sales to persons engaged in the preparation of eggs for 75421  
sale of tangible personal property used or consumed directly in 75422  
such preparation, including such tangible personal property used 75423  
for cleaning, sanitizing, preserving, grading, sorting, and 75424  
classifying by size; packages, including material and parts for 75425  
packages, and machinery, equipment, and material for use in 75426  
packaging eggs for sale; and handling and transportation equipment 75427  
and parts therefor, except motor vehicles licensed to operate on 75428  
public highways, used in intraplant or interplant transfers or 75429

shipment of eggs in the process of preparation for sale, when the 75430  
plant or plants within or between which such transfers or 75431  
shipments occur are operated by the same person. "Packages" 75432  
includes containers, cases, baskets, flats, fillers, filler flats, 75433  
cartons, closure materials, labels, and labeling materials, and 75434  
"packaging" means placing therein. 75435

(25)(a) Sales of water to a consumer for residential use, 75436  
except the sale of bottled water, distilled water, mineral water, 75437  
carbonated water, or ice; 75438

(b) Sales of water by a nonprofit corporation engaged 75439  
exclusively in the treatment, distribution, and sale of water to 75440  
consumers, if such water is delivered to consumers through pipes 75441  
or tubing. 75442

(26) Fees charged for inspection or reinspection of motor 75443  
vehicles under section 3704.14 of the Revised Code; 75444

(27) Sales to persons licensed to conduct a food service 75445  
operation pursuant to section 3717.43 of the Revised Code, of 75446  
tangible personal property primarily used directly for the 75447  
following: 75448

(a) To prepare food for human consumption for sale; 75449

(b) To preserve food that has been or will be prepared for 75450  
human consumption for sale by the food service operator, not 75451  
including tangible personal property used to display food for 75452  
selection by the consumer; 75453

(c) To clean tangible personal property used to prepare or 75454  
serve food for human consumption for sale. 75455

(28) Sales of animals by nonprofit animal adoption services 75456  
or county humane societies; 75457

(29) Sales of services to a corporation described in division 75458  
(A) of section 5709.72 of the Revised Code, and sales of tangible 75459

personal property that qualifies for exemption from taxation under 75460  
section 5709.72 of the Revised Code; 75461

(30) Sales and installation of agricultural land tile, as 75462  
defined in division (B)(5)(a) of section 5739.01 of the Revised 75463  
Code; 75464

(31) Sales and erection or installation of portable grain 75465  
bins, as defined in division (B)(5)(b) of section 5739.01 of the 75466  
Revised Code; 75467

(32) The sale, lease, repair, and maintenance of, parts for, 75468  
or items attached to or incorporated in, motor vehicles that are 75469  
primarily used for transporting tangible personal property 75470  
belonging to others by a person engaged in highway transportation 75471  
for hire, except for packages and packaging used for the 75472  
transportation of tangible personal property; 75473

(33) Sales to the state headquarters of any veterans' 75474  
organization in this state that is either incorporated and issued 75475  
a charter by the congress of the United States or is recognized by 75476  
the United States veterans administration, for use by the 75477  
headquarters; 75478

(34) Sales to a telecommunications service vendor, mobile 75479  
telecommunications service vendor, or satellite broadcasting 75480  
service vendor of tangible personal property and services used 75481  
directly and primarily in transmitting, receiving, switching, or 75482  
recording any interactive, one- or two-way electromagnetic 75483  
communications, including voice, image, data, and information, 75484  
through the use of any medium, including, but not limited to, 75485  
poles, wires, cables, switching equipment, computers, and record 75486  
storage devices and media, and component parts for the tangible 75487  
personal property. The exemption provided in this division shall 75488  
be in lieu of all other exemptions under division (B)(42)(a) or 75489  
(n) of this section to which the vendor may otherwise be entitled, 75490

based upon the use of the thing purchased in providing the 75491  
telecommunications, mobile telecommunications, or satellite 75492  
broadcasting service. 75493

(35)(a) Sales where the purpose of the consumer is to use or 75494  
consume the things transferred in making retail sales and 75495  
consisting of newspaper inserts, catalogues, coupons, flyers, gift 75496  
certificates, or other advertising material that prices and 75497  
describes tangible personal property offered for retail sale. 75498

(b) Sales to direct marketing vendors of preliminary 75499  
materials such as photographs, artwork, and typesetting that will 75500  
be used in printing advertising material; and of printed matter 75501  
that offers free merchandise or chances to win sweepstake prizes 75502  
and that is mailed to potential customers with advertising 75503  
material described in division (B)(35)(a) of this section; ~~and~~ 75504

(c) Sales of equipment such as telephones, computers, 75505  
facsimile machines, and similar tangible personal property 75506  
primarily used to accept orders for direct marketing retail sales. 75507

~~(e)~~(d) Sales of automatic food vending machines that preserve 75508  
food with a shelf life of forty-five days or less by refrigeration 75509  
and dispense it to the consumer. 75510

For purposes of division (B)(35) of this section, "direct 75511  
marketing" means the method of selling where consumers order 75512  
tangible personal property by United States mail, delivery 75513  
service, or telecommunication and the vendor delivers or ships the 75514  
tangible personal property sold to the consumer from a warehouse, 75515  
catalogue distribution center, or similar fulfillment facility by 75516  
means of the United States mail, delivery service, or common 75517  
carrier. 75518

(36) Sales to a person engaged in the business of 75519  
horticulture or producing livestock of materials to be 75520  
incorporated into a horticulture structure or livestock structure; 75521



(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;	75522 75523 75524 75525 75526
(38) Sales to a professional racing team of any of the following:	75527 75528
(a) Motor racing vehicles;	75529
(b) Repair services for motor racing vehicles;	75530
(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.	75531 75532 75533 75534 75535 75536 75537 75538
(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;	75539 75540 75541
(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or	75542 75543 75544 75545 75546 75547 75548 75549 75550 75551 75552

distribution system, including only those motor vehicles as are 75553  
specially designed and equipped for such use. The exemption 75554  
provided in this division shall be in lieu of all other exemptions 75555  
in division (B)(42)(a) or (n) of this section to which a provider 75556  
of electricity may otherwise be entitled based on the use of the 75557  
tangible personal property or service purchased in generating, 75558  
transmitting, or distributing electricity. 75559

(41) Sales to a person providing services under division 75560  
(B)(3)(r) of section 5739.01 of the Revised Code of tangible 75561  
personal property and services used directly and primarily in 75562  
providing taxable services under that section. 75563

(42) Sales where the purpose of the purchaser is to do any of 75564  
the following: 75565

(a) To incorporate the thing transferred as a material or a 75566  
part into tangible personal property to be produced for sale by 75567  
manufacturing, assembling, processing, or refining; or to use or 75568  
consume the thing transferred directly in producing tangible 75569  
personal property for sale by mining, including, without 75570  
limitation, the extraction from the earth of all substances that 75571  
are classed geologically as minerals, production of crude oil and 75572  
natural gas, or directly in the rendition of a public utility 75573  
service, except that the sales tax levied by this section shall be 75574  
collected upon all meals, drinks, and food for human consumption 75575  
sold when transporting persons. Persons engaged in rendering 75576  
services in the exploration for, and production of, crude oil and 75577  
natural gas for others are deemed engaged directly in the 75578  
exploration for, and production of, crude oil and natural gas. 75579  
This paragraph does not exempt from "retail sale" or "sales at 75580  
retail" the sale of tangible personal property that is to be 75581  
incorporated into a structure or improvement to real property. 75582

(b) To hold the thing transferred as security for the 75583  
performance of an obligation of the vendor; 75584

(c) To resell, hold, use, or consume the thing transferred as evidence of a contract of insurance;	75585 75586
(d) To use or consume the thing directly in commercial fishing;	75587 75588
(e) To incorporate the thing transferred as a material or a part into, or to use or consume the thing transferred directly in the production of, magazines distributed as controlled circulation publications;	75589 75590 75591 75592
(f) To use or consume the thing transferred in the production and preparation in suitable condition for market and sale of printed, imprinted, overprinted, lithographic, multilithic, blueprinted, photostatic, or other productions or reproductions of written or graphic matter;	75593 75594 75595 75596 75597
(g) To use the thing transferred, as described in section 5739.011 of the Revised Code, primarily in a manufacturing operation to produce tangible personal property for sale;	75598 75599 75600
(h) To use the benefit of a warranty, maintenance or service contract, or similar agreement, as described in division (B)(7) of section 5739.01 of the Revised Code, to repair or maintain tangible personal property, if all of the property that is the subject of the warranty, contract, or agreement would not be subject to the tax imposed by this section;	75601 75602 75603 75604 75605 75606
(i) To use the thing transferred as qualified research and development equipment;	75607 75608
(j) To use or consume the thing transferred primarily in storing, transporting, mailing, or otherwise handling purchased sales inventory in a warehouse, distribution center, or similar facility when the inventory is primarily distributed outside this state to retail stores of the person who owns or controls the warehouse, distribution center, or similar facility, to retail stores of an affiliated group of which that person is a member, or	75609 75610 75611 75612 75613 75614 75615

by means of direct marketing. This division does not apply to 75616  
motor vehicles registered for operation on the public highways. As 75617  
used in this division, "affiliated group" has the same meaning as 75618  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 75619  
"direct marketing" has the same meaning as in division (B)(35) of 75620  
this section. 75621

(k) To use or consume the thing transferred to fulfill a 75622  
contractual obligation incurred by a warrantor pursuant to a 75623  
warranty provided as a part of the price of the tangible personal 75624  
property sold or by a vendor of a warranty, maintenance or service 75625  
contract, or similar agreement the provision of which is defined 75626  
as a sale under division (B)(7) of section 5739.01 of the Revised 75627  
Code; 75628

(l) To use or consume the thing transferred in the production 75629  
of a newspaper for distribution to the public; 75630

(m) To use tangible personal property to perform a service 75631  
listed in division (B)(3) of section 5739.01 of the Revised Code, 75632  
if the property is or is to be permanently transferred to the 75633  
consumer of the service as an integral part of the performance of 75634  
the service; 75635

(n) To use or consume the thing transferred primarily in 75636  
producing tangible personal property for sale by farming, 75637  
agriculture, horticulture, or floriculture. Persons engaged in 75638  
rendering farming, agriculture, horticulture, or floriculture 75639  
services for others are deemed engaged primarily in farming, 75640  
agriculture, horticulture, or floriculture. This paragraph does 75641  
not exempt from "retail sale" or "sales at retail" the sale of 75642  
tangible personal property that is to be incorporated into a 75643  
structure or improvement to real property. 75644

(o) To use or consume the thing transferred in acquiring, 75645  
formatting, editing, storing, and disseminating data or 75646

information by electronic publishing. 75647

As used in division (B)(42) of this section, "thing" includes 75648  
all transactions included in divisions (B)(3)(a), (b), and (e) of 75649  
section 5739.01 of the Revised Code. 75650

(43) Sales conducted through a coin operated device that 75651  
activates vacuum equipment or equipment that dispenses water, 75652  
whether or not in combination with soap or other cleaning agents 75653  
or wax, to the consumer for the consumer's use on the premises in 75654  
washing, cleaning, or waxing a motor vehicle, provided no other 75655  
personal property or personal service is provided as part of the 75656  
transaction. 75657

(44) Sales of replacement and modification parts for engines, 75658  
airframes, instruments, and interiors in, and paint for, aircraft 75659  
used primarily in a fractional aircraft ownership program, and 75660  
sales of services for the repair, modification, and maintenance of 75661  
such aircraft, and machinery, equipment, and supplies primarily 75662  
used to provide those services. 75663

(45) Sales of telecommunications service that is used 75664  
directly and primarily to perform the functions of a call center. 75665  
As used in this division, "call center" means any physical 75666  
location where telephone calls are placed or received in high 75667  
volume for the purpose of making sales, marketing, customer 75668  
service, technical support, or other specialized business 75669  
activity, and that employs at least fifty individuals that engage 75670  
in call center activities on a full-time basis, or sufficient 75671  
individuals to fill fifty full-time equivalent positions. 75672

(46) Sales by a telecommunications service vendor of 900 75673  
service to a subscriber. This division does not apply to 75674  
information services, as defined in division (FF) of section 75675  
5739.01 of the Revised Code. 75676

(47) Sales of value-added non-voice data service. This 75677

division does not apply to any similar service that is not 75678  
otherwise a telecommunications service. 75679

(48)(a) Sales of machinery, equipment, and software to a 75680  
qualified direct selling entity for use in a warehouse or 75681  
distribution center primarily for storing, transporting, or 75682  
otherwise handling inventory that is held for sale to independent 75683  
salespersons who operate as direct sellers and that is held 75684  
primarily for distribution outside this state; 75685

(b) As used in division (B)(48)(a) of this section: 75686

(i) "Direct seller" means a person selling consumer products 75687  
to individuals for personal or household use and not from a fixed 75688  
retail location, including selling such product at in-home product 75689  
demonstrations, parties, and other one-on-one selling. 75690

(ii) "Qualified direct selling entity" means an entity 75691  
selling to direct sellers at the time the entity enters into a tax 75692  
credit agreement with the tax credit authority pursuant to section 75693  
122.17 of the Revised Code, provided that the agreement was 75694  
entered into on or after January 1, 2007. Neither contingencies 75695  
relevant to the granting of, nor later developments with respect 75696  
to, the tax credit shall impair the status of the qualified direct 75697  
selling entity under division (B)(48) of this section after 75698  
execution of the tax credit agreement by the tax credit authority. 75699

(c) Division (B)(48) of this section is limited to machinery, 75700  
equipment, and software first stored, used, or consumed in this 75701  
state within the period commencing June 24, 2008, and ending on 75702  
the date that is five years after that date. 75703

(49)(a) Sales of materials, parts, equipment, or engines used 75704  
in the repair or maintenance of aircraft or avionics systems of 75705  
such aircraft, and sales of repair, remodeling, replacement, or 75706  
maintenance services in this state performed on aircraft or on an 75707  
aircraft's avionics, engine, or component materials or parts. As 75708

used in division (B)(49)(a) of this section, "aircraft" means 75709  
aircraft of more than six thousand pounds maximum certified 75710  
takeoff weight or used exclusively in general aviation. 75711

(b) Sales of tangible personal property, including materials, 75712  
parts, equipment, software, supplies, tools, fuel, catalysts, oil, 75713  
acids, and other consumables, or services used or consumed in 75714  
performing research and development activities with respect to 75715  
aerospace vehicles, the parts, avionics systems, control systems, 75716  
engines, software, component materials, or component parts of such 75717  
aerospace vehicles, and human performance equipment and technology 75718  
associated with operating and testing aerospace vehicles. As used 75719  
in division (B)(49)(b) of this section, "aerospace vehicles" means 75720  
any manned or unmanned aviation device including, but not limited 75721  
to, aircraft, airplanes, helicopters, missiles, rockets, and space 75722  
vehicles. 75723

(50) Sales of full flight simulators that are used for pilot 75724  
or flight-crew training, sales of repair or replacement parts or 75725  
components, and sales of repair or maintenance services for such 75726  
full flight simulators. "Full flight simulator" means a replica of 75727  
a specific type, or make, model, and series of aircraft cockpit. 75728  
It includes the assemblage of equipment and computer programs 75729  
necessary to represent aircraft operations in ground and flight 75730  
conditions, a visual system providing an out-of-the-cockpit view, 75731  
and a system that provides cues at least equivalent to those of a 75732  
three-degree-of-freedom motion system, and has the full range of 75733  
capabilities of the systems installed in the device as described 75734  
in appendices A and B of part 60 of chapter 1 of title 14 of the 75735  
Code of Federal Regulations. 75736

(51) Any transfer or lease of tangible personal property 75737  
between the state and a successful proposer in accordance with 75738  
sections 126.60 to 126.605 of the Revised Code, provided the 75739  
property is part of a project as defined in section 126.60 of the 75740

Revised Code and the state retains ownership of the project or 75741  
part thereof that is being transferred or leased, between the 75742  
state and JobsOhio in accordance with section 4313.02 of the 75743  
Revised Code. 75744

(C) For the purpose of the proper administration of this 75745  
chapter, and to prevent the evasion of the tax, it is presumed 75746  
that all sales made in this state are subject to the tax until the 75747  
contrary is established. 75748

(D) The levy of this tax on retail sales of recreation and 75749  
sports club service shall not prevent a municipal corporation from 75750  
levying any tax on recreation and sports club dues or on any 75751  
income generated by recreation and sports club dues. 75752

(E) The tax collected by the vendor from the consumer under 75753  
this chapter is not part of the price, but is a tax collection for 75754  
the benefit of the state, and of counties levying an additional 75755  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 75756  
Code and of transit authorities levying an additional sales tax 75757  
pursuant to section 5739.023 of the Revised Code. Except for the 75758  
discount authorized under section 5739.12 of the Revised Code and 75759  
the effects of any rounding pursuant to section 5703.055 of the 75760  
Revised Code, no person other than the state or such a county or 75761  
transit authority shall derive any benefit from the collection or 75762  
payment of the tax levied by this section or section 5739.021, 75763  
5739.023, or 5739.026 of the Revised Code. 75764

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 75765  
the Revised Code, the taxes imposed under sections 5743.02, 75766  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 75767  
by the purchase of tax stamps. A tax stamp shall be affixed to 75768  
each package of an aggregate denomination not less than the amount 75769  
of the tax upon the contents thereof. The tax stamp, so affixed, 75770  
shall be prima-facie evidence of payment of the tax. 75771



Except as is provided in the rules prescribed by the tax 75772  
commissioner under authority of sections 5743.01 to 5743.20 of the 75773  
Revised Code, and unless tax stamps have been previously affixed, 75774  
they shall be so affixed by each wholesale dealer, and canceled by 75775  
writing or stamping across the face thereof the number assigned to 75776  
such wholesale dealer by the tax commissioner for that purpose, 75777  
prior to the delivery of any cigarettes to any person in this 75778  
state, or in the case of a tax levied pursuant to section 75779  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 75780  
delivery of cigarettes to any person in the county in which the 75781  
tax is levied. 75782

(B) Except as provided in the rules prescribed by the 75783  
commissioner under authority of sections 5743.01 to 5743.20 of the 75784  
Revised Code, each retail dealer, within twenty-four hours after 75785  
the receipt of any cigarettes at the retail dealer's place of 75786  
business, shall inspect the cigarettes to ensure that tax stamps 75787  
are affixed. The inspection shall be completed before the 75788  
cigarettes are delivered to any person in this state, or, in the 75789  
case of a tax levied pursuant to section 5743.021, 5743.024, or 75790  
5743.026 of the Revised Code, before the cigarettes are delivered 75791  
to any person in the county in which the tax is levied. 75792

(C) Whenever any cigarettes are found in the place of 75793  
business of any retail dealer without proper tax stamps affixed 75794  
thereto and canceled, it is presumed that such cigarettes are kept 75795  
therein in violation of sections 5743.01 to 5743.20 of the Revised 75796  
Code. 75797

(D) Each wholesale dealer who purchases cigarettes without 75798  
proper tax stamps affixed thereto shall, on or before the 75799  
thirty-first day of the month following the close of each 75800  
semiannual period, which period shall end on the thirtieth day of 75801  
June and the thirty-first day of December of each year, make and 75802  
file a return of the preceding semiannual period, on such form as 75803

is prescribed by the tax commissioner, showing the dealer's entire 75804  
purchases and sales of cigarettes and stamps or impressions for 75805  
such semiannual period and accurate inventories as of the 75806  
beginning and end of each semiannual period of cigarettes, stamped 75807  
or unstamped; cigarette tax stamps affixed or unaffixed and unused 75808  
meter impressions; and such other information as the commissioner 75809  
finds necessary to the proper administration of sections 5743.01 75810  
to 5743.20 of the Revised Code. The commissioner may extend the 75811  
time for making and filing returns and may remit all or any part 75812  
of amounts of penalties that may become due under sections 5743.01 75813  
to 5743.20 of the Revised Code. The wholesale dealer shall deliver 75814  
the return together with a remittance of the tax deficiency 75815  
reported thereon to the treasurer of state. The treasurer of state 75816  
shall stamp or otherwise mark on the return the date it was 75817  
received and shall also show thereon by stamp or otherwise a 75818  
payment or nonpayment of the deficiency shown by the return. 75819  
Thereafter, the treasurer of state shall immediately transmit all 75820  
returns filed under this section to the commissioner. 75821

(E) Any wholesale dealer who fails to file a return under 75822  
this section and the rules of the commissioner, other than a 75823  
report required pursuant to division (F) of this section, may be 75824  
required, for each day the dealer so fails, to forfeit and pay 75825  
into the state treasury the sum of one dollar as revenue arising 75826  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 75827  
Code and such sum may be collected by assessment in the manner 75828  
provided in section 5743.081 of the Revised Code. If the 75829  
commissioner finds it necessary in order to insure the payment of 75830  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 75831  
Code, the commissioner may require returns and payments to be made 75832  
other than semiannually. The returns shall be signed by the 75833  
wholesale dealer or an authorized agent thereof. 75834

(F) Each person required to file a tax return under section 75835

5743.03, 5743.52, or 5743.62 of the Revised Code shall report to 75836  
the commissioner the quantity of all cigarettes and roll-your-own 75837  
cigarette tobacco sold in Ohio for each brand not covered by the 75838  
tobacco master settlement agreement for which the person is liable 75839  
for the taxes levied under section 5743.02, 5743.51, or 5743.62 of 75840  
the Revised Code. 75841

As used in this division, "tobacco master settlement 75842  
agreement" has the same meaning as in section 183.01 of the 75843  
Revised Code. 75844

(G) The report required by division (F) of this section shall 75845  
be made on a form prescribed by the commissioner and shall be 75846  
filed not later than the last day of each month for the previous 75847  
month, except that if the commissioner determines that the 75848  
quantity reported by a person does not warrant monthly reporting, 75849  
the commissioner may authorize reporting at less frequent 75850  
intervals. The commissioner may assess a penalty of not more than 75851  
two hundred fifty dollars for each month or portion thereof that a 75852  
person fails to timely file a required report, and such sum may be 75853  
collected by assessment in the manner provided in section 5743.081 75854  
of the Revised Code. All money collected under this division shall 75855  
be considered as revenue arising from the taxes imposed by 75856  
sections 5743.01 to 5743.20 of the Revised Code. 75857

(H) The treasurer of state or an agent of the treasurer may 75858  
sell tax stamps only to a licensed wholesale dealer, except as 75859  
otherwise authorized by the commissioner. The treasurer or an 75860  
agent of the treasurer may charge the costs associated with the 75861  
sale of tax stamps to the licensed wholesale dealer. Amounts 75862  
collected from such charges shall be credited to the treasurer of 75863  
state's administrative fund created under section 113.20 of the 75864  
Revised Code. 75865

**Sec. 5743.031.** (A) A wholesale dealer may affix stamps only 75866

to packages of cigarettes that the dealer received directly from a 75867  
manufacturer or importer of cigarettes that possesses a valid and 75868  
current license under section 5743.15 of the Revised Code, or to 75869  
packages of cigarettes that the dealer received from another 75870  
wholesale dealer that possesses a valid and current license under 75871  
section 5743.15 of the Revised Code, provided that the tax 75872  
commissioner has authorized the sale of the cigarettes between 75873  
those wholesale dealers and that the wholesale dealer that sells 75874  
the cigarettes received them directly from a manufacturer or 75875  
importer of cigarettes that possesses a valid and current license 75876  
under section 5743.15 of the Revised Code. 75877

(B) Only a wholesale dealer that possesses a valid and 75878  
current license under section 5743.15 of the Revised Code may 75879  
purchase or obtain tax stamps. A wholesale dealer may not sell or 75880  
provide such stamps to any other wholesale dealer or any other 75881  
person. 75882

(C) Any person shipping unstamped packages of cigarettes into 75883  
this state to a person other than a wholesale dealer licensed 75884  
under section 5743.15 of the Revised Code shall, before such 75885  
shipment, file notice of the shipment with the tax commissioner. 75886  
Any person that transports unstamped packages of cigarettes into 75887  
or within this state shall carry in the vehicle used to convey the 75888  
shipment invoices or equivalent documentation of the shipment for 75889  
all cigarettes in the shipment. The invoices or other 75890  
documentation shall show the true name and address of the 75891  
consignor or seller, the true name and address of the consignee or 75892  
purchaser, and the quantity of the cigarettes being transported. 75893  
This division does not apply to any ~~common or contract~~ for-hire 75894  
motor carrier transporting cigarettes through this state to 75895  
another location under a proper bill of lading or freight bill 75896  
that states the quantity, source, and destination of the 75897  
cigarettes. 75898

**Sec. 5751.033.** For the purposes of this chapter, gross receipts shall be sitused to this state as follows:

(A) Gross rents and royalties from real property located in this state shall be sitused to this state.

(B) Gross rents and royalties from tangible personal property shall be sitused to this state to the extent the tangible personal property is located or used in this state.

(C) Gross receipts from the sale of electricity and electric transmission and distribution services shall be sitused to this state in the manner provided under section 5733.059 of the Revised Code.

(D) Gross receipts from the sale of real property located in this state shall be sitused to this state.

(E) Gross receipts from the sale of tangible personal property shall be sitused to this state if the property is received in this state by the purchaser. In the case of delivery of tangible personal property by ~~common~~ motor carrier or by other means of transportation, the place at which such property is ultimately received after all transportation has been completed shall be considered the place where the purchaser receives the property. For purposes of this section, the phrase "delivery of tangible personal property by ~~common~~ motor carrier or by other means of transportation" includes the situation in which a purchaser accepts the property in this state and then transports the property directly or by other means to a location outside this state. Direct delivery in this state, other than for purposes of transportation, to a person or firm designated by a purchaser constitutes delivery to the purchaser in this state, and direct delivery outside this state to a person or firm designated by a purchaser does not constitute delivery to the purchaser in this state, regardless of where title passes or other conditions of

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sale. 75930

(F) Gross receipts from the sale, exchange, disposition, or 75931  
other grant of the right to use trademarks, trade names, patents, 75932  
copyrights, and similar intellectual property shall be sitused to 75933  
this state to the extent that the receipts are based on the amount 75934  
of use of the property in this state. If the receipts are not 75935  
based on the amount of use of the property, but rather on the 75936  
right to use the property, and the payor has the right to use the 75937  
property in this state, then the receipts from the sale, exchange, 75938  
disposition, or other grant of the right to use such property 75939  
shall be sitused to this state to the extent the receipts are 75940  
based on the right to use the property in this state. 75941

(G) Gross receipts from the sale of transportation services 75942  
by a ~~common or contract~~ motor carrier shall be sitused to this 75943  
state in proportion to the mileage traveled by the carrier during 75944  
the tax period on roadways, waterways, airways, and railways in 75945  
this state to the mileage traveled by the carrier during the tax 75946  
period on roadways, waterways, airways, and railways everywhere. 75947  
With prior written approval of the tax commissioner, a ~~common or~~ 75948  
~~contract~~ motor carrier may use an alternative situsing procedure 75949  
for transportation services. 75950

(H) Gross receipts from dividends, interest, and other 75951  
sources of income from financial instruments described in 75952  
divisions (F)(4), (5), (6), (7), (8), (9), (10), (11), and (13) of 75953  
section 5733.056 of the Revised Code shall be sitused to this 75954  
state in accordance with the situsing provisions set forth in 75955  
those divisions. When applying the provisions of divisions (F)(6), 75956  
(8), and (13) of section 5733.056 of the Revised Code, "gross 75957  
receipts" shall be substituted for "net gains" wherever "net 75958  
gains" appears in those divisions. Nothing in this division limits 75959  
or modifies the exclusions enumerated in divisions (E) and (F)(2) 75960  
of section 5751.01 of the Revised Code. The tax commissioner may 75961

promulgate rules to further specify the manner in which to situs 75962  
gross receipts subject to this division. 75963

(I) Gross receipts from the sale of all other services, and 75964  
all other gross receipts not otherwise situated under this section, 75965  
shall be situated to this state in the proportion that the 75966  
purchaser's benefit in this state with respect to what was 75967  
purchased bears to the purchaser's benefit everywhere with respect 75968  
to what was purchased. The physical location where the purchaser 75969  
ultimately uses or receives the benefit of what was purchased 75970  
shall be paramount in determining the proportion of the benefit in 75971  
this state to the benefit everywhere. If a taxpayer's records do 75972  
not allow the taxpayer to determine that location, the taxpayer 75973  
may use an alternative method to situs gross receipts under this 75974  
division if the alternative method is reasonable, is consistently 75975  
and uniformly applied, and is supported by the taxpayer's records 75976  
as the records exist when the service is provided or within a 75977  
reasonable period of time thereafter. 75978

(J) If the situsing provisions of divisions (A) to (H) of 75979  
this section do not fairly represent the extent of a person's 75980  
activity in this state, the person may request, or the tax 75981  
commissioner may require or permit, an alternative method. Such 75982  
request by a person must be made within the applicable statute of 75983  
limitations set forth in this chapter. 75984

(K) The tax commissioner may adopt rules to provide 75985  
additional guidance to the application of this section, and 75986  
provide alternative methods of situsing gross receipts that apply 75987  
to all persons, or subset of persons, that are engaged in similar 75988  
business or trade activities. 75989

(L) As used in this section, "motor carrier" has the same 75990  
meaning as in section 4923.01 of the Revised Code. 75991

**Sec. 5751.12.** The tax commissioner may prescribe requirements 75992

for the keeping of records and other pertinent documents, the 75993  
filing of copies of federal income tax returns and determinations, 75994  
and computations reconciling federal income tax returns with the 75995  
returns and reports required by section 5751.05 of the Revised 75996  
Code. The commissioner may require any person, by rule or notice 75997  
served on that person, to keep those records that the commissioner 75998  
considers necessary to show whether, and the extent to which, a 75999  
person is subject to this chapter. Those records and other 76000  
documents shall be open during business hours to the inspection of 76001  
the commissioner, and shall be preserved for a period of four 76002  
years unless the commissioner, in writing, consents to their 76003  
destruction within that period, or by order requires that they be 76004  
kept longer. If such records are normally kept by the person 76005  
electronically, the person shall provide such records to the 76006  
commissioner electronically at the commissioner's request. 76007

Any information required by the ~~tax~~ commissioner under this 76008  
chapter is confidential as provided for in section 5703.21 of the 76009  
Revised Code. However, the commissioner shall make public an 76010  
electronic list of all actively registered persons required to 76011  
remit the tax under this chapter, including legal names, trade 76012  
names, addresses, and account numbers. In addition, such list 76013  
shall include all persons that cancelled their registration at any 76014  
time during the preceding four calendar years, including the date 76015  
the registration was cancelled. 76016

**Sec. 6109.21.** (A) Except as provided in divisions ~~(D)~~(I) and 76017  
~~(E)~~(J) of this section, ~~on and after January 1, 1994,~~ no person 76018  
shall operate ~~or maintain~~ a public water system in this state 76019  
without a license issued by the director of environmental 76020  
protection. ~~A person who operates or maintains a public water~~ 76021  
~~system on January 1, 1994, shall obtain an initial license under~~ 76022  
~~this section in accordance with the following schedule:~~ 76023



~~(1) If the public water system is a community water system,  
not later than January 31, 1994;~~ 76024  
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~~(2) If the public water system is not a community water  
system and serves a nontransient population, not later than  
January 31, 1994;~~ 76026  
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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.~~ 76029  
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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.~~ 76032  
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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.~~ 76038  
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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.~~ 76045  
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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. 76049  
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(C) A license shall expire on the thirtieth day of January in the year following its issuance. 76055  
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(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. 76057  
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(E) Through June 30, 2014, each application for a license or license renewal shall be accompanied by the appropriate fee 76061  
established under division (M) of section 3745.11 of the Revised 76062  
Code, ~~provided that. However,~~ an applicant for an initial license 76063  
who is proposing to operate ~~or maintain~~ a new public water system 76064  
~~after January 1, 1994,~~ shall submit a fee that equals a prorated 76065  
amount of the appropriate fee established under that division for 76066  
the remainder of the licensing year. 76067  
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~~(B)(F)~~ Not later than thirty days after receiving a completed 76069  
application and the appropriate license fee for ~~an initial a~~ 76070  
license ~~under division (A) of this section,~~ the director shall 76071  
~~issue the~~ or license renewal for ~~the~~ a public water system. ~~Not~~ 76072  
~~later than thirty days after receiving a completed application and~~ 76073  
~~the appropriate license fee for a license renewal under division~~ 76074  
~~(A) of this section,~~ the director shall do one of the following: 76075

(1) Issue the license or license renewal for the public water 76076  
system; 76077

(2) Issue the license or license renewal subject to terms and 76078  
conditions that the director determines are necessary to ensure 76079  
compliance with this chapter and rules adopted under it; 76080

(3) Deny the license or license renewal if the director finds 76081  
that the public water system ~~was not~~ cannot be operated in 76082  
substantial compliance with this chapter and rules adopted under 76083  
it. 76084

~~(C)(G)~~ The director may condition, suspend, or revoke a 76085

license or license renewal issued under this section at any time 76086  
if the director finds that the public water system was not or will 76087  
not be operated in substantial compliance with this chapter and 76088  
rules adopted under it. ~~The director shall adopt, and may amend~~ 76089  
~~and rescind, rules in accordance with Chapter 119. of the Revised~~ 76090  
~~Code governing such suspensions and revocations.~~ 76091

~~(D)~~(H) The director shall adopt rules in accordance with 76092  
Chapter 119. of the Revised Code establishing procedures and 76093  
requirements governing both of the following: 76094

(1) Information to be included on applications for licenses 76095  
and license renewals issued under this section; 76096

(2) The issuance, conditioning, suspension, revocation, and 76097  
denial of licenses and license renewals under this section. 76098

(I)(1) As used in division ~~(D)~~(I) of this section, "church" 76099  
means a fellowship of believers, congregation, society, 76100  
corporation, convention, or association that is formed primarily 76101  
or exclusively for religious purposes and that is not formed or 76102  
operated for the private profit of any person. 76103

(2) This section does not apply to a church that operates or 76104  
maintains a public water system solely to provide water for that 76105  
church or for a campground that is owned by the church and 76106  
operated primarily or exclusively for members of the church and 76107  
their families. ~~A church that, on or before March 5, 1996, has~~ 76108  
~~obtained a license under this section for such a public water~~ 76109  
~~system need not obtain a license renewal under this section.~~ 76110

~~(E)~~(J) This section does not apply to any public or nonpublic 76111  
school that meets minimum standards of the state board of 76112  
education that operates or maintains a public water system solely 76113  
to provide water for that school. 76114

~~(F)~~(K) The environmental protection agency shall collect well 76115  
log filing fees on behalf of the division of soil and water 76116

resources in the department of natural resources in accordance 76117  
with section 1521.05 of the Revised Code and rules adopted under 76118  
it. The fees shall be submitted to the division quarterly as 76119  
provided in those rules. 76120

**Sec. 6111.46.** (A) The environmental protection agency shall 76121  
exercise general supervision of the treatment and disposal of 76122  
sewage and industrial wastes and the operation and maintenance of 76123  
works or means installed for the collection, treatment, and 76124  
disposal of sewage and industrial wastes. Such general supervision 76125  
shall apply to all features of construction, operation, and 76126  
maintenance of the works or means that do or may affect the proper 76127  
treatment and disposal of sewage and industrial wastes. 76128

(B)(1) The agency shall investigate the works or means 76129  
employed in the collection, treatment, and disposal of sewage and 76130  
industrial wastes whenever considered necessary or whenever 76131  
requested to do so by local health officials and may issue and 76132  
enforce orders and shall adopt rules governing the operation and 76133  
maintenance of the works or means of treatment and disposal of 76134  
such sewage and industrial wastes. In adopting rules under this 76135  
section, the agency shall establish standards governing the 76136  
construction, operation, and maintenance of the works or means of 76137  
collection, treatment, and disposal of sewage that is generated at 76138  
recreational vehicle parks, recreation camps, combined park-camps, 76139  
and temporary park-camps that are separate from such standards 76140  
relative to manufactured home parks. 76141

(2) As used in division (B)(1) of this section: 76142

(a) "Manufactured home parks" has the same meaning as in 76143  
section ~~3733.01~~ 4781.01 of the Revised Code. 76144

(b) "Recreational vehicle parks," "recreation camps," 76145  
"combined park-camps," and "temporary park-camps" have the same 76146  
meanings as in section 3729.01 of the Revised Code. 76147

(C) The agency may require the submission of records and data 76148  
of construction, operation, and maintenance, including plans and 76149  
descriptions of existing works or means of treatment and disposal 76150  
of such sewage and industrial wastes. When the agency requires the 76151  
submission of such records or information, the public officials or 76152  
person, firm, or corporation having the works in charge shall 76153  
comply promptly with that order. 76154

**Sec. 6117.39.** (A) Except as provided in division (B) of this 76155  
section, whenever, in the opinion of the board of county 76156  
commissioners, it is necessary to acquire real estate or any 76157  
interest in real estate for the acquisition, construction, 76158  
maintenance, or operation of any sewer, drainage, or other 76159  
improvement authorized by this chapter, or to acquire the right to 76160  
construct, maintain, and operate the sewer, drainage, or other 76161  
improvement in and upon any property within or outside of a county 76162  
sewer district, it may purchase the real estate, interest in real 76163  
estate, or right by negotiation. If the board and the owner of the 76164  
real estate, interest in real estate, or right are unable to agree 76165  
upon its purchase and sale, or the amount of damages to be awarded 76166  
for it, the board may appropriate the real estate, interest, or 76167  
right in accordance with sections 163.01 to 163.22 of the Revised 76168  
Code, except that the board, in the exercise of the powers granted 76169  
by this section or any other section of this chapter, may not 76170  
appropriate real estate or personal property owned by a municipal 76171  
corporation. 76172

(B)(1) For the purposes of division (B) of this section, 76173  
~~either~~ any of the following constitutes a public exigency: 76174

(a) A finding by the director of environmental protection 76175  
that a public health nuisance caused by an occasion of unavoidable 76176  
urgency and suddenness due to unsanitary conditions compels the 76177  
immediate construction of sewers for the protection of the public 76178

health and welfare; 76179

(b) The issuance of an order by the board of health of a 76180  
health district to mitigate or abate a public health nuisance that 76181  
is caused by an occasion of unavoidable urgency and suddenness due 76182  
to unsanitary conditions and compels the immediate construction of 76183  
sewers for the protection of the public health and welfare; 76184

(c) With respect to an affected parcel of property, an 76185  
improvement required as a result of a federally imposed or 76186  
state-imposed consent decree that prohibits future sewer inflows, 76187  
combined sewer overflows, or sewer back-ups. 76188

(2) If the board of county commissioners is unable to 76189  
purchase property for the purpose of ~~the construction of sewers to~~ 76190  
~~mitigate or abate the public health nuisance that is the subject~~ 76191  
~~of a finding of the director or an order of the board of health~~ 76192  
addressing a public exigency pursuant to division (B) of this 76193  
section, the board of county commissioners may adopt a resolution 76194  
finding that it is necessary for the protection of the public 76195  
health and welfare to appropriate property that the board of 76196  
county commissioners considers needed for that purpose. The 76197  
resolution shall contain a definite, accurate, and detailed 76198  
description of the property and the name and place of residence, 76199  
if known or with reasonable diligence ascertainable, of the owners 76200  
of the property to be appropriated. 76201

The board of county commissioners shall fix in its resolution 76202  
what it considers to be the value of the property to be 76203  
appropriated, which shall be the board's determination of the 76204  
compensation for the property and shall be supported by an 76205  
independent appraisal, together with any damages to the residue. 76206  
The board shall deposit the compensation so determined, together 76207  
with an amount for the damages to the residue, with the probate 76208  
court or the court of common pleas of the county in which the 76209  
property, or a part of it, is situated. Except as otherwise 76210

provided in this division, the power to appropriate property for 76211  
the purposes of this division shall be exercised in the manner 76212  
provided in sections 163.01 to 163.22 of the Revised Code for an 76213  
appropriation in the time of public exigency. The board's 76214  
resolution and a written copy of the independent appraisal shall 76215  
accompany the petition filed under section 163.05 of the Revised 76216  
Code. 76217

**Sec. 6119.11.** (A) Except as provided in division (B) of this 76218  
section, the board of trustees of a regional water and sewer 76219  
district may condemn for the use of the district any public or 76220  
private land, easement, rights, rights-of-way, franchises, or 76221  
other property within or without the district required by it for 76222  
the accomplishment of its purposes according to the procedure set 76223  
forth in sections 163.01 to 163.22 of the Revised Code. 76224

(B)(1) For the purposes of division (B) of this section, 76225  
~~either~~ any of the following constitutes a public exigency: 76226

(a) A finding by the director of environmental protection 76227  
that a public health nuisance caused by an occasion of unavoidable 76228  
urgency and suddenness due to unsanitary conditions compels the 76229  
immediate construction of sewers for the protection of the public 76230  
health and welfare; 76231

(b) The issuance of an order by the board of health of a 76232  
health district to mitigate or abate a public health nuisance that 76233  
is caused by an occasion of unavoidable urgency and suddenness due 76234  
to unsanitary conditions and compels the immediate construction of 76235  
sewers for the protection of the public health and welfare; 76236

(c) With respect to an affected parcel of property, an 76237  
improvement required as a result of a federally imposed or 76238  
state-imposed consent decree that prohibits future sewer inflows, 76239  
combined sewer overflows, or sewer back-ups. 76240

(2) If the board of trustees of a regional water and sewer district is unable to purchase property for the purpose of the ~~construction of sewers to mitigate or abate the public health nuisance that is the subject of a finding of the director or an order of the board of health~~ addressing a public exigency pursuant to division (B) of this section, the board of trustees may adopt a resolution finding that it is necessary for the protection of the public health and welfare to appropriate property that the board of trustees considers needed for that purpose. The resolution shall contain a definite, accurate, and detailed description of the property and the name and place of residence, if known or with reasonable diligence ascertainable, of the owners of the property to be appropriated.

The board of trustees shall fix in its resolution what it considers to be the value of the property to be appropriated, which shall be the board's determination of the compensation for the property and shall be supported by an independent appraisal, together with any damages to the residue. The board shall deposit the compensation so determined, together with an amount for the damages to the residue, with the probate court or the court of common pleas of the county in which the property, or a part of it, is situated. Except as otherwise provided in this division, the power to appropriate property for the purposes of this division shall be exercised in the manner provided in sections 163.01 to 163.22 of the Revised Code for an appropriation in the time of public exigency. The board's resolution and a written copy of the independent appraisal shall accompany the petition filed under section 163.05 of the Revised Code.

**Section 101.02.** That existing sections 7.10, 7.16, 9.34, 102.02, 103.05, 105.41, 107.54, 109.33, 109.57, 109.572, 109.801, 119.032, 121.04, 121.08, 121.083, 121.084, 123.01, 123.011, 123.024, 123.04, 123.07, 123.08, 123.09, 123.10, 123.101, 123.11,



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1909.11, 1923.01, 1923.02, 1923.061, 1923.15, 2151.86, 2152.121, 76295  
2152.22, 2301.01, 2301.27, 2301.271, 2301.571, 2305.01, 2307.89, 76296  
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3345.51, 3345.54, 3345.69, 3345.692, 3347.03, 3383.02, 3383.07, 76307  
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3733.101, 3733.11, 3733.12, 3733.121, 3733.122, 3733.123, 3733.13, 76334  
3733.14, 3733.15, 3733.16, 3733.17, 3733.18, 3733.19, 3733.20, 76335  
3733.41, 3733.42, 3734.01, 3734.131, 3734.15, 3734.51, 3734.55, 76336

3734.79, 3734.82, 3735.37, 3737.83, 3737.841, 3742.01, 3742.02, 76337  
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3748.15, 3748.20, 3749.02, 3749.03, 3749.04, 3752.06, 3770.06, 76341  
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4765.102, 4765.11, 4765.111, 4765.112, 4765.113, 4765.114, 76360  
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4765.33, 4765.37, 4765.38, 4765.39, 4765.40, 4765.42, 4765.48, 76363  
4765.49, 4765.55, 4765.56, 4766.01, 4766.03, 4766.04, 4766.05, 76364  
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5104.09, 5104.37, 5107.05, 5107.16, 5107.17, 5111.01, 5111.013, 76375  
5111.014, 5111.0115, 5111.0120, 5111.031, 5111.032, 5111.033, 76376  
5111.034, 5111.06, 5111.091, 5111.113, 5111.16, 5111.161, 76377  
5111.171, 5111.20, 5111.222, 5111.23, 5111.242, 5111.254, 76378  
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5111.941, 5111.97, 5112.31, 5112.33, 5112.341, 5112.37, 5112.371, 76380  
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5123.161, 5123.162, 5123.163, 5123.164, 5123.166, 5123.169, 76384  
5123.171, 5123.19, 5123.31, 5123.38, 5123.41, 5123.50, 5123.51, 76385  
5123.542, 5123.61, 5123.89, 5126.023, 5126.0220, 5126.0221, 76386  
5126.043, 5126.046, 5126.055, 5126.13, 5126.15, 5126.20, 5126.21, 76387  
5126.22, 5126.25, 5126.251, 5126.51, 5139.41, 5139.43, 5149.311, 76388  
5155.14, 5501.04, 5501.07, 5502.01, 5502.011, 5503.02, 5503.04, 76389  
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5731.39, 5733.064, 5739.01, 5739.02, 5743.03, 5743.031, 5751.033, 76395  
5751.12, 6109.21, 6111.46, 6117.39, and 6119.11 of the Revised 76396  
Code are hereby repealed. 76397

**Section 105.01.** That sections 185.04, 185.08, 185.10, 185.11, 76398  
2909.32, 2909.33, 2909.34, 3301.68, 3333.049, 3333.0411, 3333.33, 76399

3333.70, 3333.80, 3334.111, 3354.23, 3701.02, 3701.032, 3701.12, 76400  
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3702.5212, 3702.5213, 3702.58, 3702.591, 3733.01, 3733.031, 76402  
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4921.101, 4921.11, 4921.12, 4921.13, 4921.14, 4921.15, 4921.16, 76407  
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4921.36, 4921.37, 4921.38, 4921.39, 4921.40, 4921.99, 4923.01, 76410  
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4923.09, 4923.10, 4923.11, 4923.12, 4923.13, 4923.14, 4923.17, 76412  
4923.20, 4923.26, 4923.99, 5101.97, 5111.651, 5119.614, 5119.692, 76413  
5119.693, 5119.70, 5119.701, 5119.71, 5119.711, 5119.712, 5119.72, 76414  
5119.73, 5119.731, 5119.74, 5119.75, 5119.76, 5119.77, 5119.78, 76415  
5119.79, 5119.80, 5119.81, 5119.82, 5119.83, 5119.84, 5119.85, 76416  
5119.86, 5119.87, 5119.88, 5123.082, 5123.083, 5123.192, 76417  
5126.0222, 5126.252, 5126.26, 5126.27, 5126.28, 5126.281, 5126.29, 76418  
and 5501.09 of the Revised Code are hereby repealed. 76419

76420

**Section 105.10.** Section 3356.10 of the Revised Code is hereby 76421  
repealed, effective five years after the effective date of that 76422  
section. 76423

**Section 110.10.** That the version of section 5122.31 of the 76424  
Revised Code that is scheduled to take effect on October 1, 2012, 76425  
be amended to read as follows: 76426

**Sec. 5122.31.** (A) All certificates, applications, records, 76427  
and reports made for the purpose of this chapter and sections 76428  
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 76429

Code, other than court journal entries or court docket entries, 76430  
and directly or indirectly identifying a patient or former patient 76431  
or person whose hospitalization has been sought under this 76432  
chapter, shall be kept confidential and shall not be disclosed by 76433  
any person except: 76434

(1) If the person identified, or the person's legal guardian, 76435  
if any, or if the person is a minor, the person's parent or legal 76436  
guardian, consents, and if the disclosure is in the best interests 76437  
of the person, as may be determined by the court for judicial 76438  
records and by the chief clinical officer for medical records; 76439

(2) When disclosure is provided for in this chapter or 76440  
section 5123.601 of the Revised Code; 76441

(3) That hospitals, boards of alcohol, drug addiction, and 76442  
mental health services, and community mental health agencies may 76443  
release necessary medical information to insurers and other 76444  
third-party payers, including government entities responsible for 76445  
processing and authorizing payment, to obtain payment for goods 76446  
and services furnished to the patient; 76447

(4) Pursuant to a court order signed by a judge; 76448

(5) That a patient shall be granted access to the patient's 76449  
own psychiatric and medical records, unless access specifically is 76450  
restricted in a patient's treatment plan for clear treatment 76451  
reasons; 76452

(6) That hospitals and other institutions and facilities 76453  
within the department of mental health may exchange psychiatric 76454  
records and other pertinent information with other hospitals, 76455  
institutions, and facilities of the department, and with community 76456  
mental health agencies and boards of alcohol, drug addiction, and 76457  
mental health services with which the department has a current 76458  
agreement for patient care or services. Records and information 76459

that may be released pursuant to this division shall be limited to 76460  
medication history, physical health status and history, financial 76461  
status, summary of course of treatment in the hospital, summary of 76462  
treatment needs, and a discharge summary, if any. 76463

(7) That hospitals within the department, other institutions 76464  
and facilities within the department, hospitals licensed by the 76465  
department under section 5119.20 of the Revised Code, and 76466  
community mental health agencies may exchange psychiatric records 76467  
and other pertinent information with payers and other providers of 76468  
treatment and health services if the purpose of the exchange is to 76469  
facilitate continuity of care for a patient; 76470

(8) That a patient's family member who is involved in the 76471  
provision, planning, and monitoring of services to the patient may 76472  
receive medication information, a summary of the patient's 76473  
diagnosis and prognosis, and a list of the services and personnel 76474  
available to assist the patient and the patient's family, if the 76475  
patient's treating physician determines that the disclosure would 76476  
be in the best interests of the patient. No such disclosure shall 76477  
be made unless the patient is notified first and receives the 76478  
information and does not object to the disclosure. 76479

(9) That community mental health agencies may exchange 76480  
psychiatric records and certain other information with the board 76481  
of alcohol, drug addiction, and mental health services and other 76482  
agencies in order to provide services to a person involuntarily 76483  
committed to a board. Release of records under this division shall 76484  
be limited to medication history, physical health status and 76485  
history, financial status, summary of course of treatment, summary 76486  
of treatment needs, and discharge summary, if any. 76487

(10) That information may be disclosed to the executor or the 76488  
administrator of an estate of a deceased patient when the 76489  
information is necessary to administer the estate; 76490

(11) That records in the possession of the Ohio historical society may be released to the closest living relative of a deceased patient upon request of that relative;

(12) That information may be disclosed to staff members of the appropriate board or to staff members designated by the director of mental health for the purpose of evaluating the quality, effectiveness, and efficiency of services and determining if the services meet minimum standards. Information obtained during such evaluations shall not be retained with the name of any patient.

(13) That records pertaining to the patient's diagnosis, course of treatment, treatment needs, and prognosis shall be disclosed and released to the appropriate prosecuting attorney if the patient was committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, or to the attorney designated by the board for proceedings pursuant to involuntary commitment under this chapter.

(14) That the department of mental health may exchange psychiatric hospitalization records, other mental health treatment records, and other pertinent information with the department of rehabilitation and correction to ensure continuity of care for inmates who are receiving mental health services in an institution of the department of rehabilitation and correction. The department shall not disclose those records unless the inmate is notified, receives the information, and does not object to the disclosure. The release of records under this division is limited to records regarding an inmate's medication history, physical health status and history, summary of course of treatment, summary of treatment needs, and a discharge summary, if any.

(15) That a community mental health agency that ceases to operate may transfer to either a community mental health agency that assumes its caseload or to the board of alcohol, drug



addiction, and mental health services of the service district in 76523  
which the patient resided at the time services were most recently 76524  
provided any treatment records that have not been transferred 76525  
elsewhere at the patient's request. 76526

(B) Before records are disclosed pursuant to divisions 76527  
(A)(3), (6), ~~(7)~~, and (9) of this section, the custodian of the 76528  
records shall attempt to obtain the patient's consent for the 76529  
disclosure. No person shall reveal the contents of a medical 76530  
record of a patient except as authorized by law. 76531

(C) The managing officer of a hospital who releases necessary 76532  
medical information under division (A)(3) of this section to allow 76533  
an insurance carrier or other third party payor to comply with 76534  
section 5121.43 of the Revised Code shall neither be subject to 76535  
criminal nor civil liability. 76536

**Section 110.11.** That the existing version of section 5122.31 76537  
of the Revised Code that is scheduled to take effect on October 1, 76538  
2012, is hereby repealed. 76539

**Section 110.12.** Sections 110.10 and 110.11 of this act take 76540  
effect October 1, 2012. 76541

**Section 110.20.** That the version of section 5123.19 of the 76542  
Revised Code that is scheduled to take effect on October 1, 2012, 76543  
be amended to read as follows: 76544

**Sec. 5123.19.** (A) As used in ~~this section and in sections~~ 76545  
~~5123.191, 5123.194, 5123.196, 5123.197, 5123.198, and 5123.19 to~~ 76546  
5123.20 of the Revised Code: 76547

(1)(a) ~~"Residential facility" means a home or facility in~~ 76548  
~~which a mentally retarded or developmentally disabled person~~ 76549  
~~resides, except the home of a relative or legal guardian in which~~ 76550

~~a mentally retarded or developmentally disabled person resides, a  
respite care home certified under section 5126.05 of the Revised  
Code, a county home or district home operated pursuant to Chapter  
5155. of the Revised Code, or a dwelling in which the only  
mentally retarded or developmentally disabled residents are in an  
independent living arrangement or are being provided supported  
living.~~

~~(b) "Intermediate care facility for the mentally retarded"  
means a residential facility that is considered an intermediate  
care facility for the mentally retarded for the purposes of  
Chapter 5111. of the Revised Code.~~

~~(2) "Political subdivision" means a municipal corporation,  
county, or township.~~

~~(3) "Independent living arrangement" means an arrangement in  
which a mentally retarded or developmentally disabled person  
resides in an individualized setting chosen by the person or the  
person's guardian, which is not dedicated principally to the  
provision of residential services for mentally retarded or  
developmentally disabled persons, and for which no financial  
support is received for rendering such service from any  
governmental agency by a provider of residential services.~~

~~(4)(2) "Intermediate care facility for the mentally retarded"  
has the same meaning as in section 1905(d) of the "Social Security  
Act," 101 Stat. 1330-204 (1987), 42 U.S.C. 1396d(d), as amended.~~

~~(3) "Licensee" means the person or government agency that has  
applied for a license to operate a residential facility and to  
which the license was issued under this section.~~

~~(4) "Political subdivision" means a municipal corporation,  
county, or township.~~

~~(5) "Related party" has the same meaning as in section  
5123.16 of the Revised Code except that "provider" as used in the~~

definition of "related party" means a person or government entity 76582  
that held or applied for a license to operate a residential 76583  
facility, rather than a person or government entity certified to 76584  
provide supported living. 76585

(6)(a) Except as provided in division (A)(6)(b) of this 76586  
section, "residential facility" means a home or facility, 76587  
including a facility certified as an intermediate care facility 76588  
for the mentally retarded, in which an individual with mental 76589  
retardation or a developmental disability resides. 76590

(b) "Residential facility" does not mean any of the 76591  
following: 76592

(i) The home of a relative or legal guardian in which an 76593  
individual with mental retardation or a developmental disability 76594  
resides; 76595

(ii) A respite care home certified under section 5126.05 of 76596  
the Revised Code; 76597

(iii) A county home or district home operated pursuant to 76598  
Chapter 5155. of the Revised Code; 76599

(iv) A dwelling in which the only residents with mental 76600  
retardation or developmental disabilities are in independent 76601  
living arrangements or are being provided supported living. 76602

(B) Every person or government agency desiring to operate a 76603  
residential facility shall apply for licensure of the facility to 76604  
the director of developmental disabilities unless the residential 76605  
facility is subject to section 3721.02, ~~5119.73,~~ 5103.03, ~~or~~ 76606  
5119.20, or division (A)(9)(b) of section 5119.22 of the Revised 76607  
Code. ~~Notwithstanding Chapter 3721. of the Revised Code, a nursing 76608~~  
~~home that is certified as an intermediate care facility for the 76609~~  
~~mentally retarded under Title XIX of the "Social Security Act," 79 76610~~  
~~Stat. 286 (1965), 42 U.S.C.A. 1396, as amended, shall apply for 76611~~  
~~licensure of the portion of the home that is certified as an 76612~~

~~intermediate care facility for the mentally retarded.~~ 76613

(C) Subject to section 5123.196 of the Revised Code, the 76614  
director of developmental disabilities shall license the operation 76615  
of residential facilities. An initial license shall be issued for 76616  
a period that does not exceed one year, unless the director denies 76617  
the license under division (D) of this section. A license shall be 76618  
renewed for a period that does not exceed three years, unless the 76619  
director refuses to renew the license under division (D) of this 76620  
section. The director, when issuing or renewing a license, shall 76621  
specify the period for which the license is being issued or 76622  
renewed. A license remains valid for the length of the licensing 76623  
period specified by the director, unless the license is 76624  
terminated, revoked, or voluntarily surrendered. 76625

(D) If it is determined that an applicant or licensee is not 76626  
in compliance with a provision of this chapter that applies to 76627  
residential facilities or the rules adopted under such a 76628  
provision, the director may deny issuance of a license, refuse to 76629  
renew a license, terminate a license, revoke a license, issue an 76630  
order for the suspension of admissions to a facility, issue an 76631  
order for the placement of a monitor at a facility, issue an order 76632  
for the immediate removal of residents, or take any other action 76633  
the director considers necessary consistent with the director's 76634  
authority under this chapter regarding residential facilities. In 76635  
the director's selection and administration of the sanction to be 76636  
imposed, all of the following apply: 76637

(1) The director may deny, refuse to renew, or revoke a 76638  
license, if the director determines that the applicant or licensee 76639  
has demonstrated a pattern of serious noncompliance or that a 76640  
violation creates a substantial risk to the health and safety of 76641  
residents of a residential facility. 76642

(2) The director may terminate a license if more than twelve 76643  
consecutive months have elapsed since the residential facility was 76644

last occupied by a resident or a notice required by division (K) 76645  
of this section is not given. 76646

(3) The director may issue an order for the suspension of 76647  
admissions to a facility for any violation that may result in 76648  
sanctions under division (D)(1) of this section and for any other 76649  
violation specified in rules adopted under division (H)(2) of this 76650  
section. If the suspension of admissions is imposed for a 76651  
violation that may result in sanctions under division (D)(1) of 76652  
this section, the director may impose the suspension before 76653  
providing an opportunity for an adjudication under Chapter 119. of 76654  
the Revised Code. The director shall lift an order for the 76655  
suspension of admissions when the director determines that the 76656  
violation that formed the basis for the order has been corrected. 76657

(4) The director may order the placement of a monitor at a 76658  
residential facility for any violation specified in rules adopted 76659  
under division (H)(2) of this section. The director shall lift the 76660  
order when the director determines that the violation that formed 76661  
the basis for the order has been corrected. 76662

(5) If the director determines that two or more residential 76663  
facilities owned or operated by the same person or government 76664  
entity are not being operated in compliance with a provision of 76665  
this chapter that applies to residential facilities or the rules 76666  
adopted under such a provision, and the director's findings are 76667  
based on the same or a substantially similar action, practice, 76668  
circumstance, or incident that creates a substantial risk to the 76669  
health and safety of the residents, the director shall conduct a 76670  
survey as soon as practicable at each residential facility owned 76671  
or operated by that person or government entity. The director may 76672  
take any action authorized by this section with respect to any 76673  
facility found to be operating in violation of a provision of this 76674  
chapter that applies to residential facilities or the rules 76675  
adopted under such a provision. 76676

(6) When the director initiates license revocation proceedings, no opportunity for submitting a plan of correction shall be given. The director shall notify the licensee by letter of the initiation of the proceedings. The letter shall list the deficiencies of the residential facility and inform the licensee that no plan of correction will be accepted. The director shall also send a copy of the letter to the county board of developmental disabilities. The county board shall send a copy of the letter to each of the following:

- (a) Each resident who receives services from the licensee;
- (b) The guardian of each resident who receives services from the licensee if the resident has a guardian;
- (c) The parent or guardian of each resident who receives services from the licensee if the resident is a minor.

(7) Pursuant to rules which shall be adopted in accordance with Chapter 119. of the Revised Code, the director may order the immediate removal of residents from a residential facility whenever conditions at the facility present an immediate danger of physical or psychological harm to the residents.

(8) In determining whether a residential facility is being operated in compliance with a provision of this chapter that applies to residential facilities or the rules adopted under such a provision, or whether conditions at a residential facility present an immediate danger of physical or psychological harm to the residents, the director may rely on information obtained by a county board of developmental disabilities or other governmental agencies.

(9) In proceedings initiated to deny, refuse to renew, or revoke licenses, the director may deny, refuse to renew, or revoke a license regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of

the hearing. 76708

(E) The director shall establish a program under which public 76709  
notification may be made when the director has initiated license 76710  
revocation proceedings or has issued an order for the suspension 76711  
of admissions, placement of a monitor, or removal of residents. 76712  
The director shall adopt rules in accordance with Chapter 119. of 76713  
the Revised Code to implement this division. The rules shall 76714  
establish the procedures by which the public notification will be 76715  
made and specify the circumstances for which the notification must 76716  
be made. The rules shall require that public notification be made 76717  
if the director has taken action against the facility in the 76718  
eighteen-month period immediately preceding the director's latest 76719  
action against the facility and the latest action is being taken 76720  
for the same or a substantially similar violation of a provision 76721  
of this chapter that applies to residential facilities or the 76722  
rules adopted under such a provision. The rules shall specify a 76723  
method for removing or amending the public notification if the 76724  
director's action is found to have been unjustified or the 76725  
violation at the residential facility has been corrected. 76726

(F)(1) Except as provided in division (F)(2) of this section, 76727  
appeals from proceedings initiated to impose a sanction under 76728  
division (D) of this section shall be conducted in accordance with 76729  
Chapter 119. of the Revised Code. 76730

(2) Appeals from proceedings initiated to order the 76731  
suspension of admissions to a facility shall be conducted in 76732  
accordance with Chapter 119. of the Revised Code, unless the order 76733  
was issued before providing an opportunity for an adjudication, in 76734  
which case all of the following apply: 76735

(a) The licensee may request a hearing not later than ten 76736  
days after receiving the notice specified in section 119.07 of the 76737  
Revised Code. 76738

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations not later than ten days after the last of the following:

- (i) The close of the hearing;
- (ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;
- (iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) A copy of the written report and recommendation of the hearing examiner shall be sent, by certified mail, to the licensee and the licensee's attorney, if applicable, not later than five days after the report is filed.

(f) Not later than five days after the hearing examiner files the report and recommendations, the licensee may file objections to the report and recommendations.

(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the director shall issue an order approving, modifying, or disapproving the report and recommendations.

(h) Notwithstanding the pendency of the hearing, the director shall lift the order for the suspension of admissions when the director determines that the violation that formed the basis for the order has been corrected.



(G) Neither a person or government agency whose application for a license to operate a residential facility is denied nor a related party of the person or government agency may apply for a license to operate a residential facility before the date that is one year after the date of the denial. Neither a licensee whose residential facility license is revoked nor a related party of the licensee may apply for a residential facility license before the date that is five years after the date of the revocation.

(H) In accordance with Chapter 119. of the Revised Code, the director shall adopt and may amend and rescind rules for licensing and regulating the operation of residential facilities, ~~including intermediate care facilities for the mentally retarded.~~ The rules for residential facilities that are intermediate care facilities for the mentally retarded may differ from those for other residential facilities. The rules shall establish and specify the following:

(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;

(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;

(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;

(4) Procedures for surveying residential facilities;

(5) Requirements for the training of residential facility personnel;

(6) Classifications for the various types of residential

facilities;	76800
(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;	76801 76802 76803 76804
(8) The maximum number of persons who may be served in a particular type of residential facility;	76805 76806
(9) Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	76807 76808
(10) Other standards for the operation of residential facilities and the services provided at residential facilities;	76809 76810
(11) Procedures for waiving any provision of any rule adopted under this section.	76811 76812
(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.	76813 76814 76815 76816 76817 76818 76819 76820 76821
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 designee in conducting the survey.	76822 76823 76824 76825 76826 76827 76828 76829 76830

Following each survey, unless the director initiates a  
license revocation proceeding, the director or the director's  
designee shall provide the licensee with a report listing any  
deficiencies, specifying a timetable within which the licensee  
shall submit a plan of correction describing how the deficiencies  
will be corrected, and, when appropriate, specifying a timetable  
within which the licensee must correct the deficiencies. After a  
plan of correction is submitted, the director or the director's  
designee shall approve or disapprove the plan. A copy of the  
report and any approved plan of correction shall be provided to  
any person who requests it.

The director shall initiate disciplinary action against any  
department employee who notifies or causes the notification to any  
unauthorized person of an unannounced survey of a residential  
facility by an authorized representative of the department.

(J) In addition to any other information which may be  
required of applicants for a license pursuant to this section, the  
director shall require each applicant to provide a copy of an  
approved plan for a proposed residential facility pursuant to  
section 5123.042 of the Revised Code. This division does not apply  
to renewal of a license or to an applicant for an initial or  
modified license who meets the requirements of section ~~5123.193~~ or  
5123.197 of the Revised Code.

(K) A licensee shall notify the owner of the building in  
which the licensee's residential facility is located of any  
significant change in the identity of the licensee or management  
contractor before the effective date of the change if the licensee  
is not the owner of the building.

Pursuant to rules which shall be adopted in accordance with  
Chapter 119. of the Revised Code, the director may require  
notification to the department of any significant change in the  
ownership of a residential facility or in the identity of the

licensee or management contractor. If the director determines that 76863  
a significant change of ownership is proposed, the director shall 76864  
consider the proposed change to be an application for development 76865  
by a new operator pursuant to section 5123.042 of the Revised Code 76866  
and shall advise the applicant within sixty days of the 76867  
notification that the current license shall continue in effect or 76868  
a new license will be required pursuant to this section. If the 76869  
director requires a new license, the director shall permit the 76870  
facility to continue to operate under the current license until 76871  
the new license is issued, unless the current license is revoked, 76872  
refused to be renewed, or terminated in accordance with Chapter 76873  
119. of the Revised Code. 76874

(L) A county board of developmental disabilities and any 76875  
interested person may file complaints alleging violations of 76876  
statute or department rule relating to residential facilities with 76877  
the department. All complaints shall be in writing and shall state 76878  
the facts constituting the basis of the allegation. The department 76879  
shall not reveal the source of any complaint unless the 76880  
complainant agrees in writing to waive the right to 76881  
confidentiality or until so ordered by a court of competent 76882  
jurisdiction. 76883

The department shall adopt rules in accordance with Chapter 76884  
119. of the Revised Code establishing procedures for the receipt, 76885  
referral, investigation, and disposition of complaints filed with 76886  
the department under this division. 76887

(M) The department shall establish procedures for the 76888  
notification of interested parties of the transfer or interim care 76889  
of residents from residential facilities that are closing or are 76890  
losing their license. 76891

(N) Before issuing a license under this section to a 76892  
residential facility that will accommodate at any time more than 76893  
one mentally retarded or developmentally disabled individual, the 76894

director shall, by first class mail, notify the following: 76895

(1) If the facility will be located in a municipal 76896  
corporation, the clerk of the legislative authority of the 76897  
municipal corporation; 76898

(2) If the facility will be located in unincorporated 76899  
territory, the clerk of the appropriate board of county 76900  
commissioners and the fiscal officer of the appropriate board of 76901  
township trustees. 76902

The director shall not issue the license for ten days after 76903  
mailing the notice, excluding Saturdays, Sundays, and legal 76904  
holidays, in order to give the notified local officials time in 76905  
which to comment on the proposed issuance. 76906

Any legislative authority of a municipal corporation, board 76907  
of county commissioners, or board of township trustees that 76908  
receives notice under this division of the proposed issuance of a 76909  
license for a residential facility may comment on it in writing to 76910  
the director within ten days after the director mailed the notice, 76911  
excluding Saturdays, Sundays, and legal holidays. If the director 76912  
receives written comments from any notified officials within the 76913  
specified time, the director shall make written findings 76914  
concerning the comments and the director's decision on the 76915  
issuance of the license. If the director does not receive written 76916  
comments from any notified local officials within the specified 76917  
time, the director shall continue the process for issuance of the 76918  
license. 76919

(O) Any person may operate a licensed residential facility 76920  
that provides room and board, personal care, habilitation 76921  
services, and supervision in a family setting for at least six but 76922  
not more than eight persons with mental retardation or a 76923  
developmental disability as a permitted use in any residential 76924  
district or zone, including any single-family residential district 76925

or zone, of any political subdivision. These residential 76926  
facilities may be required to comply with area, height, yard, and 76927  
architectural compatibility requirements that are uniformly 76928  
imposed upon all single-family residences within the district or 76929  
zone. 76930

(P) Any person may operate a licensed residential facility 76931  
that provides room and board, personal care, habilitation 76932  
services, and supervision in a family setting for at least nine 76933  
but not more than sixteen persons with mental retardation or a 76934  
developmental disability as a permitted use in any multiple-family 76935  
residential district or zone of any political subdivision, except 76936  
that a political subdivision that has enacted a zoning ordinance 76937  
or resolution establishing planned unit development districts may 76938  
exclude these residential facilities from those districts, and a 76939  
political subdivision that has enacted a zoning ordinance or 76940  
resolution may regulate these residential facilities in 76941  
multiple-family residential districts or zones as a conditionally 76942  
permitted use or special exception, in either case, under 76943  
reasonable and specific standards and conditions set out in the 76944  
zoning ordinance or resolution to: 76945

(1) Require the architectural design and site layout of the 76946  
residential facility and the location, nature, and height of any 76947  
walls, screens, and fences to be compatible with adjoining land 76948  
uses and the residential character of the neighborhood; 76949

(2) Require compliance with yard, parking, and sign 76950  
regulation; 76951

(3) Limit excessive concentration of these residential 76952  
facilities. 76953

(Q) This section does not prohibit a political subdivision 76954  
from applying to residential facilities nondiscriminatory 76955  
regulations requiring compliance with health, fire, and safety 76956

regulations and building standards and regulations. 76957

(R) Divisions (O) and (P) of this section are not applicable 76958  
to municipal corporations that had in effect on June 15, 1977, an 76959  
ordinance specifically permitting in residential zones licensed 76960  
residential facilities by means of permitted uses, conditional 76961  
uses, or special exception, so long as such ordinance remains in 76962  
effect without any substantive modification. 76963

(S)(1) The director may issue an interim license to operate a 76964  
residential facility to an applicant for a license under this 76965  
section if either of the following is the case: 76966

(a) The director determines that an emergency exists 76967  
requiring immediate placement of persons in a residential 76968  
facility, that insufficient licensed beds are available, and that 76969  
the residential facility is likely to receive a permanent license 76970  
under this section within thirty days after issuance of the 76971  
interim license. 76972

(b) The director determines that the issuance of an interim 76973  
license is necessary to meet a temporary need for a residential 76974  
facility. 76975

(2) To be eligible to receive an interim license, an 76976  
applicant must meet the same criteria that must be met to receive 76977  
a permanent license under this section, except for any differing 76978  
procedures and time frames that may apply to issuance of a 76979  
permanent license. 76980

(3) An interim license shall be valid for thirty days and may 76981  
be renewed by the director for a period not to exceed one hundred 76982  
fifty days. 76983

(4) The director shall adopt rules in accordance with Chapter 76984  
119. of the Revised Code as the director considers necessary to 76985  
administer the issuance of interim licenses. 76986

(T) Notwithstanding rules adopted pursuant to this section 76987  
establishing the maximum number of persons who may be served in a 76988  
particular type of residential facility, a residential facility 76989  
shall be permitted to serve the same number of persons being 76990  
served by the facility on the effective date of the rules or the 76991  
number of persons for which the facility is authorized pursuant to 76992  
a current application for a certificate of need with a letter of 76993  
support from the department of developmental disabilities and 76994  
which is in the review process prior to April 4, 1986. 76995

(U) The director or the director's designee may enter at any 76996  
time, for purposes of investigation, any home, facility, or other 76997  
structure that has been reported to the director or that the 76998  
director has reasonable cause to believe is being operated as a 76999  
residential facility without a license issued under this section. 77000

The director may petition the court of common pleas of the 77001  
county in which an unlicensed residential facility is located for 77002  
an order enjoining the person or governmental agency operating the 77003  
facility from continuing to operate without a license. The court 77004  
may grant the injunction on a showing that the person or 77005  
governmental agency named in the petition is operating a 77006  
residential facility without a license. The court may grant the 77007  
injunction, regardless of whether the residential facility meets 77008  
the requirements for receiving a license under this section. 77009

**Section 110.21.** That the existing version of section 5123.19 77010  
of the Revised Code that is scheduled to take effect on October 1, 77011  
2012, is hereby repealed. 77012

**Section 110.22.** Sections 110.20 and 110.21 of this act take 77013  
effect October 1, 2012. 77014

**Section 110.30.** That the version of section 5123.61 of the 77015  
Revised Code that is scheduled to take effect on October 1, 2012, 77016



be amended to read as follows: 77017

**Sec. 5123.61.** (A) As used in this section: 77018

(1) "Law enforcement agency" means the state highway patrol, 77019  
the police department of a municipal corporation, or a county 77020  
sheriff. 77021

(2) "Abuse" has the same meaning as in section 5123.50 of the 77022  
Revised Code, except that it includes a misappropriation, as 77023  
defined in that section. 77024

(3) "Neglect" has the same meaning as in section 5123.50 of 77025  
the Revised Code. 77026

(B) The department of developmental disabilities shall 77027  
establish a registry office for the purpose of maintaining reports 77028  
of abuse, neglect, and other major unusual incidents made to the 77029  
department under this section and reports received from county 77030  
boards of developmental disabilities under section 5126.31 of the 77031  
Revised Code. The department shall establish committees to review 77032  
reports of abuse, neglect, and other major unusual incidents. 77033

(C)(1) Any person listed in division (C)(2) of this section, 77034  
having reason to believe that a person with mental retardation or 77035  
a developmental disability has suffered or faces a substantial 77036  
risk of suffering any wound, injury, disability, or condition of 77037  
such a nature as to reasonably indicate abuse or neglect of that 77038  
person, shall immediately report or cause reports to be made of 77039  
such information to the entity specified in this division. Except 77040  
as provided in section 5120.173 of the Revised Code or as 77041  
otherwise provided in this division, the person making the report 77042  
shall make it to a law enforcement agency or to the county board 77043  
of developmental disabilities. If the report concerns a resident 77044  
of a facility operated by the department of developmental 77045  
disabilities the report shall be made either to a law enforcement 77046

agency or to the department. If the report concerns any act or 77047  
omission of an employee of a county board of developmental 77048  
disabilities, the report immediately shall be made to the 77049  
department and to the county board. 77050

(2) All of the following persons are required to make a 77051  
report under division (C)(1) of this section: 77052

(a) Any physician, including a hospital intern or resident, 77053  
any dentist, podiatrist, chiropractor, practitioner of a limited 77054  
branch of medicine as specified in section 4731.15 of the Revised 77055  
Code, hospital administrator or employee of a hospital, nurse 77056  
licensed under Chapter 4723. of the Revised Code, employee of an 77057  
ambulatory health facility as defined in section 5101.61 of the 77058  
Revised Code, employee of a home health agency, employee of ~~an~~ 77059  
~~adult care~~ a residential facility licensed under ~~Chapter 3722.~~ 77060  
section 5119.22 of the Revised Code that provides accommodations, 77061  
supervision, and person care services for three to sixteen 77062  
unrelated adults, or employee of a community mental health 77063  
facility; 77064

(b) Any school teacher or school authority, social worker, 77065  
psychologist, attorney, peace officer, coroner, or residents' 77066  
rights advocate as defined in section 3721.10 of the Revised Code; 77067

(c) A superintendent, board member, or employee of a county 77068  
board of developmental disabilities; an administrator, board 77069  
member, or employee of a residential facility licensed under 77070  
section 5123.19 of the Revised Code; an administrator, board 77071  
member, or employee of any other public or private provider of 77072  
services to a person with mental retardation or a developmental 77073  
disability, or any MR/DD employee, as defined in section 5123.50 77074  
of the Revised Code; 77075

(d) A member of a citizen's advisory council established at 77076  
an institution or branch institution of the department of 77077

developmental disabilities under section 5123.092 of the Revised Code; 77078  
77079

(e) A ~~clergyman~~ member of the clergy who is employed in a 77080  
position that includes providing specialized services to an 77081  
individual with mental retardation or another developmental 77082  
disability, while acting in an official or professional capacity 77083  
in that position, or a person who is employed in a position that 77084  
includes providing specialized services to an individual with 77085  
mental retardation or another developmental disability and who, 77086  
while acting in an official or professional capacity, renders 77087  
spiritual treatment through prayer in accordance with the tenets 77088  
of an organized religion. 77089

(3)(a) The reporting requirements of this division do not 77090  
apply to employees of the Ohio protection and advocacy system. 77091

(b) An attorney or physician is not required to make a report 77092  
pursuant to division (C)(1) of this section concerning any 77093  
communication the attorney or physician receives from a client or 77094  
patient in an attorney-client or physician-patient relationship, 77095  
if, in accordance with division (A) or (B) of section 2317.02 of 77096  
the Revised Code, the attorney or physician could not testify with 77097  
respect to that communication in a civil or criminal proceeding, 77098  
except that the client or patient is deemed to have waived any 77099  
testimonial privilege under division (A) or (B) of section 2317.02 77100  
of the Revised Code with respect to that communication and the 77101  
attorney or physician shall make a report pursuant to division 77102  
(C)(1) of this section, if both of the following apply: 77103

(i) The client or patient, at the time of the communication, 77104  
is a person with mental retardation or a developmental disability. 77105

(ii) The attorney or physician knows or suspects, as a result 77106  
of the communication or any observations made during that 77107  
communication, that the client or patient has suffered or faces a 77108

substantial risk of suffering any wound, injury, disability, or 77109  
condition of a nature that reasonably indicates abuse or neglect 77110  
of the client or patient. 77111

(4) Any person who fails to make a report required under 77112  
division (C) of this section and who is an MR/DD employee, as 77113  
defined in section 5123.50 of the Revised Code, shall be eligible 77114  
to be included in the registry regarding misappropriation, abuse, 77115  
neglect, or other specified misconduct by MR/DD employees 77116  
established under section 5123.52 of the Revised Code. 77117

(D) The reports required under division (C) of this section 77118  
shall be made forthwith by telephone or in person and shall be 77119  
followed by a written report. The reports shall contain the 77120  
following: 77121

(1) The names and addresses of the person with mental 77122  
retardation or a developmental disability and the person's 77123  
custodian, if known; 77124

(2) The age of the person with mental retardation or a 77125  
developmental disability; 77126

(3) Any other information that would assist in the 77127  
investigation of the report. 77128

(E) When a physician performing services as a member of the 77129  
staff of a hospital or similar institution has reason to believe 77130  
that a person with mental retardation or a developmental 77131  
disability has suffered injury, abuse, or physical neglect, the 77132  
physician shall notify the person in charge of the institution or 77133  
that person's designated delegate, who shall make the necessary 77134  
reports. 77135

(F) Any person having reasonable cause to believe that a 77136  
person with mental retardation or a developmental disability has 77137  
suffered or faces a substantial risk of suffering abuse or neglect 77138  
may report or cause a report to be made of that belief to the 77139

entity specified in this division. Except as provided in section 77140  
5120.173 of the Revised Code or as otherwise provided in this 77141  
division, the person making the report shall make it to a law 77142  
enforcement agency or the county board of developmental 77143  
disabilities. If the person is a resident of a facility operated 77144  
by the department of developmental disabilities, the report shall 77145  
be made to a law enforcement agency or to the department. If the 77146  
report concerns any act or omission of an employee of a county 77147  
board of developmental disabilities, the report immediately shall 77148  
be made to the department and to the county board. 77149

(G)(1) Upon the receipt of a report concerning the possible 77150  
abuse or neglect of a person with mental retardation or a 77151  
developmental disability, the law enforcement agency shall inform 77152  
the county board of developmental disabilities or, if the person 77153  
is a resident of a facility operated by the department of 77154  
developmental disabilities, the director of the department or the 77155  
director's designee. 77156

(2) On receipt of a report under this section that includes 77157  
an allegation of action or inaction that may constitute a crime 77158  
under federal law or the law of this state, the department of 77159  
developmental disabilities shall notify the law enforcement 77160  
agency. 77161

(3) When a county board of developmental disabilities 77162  
receives a report under this section that includes an allegation 77163  
of action or inaction that may constitute a crime under federal 77164  
law or the law of this state, the superintendent of the board or 77165  
an individual the superintendent designates under division (H) of 77166  
this section shall notify the law enforcement agency. The 77167  
superintendent or individual shall notify the department of 77168  
developmental disabilities when it receives any report under this 77169  
section. 77170

(4) When a county board of developmental disabilities 77171

receives a report under this section and believes that the degree 77172  
of risk to the person is such that the report is an emergency, the 77173  
superintendent of the board or an employee of the board the 77174  
superintendent designates shall attempt a face-to-face contact 77175  
with the person with mental retardation or a developmental 77176  
disability who allegedly is the victim within one hour of the 77177  
board's receipt of the report. 77178

(H) The superintendent of the board may designate an 77179  
individual to be responsible for notifying the law enforcement 77180  
agency and the department when the county board receives a report 77181  
under this section. 77182

(I) An adult with mental retardation or a developmental 77183  
disability about whom a report is made may be removed from the 77184  
adult's place of residence only by law enforcement officers who 77185  
consider that the adult's immediate removal is essential to 77186  
protect the adult from further injury or abuse or in accordance 77187  
with the order of a court made pursuant to section 5126.33 of the 77188  
Revised Code. 77189

(J) A law enforcement agency shall investigate each report of 77190  
abuse or neglect it receives under this section. In addition, the 77191  
department, in cooperation with law enforcement officials, shall 77192  
investigate each report regarding a resident of a facility 77193  
operated by the department to determine the circumstances 77194  
surrounding the injury, the cause of the injury, and the person 77195  
responsible. The investigation shall be in accordance with the 77196  
memorandum of understanding prepared under section 5126.058 of the 77197  
Revised Code. The department shall determine, with the registry 77198  
office which shall be maintained by the department, whether prior 77199  
reports have been made concerning an adult with mental retardation 77200  
or a developmental disability or other principals in the case. If 77201  
the department finds that the report involves action or inaction 77202  
that may constitute a crime under federal law or the law of this 77203

state, it shall submit a report of its investigation, in writing, 77204  
to the law enforcement agency. If the person with mental 77205  
retardation or a developmental disability is an adult, with the 77206  
consent of the adult, the department shall provide such protective 77207  
services as are necessary to protect the adult. The law 77208  
enforcement agency shall make a written report of its findings to 77209  
the department. 77210

If the person is an adult and is not a resident of a facility 77211  
operated by the department, the county board of developmental 77212  
disabilities shall review the report of abuse or neglect in 77213  
accordance with sections 5126.30 to 5126.33 of the Revised Code 77214  
and the law enforcement agency shall make the written report of 77215  
its findings to the county board. 77216

(K) Any person or any hospital, institution, school, health 77217  
department, or agency participating in the making of reports 77218  
pursuant to this section, any person participating as a witness in 77219  
an administrative or judicial proceeding resulting from the 77220  
reports, or any person or governmental entity that discharges 77221  
responsibilities under sections 5126.31 to 5126.33 of the Revised 77222  
Code shall be immune from any civil or criminal liability that 77223  
might otherwise be incurred or imposed as a result of such actions 77224  
except liability for perjury, unless the person or governmental 77225  
entity has acted in bad faith or with malicious purpose. 77226

(L) No employer or any person with the authority to do so 77227  
shall discharge, demote, transfer, prepare a negative work 77228  
performance evaluation, reduce pay or benefits, terminate work 77229  
privileges, or take any other action detrimental to an employee or 77230  
retaliate against an employee as a result of the employee's having 77231  
made a report under this section. This division does not preclude 77232  
an employer or person with authority from taking action with 77233  
regard to an employee who has made a report under this section if 77234  
there is another reasonable basis for the action. 77235

(M) Reports made under this section are not public records as 77236  
defined in section 149.43 of the Revised Code. Information 77237  
contained in the reports on request shall be made available to the 77238  
person who is the subject of the report, to the person's legal 77239  
counsel, and to agencies authorized to receive information in the 77240  
report by the department or by a county board of developmental 77241  
disabilities. 77242

(N) Notwithstanding section 4731.22 of the Revised Code, the 77243  
physician-patient privilege shall not be a ground for excluding 77244  
evidence regarding the injuries or physical neglect of a person 77245  
with mental retardation or a developmental disability or the cause 77246  
thereof in any judicial proceeding resulting from a report 77247  
submitted pursuant to this section. 77248

**Section 110.31.** That the existing version of section 5123.61 77249  
of the Revised Code that is scheduled to take effect on October 1, 77250  
2012, is hereby repealed. 77251

**Section 110.32.** Sections 110.30 and 110.31 of this act take 77252  
effect October 1, 2012. 77253

**Section 503.10.** FISCAL YEAR 2012 GENERAL REVENUE FUND ENDING 77254  
BALANCE 77255

Notwithstanding divisions (B) and (C) of section 131.44 of 77256  
the Revised Code, the Director of Budget and Management shall 77257  
determine the surplus General Revenue Fund revenue that existed on 77258  
June 30, 2012, in excess of the amount required under division 77259  
(A)(3) of section 131.44 of the Revised Code, and transfer from 77260  
the General Revenue Fund, to the extent of the amount so 77261  
determined, to the Statewide Treatment and Prevention Fund (Fund 77262  
4750), a cash amount of \$1,000,000 and to the Long-Term Care 77263  
Ombudsman Program Fund (Fund 4C40), a cash amount of \$1,500,000. 77264



**Section 506.10.** OHP HEALTH CARE GRANTS FUND 77265

For fiscal year 2012 and fiscal year 2013, the Department of 77266  
Job and Family Services may deposit into the OHP Health Care 77267  
Grants Fund (Fund 3FA0) federal grants for the administration of 77268  
health care programs that the Department receives under the 77269  
"Patient Protection and Affordable Care Act," Public Law 111-148, 77270  
and the "Health Care and Education Reconciliation Act of 2010," 77271  
Public Law 111-152. The Department shall use the money in the fund 77272  
to pay for expenses incurred in carrying out duties the Department 77273  
assumes by accepting such federal grants, including expenses for 77274  
the administration of health care programs. 77275

**Section 512.10.** TRANSFER OF FUNDS FOR CASINO CONTROL 77276  
COMMISSION OPERATIONS 77277

During fiscal year 2013, the Director of Budget and 77278  
Management may, in consultation with the Executive Director of the 77279  
Casino Control Commission, transfer cash as necessary for 77280  
operating expenses and casino investigations. The transfer shall 77281  
be made from the General Revenue Fund to the Casino Control 77282  
Commission Operating Fund (Fund 5HS0). Once funds from upfront 77283  
license application fees and gross casino revenue taxes have been 77284  
accumulated to sustain operations, the Director of Budget and 77285  
Management, in consultation with the Executive Director of the 77286  
Casino Control Commission, shall establish a repayment schedule 77287  
for transfers to the General Revenue Fund from the Casino Control 77288  
Commission Operating Fund (Fund 5HS0). 77289

**Section 512.20.** PRE-SECURITIZATION TOBACCO PAYMENTS 77290

The Pre-Securitization Tobacco Payments Fund (Fund 5LS0) is 77291  
hereby created in the state treasury. All moneys received by the 77292  
state in connection with releases from disputed payment accounts 77293  
or amounts previously withheld under the Tobacco Master Settlement 77294

Agreement that do not constitute pledged receipts for the Buckeye Tobacco Settlement Financing Authority Tobacco Settlement Bonds, Series 2007, shall be credited to the fund and used by the Director of Budget and Management as authorized in this section.

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall determine, in consultation with the Attorney General, the amounts needed to fund tobacco enforcement-related activities and may transfer cash in those amounts from Fund 5LS0 to the Tobacco Oversight Administration and Enforcement Fund (Fund U087). The Director of Budget and Management may transfer remaining cash determined to be in excess of the tobacco enforcement needs of the Attorney General from Fund 5LS0 to the General Revenue Fund.

Upon receipt of all pre-securitization Tobacco Master Settlement Agreement payments and the transfer of all cash credited to Fund 5LS0 as authorized in this section, Fund 5LS0 is abolished.

On July 1, 2012, or as soon as possible thereafter, and upon the request of the Attorney General, the Director of Budget and Management may transfer up to \$3,000,000 cash from the General Reimbursement Fund (Fund 1060) to the Tobacco Oversight Administration and Enforcement Fund (Fund U087).

**Section 512.30. CASH TRANSFER FROM TRAUMA AND EMERGENCY MEDICAL SERVICES GRANTS FUND**

On the effective date of this section, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Trauma and Emergency Medical Services Grants Fund (Fund 83P0) to the Trauma and Emergency Medical Services Fund (Fund 83M0). The Director shall cancel any existing encumbrances against appropriation item 765637, EMS Grants, and reestablish them against appropriation item 765640, EMS - Grants.

The reestablished encumbrance amounts are hereby appropriated. 77326

**Section 512.40.** CASH TRANSFER FROM ELEMENTARY SCHOOL SEAT 77327  
BELT FUND 77328

On the effective date of this section, or as soon as possible 77329  
thereafter, the Director of Budget and Management shall transfer 77330  
the cash balance in the Elementary School Seat Belt Fund (Fund 77331  
83N0) to the Trauma and Emergency Medical Services Fund (Fund 77332  
83M0). The Director shall cancel any existing encumbrances against 77333  
appropriation item 761611, Elementary School Seat Belt Program, 77334  
and reestablish them against appropriation item 765624, Operating 77335  
Expense - Trauma and EMS. The reestablished encumbrance amounts 77336  
are hereby appropriated. 77337

**Section 512.50.** MEDICAID PROGRAM SUPPORT STATE FUND ABOLISHED 77338

The Director of Budget and Management shall transfer any 77339  
remaining cash balance in the Medicaid Program Support State Fund 77340  
(Fund 5C90) to the Health Care/Medicaid Support and Recoveries 77341  
Fund (Fund 5DL0) created under section 5111.941 of the Revised 77342  
Code. The Medicaid Program Support State Fund (Fund 5C90) shall 77343  
cease to exist once the transfer is complete. 77344

**Section 600.10.** That Section 753.20 of Am. Sub. H.B. 114 of 77345  
the 129th General Assembly be amended to read as follows: 77346

**Sec. 753.20.** (A) The Governor is authorized to execute a deed 77347  
in the name of the state conveying to Taylor Chevrolet, Inc. 77348  
(hereinafter the "grantee"), its successors and assigns, all of 77349  
the state's right, title, and interest in the following described 77350  
real estate known as Ohio State Highway Patrol Post 23, 1125 Ety 77351  
Road, in the City of Lancaster, County of Fairfield, State of 77352  
Ohio, and in the land on which the post is situated. 77353

Being a part of Section 27, Township 15, Range 19, Greenfield 77354  
Township, Fairfield County, Ohio and being more particularly 77355  
described as follows: 77356

Commencing at a point in the east line of Section 27 and in 77357  
the centerline of U.S. Route 33 at Station 139 plus 53.38, (1941 77358  
Survey) as shown by plans on file with the Department of Highways, 77359  
said point being N 1° 21' E, 452.70 feet from the southeast corner 77360  
of said Section 27; thence, along said Section line, N 1° 21 min. 77361  
E, 85.21 feet, to a point in the centerline of Township Road No. 77362  
201 and to an easement for electric power line of the Ohio Power 77363  
Company, Deed Record Volume 166, Page 375, Recorder's Office, 77364  
Fairfield County, Ohio, said point being the place of beginning of 77365  
the tract herein described; thence, along said Section line and 77366  
along the centerline of said Township Road, N 1° 21' E, 224.90 77367  
feet, to a point; thence, leaving said road, N 74° 38' 30" W, 77368  
226.61 feet, to a point; thence, S 28° 31' 30" W, 148.15 feet, to 77369  
a point in the northerly right of way line of said U.S. Route 33; 77370  
thence, along said northerly right of way line of said U.S. 33, S 77371  
62° 01' E, 122.04 feet to a point; thence, continuing along said 77372  
right of way line, S 61° 19' E, 94.12 feet, to a point; thence, 77373  
continuing along said right of way line, S 60° 52' E 107.24 feet, 77374  
to a point, the place of beginning containing 1.11 acres, more or 77375  
less. 77376

The above described tract of land is subject to an easement 77377  
for Highway purposes along Township Road No. 201. 77378

~~(B) In preparing the deed, the Auditor of State, with the~~ 77379  
~~assistance of the Attorney General, shall develop a legal~~ 77380  
~~description of the real estate in conformity with the actual~~ 77381  
~~bounds of the real estate.~~ 77382

~~(C) Consideration for conveyance of the real estate shall be~~ 77383  
~~agreed upon between the Superintendent of the State Highway Patrol~~ 77384  
~~and the grantee.~~ 77385

~~(D)~~(C) The deed may contain any condition or restriction that 77386  
the Governor determines is reasonably necessary to protect the 77387  
state's interests. 77388

~~(E)~~(D) The grantee shall pay all costs associated with the 77389  
purchase and conveyance of the real estate, including recordation 77390  
costs of the deed. 77391

~~(F)~~(E) Upon payment of the purchase price, the Auditor of 77392  
State, with the assistance of the Attorney General, shall prepare 77393  
a deed to the real estate. The deed shall state the consideration 77394  
and any conditions or restrictions and shall be executed by the 77395  
Governor in the name of the state, countersigned by the Secretary 77396  
of State, sealed with the Great Seal of the State, presented in 77397  
the Office of the Auditor of State for recording, and delivered to 77398  
the grantee. The grantee shall present the deed for recording in 77399  
the Office of the Fairfield County Recorder. 77400

~~(G)~~(F) The proceeds of the conveyance of the real estate 77401  
shall be deposited into the state treasury to the credit of the 77402  
State Highway Safety Fund. 77403

~~(H)~~(G) This section expires one year after its effective 77404  
date. 77405

**Section 600.11.** That existing Section 753.20 of Am. Sub. H.B. 77406  
114 of the 129th General Assembly is hereby repealed. 77407

**Section 601.10.** That Section 205.10 of Am. Sub. H.B. 114 of 77408  
the 129th General Assembly, as amended by Am. Sub. H.B. 153 of the 77409  
129th General Assembly, be amended to read as follows: 77410

**Sec. 205.10.** DPS DEPARTMENT OF PUBLIC SAFETY 77411

State Highway Safety Fund Group 77412

4W40 762321 Operating Expense - \$ 80,003,146 \$ ~~82,403,240~~ 77413

		BMV				<u>82,003,240</u>	
4W40	762410	Registrations	\$	28,945,176	\$	29,813,532	77414
		Supplement					
5V10	762682	License Plate	\$	2,100,000	\$	2,100,000	77415
		Contributions					
7036	761321	Operating Expense -	\$	7,124,366	\$	<del>7,338,097</del>	77416
		Information and				<u>6,988,097</u>	
		Education					
7036	761401	Lease Rental Payments	\$	9,978,300	\$	2,315,700	77417
7036	764033	Minor Capital Projects	\$	1,250,000	\$	1,250,000	77418
7036	764321	Operating Expense -	\$	260,744,934	\$	258,365,903	77419
		Highway Patrol					
7036	764605	Motor Carrier	\$	2,860,000	\$	2,860,000	77420
		Enforcement Expenses					
8300	761603	Salvage and Exchange -	\$	19,469	\$	20,053	77421
		Administration					
8310	761610	Information and	\$	422,084	\$	<del>434,746</del>	77422
		Education - Federal				<u>409,746</u>	
8310	764610	Patrol - Federal	\$	2,209,936	\$	2,276,234	77423
8310	764659	Transportation	\$	5,519,333	\$	5,684,913	77424
		Enforcement - Federal					
8310	765610	EMS - Federal	\$	532,007	\$	532,007	77425
8310	769610	<del>Food Stamp Trafficking</del>	\$	1,546,319	\$	1,546,319	77426
		<del>Enforcement - Federal</del>					
		<u>Investigative Unit</u>					
		<u>Federal Reimbursement</u>					
8310	769631	Homeland Security -	\$	2,184,000	\$	2,184,000	77427
		Federal					
8320	761612	Traffic Safety -	\$	16,577,565	\$	16,577,565	77428
		Federal					
8350	762616	Financial	\$	5,457,240	\$	<del>5,549,068</del>	77429
		Responsibility				<u>5,274,068</u>	
		Compliance					

8370	764602	Turnpike Policing	\$	11,553,959	\$	11,553,959	77430
8380	764606	Patrol Reimbursement	\$	50,000	\$	50,000	77431
83C0	764630	Contraband, Forfeiture, Other	\$	622,894	\$	622,894	77432
83F0	764657	Law Enforcement Automated Data System	\$	9,053,266	\$	9,053,266	77433
83G0	764633	OMVI Enforcement/Education	\$	623,230	\$	641,927	77434
83J0	764693	Highway Patrol Justice Contraband	\$	2,100,000	\$	2,100,000	77435
83M0	765624	Operating Expense - Trauma and EMS	\$	2,632,106	\$	<del>2,711,069</del> <u>3,204,925</u>	77436
<u>83M0</u>	<u>765640</u>	<u>EMS - Grants</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>4,229,819</u>	77437
83N0	761611	Elementary School Seat Belt Program	\$	305,600	\$	<del>305,600</del> <u>0</u>	77438
83P0	765637	EMS Grants	\$	4,106,621	\$	<del>4,229,819</del> <u>0</u>	77439
83R0	762639	Local Immobilization Reimbursement	\$	450,000	\$	450,000	77440
83T0	764694	Highway Patrol Treasury Contraband	\$	21,000	\$	21,000	77441
8400	764607	State Fair Security	\$	1,256,655	\$	1,294,354	77442
8400	764617	Security and Investigations	\$	6,432,686	\$	6,432,686	77443
8400	764626	State Fairgrounds Police Force	\$	849,883	\$	849,883	77444
8400	769632	Homeland Security - Operating	\$	737,791	\$	737,791	77445
8410	764603	Salvage and Exchange - Highway Patrol	\$	1,339,399	\$	1,339,399	77446
8460	761625	Motorcycle Safety Education	\$	3,185,013	\$	3,280,563	77447
8490	762627	Automated Title Processing Board	\$	17,316,755	\$	14,335,513	77448

TOTAL HSF State Highway Safety Fund Group	\$	490,110,733	\$	<del>481,261,100</del>	77449
				<u>480,399,356</u>	
General Services Fund Group					77450
4P60 768601 Justice Program Services	\$	998,104	\$	1,028,047	77451
4S30 766661 Hilltop Utility Reimbursement	\$	540,800	\$	540,800	77452
5ET0 768625 Drug Law Enforcement	\$	3,780,000	\$	3,893,400	77453
5Y10 764695 Highway Patrol Continuing Professional Training	\$	170,000	\$	170,000	77454
5Y10 767696 Investigative Unit Continuing Professional Training	\$	15,000	\$	15,000	77455
TOTAL GSF General Services Fund Group	\$	5,503,904	\$	5,647,247	77456
Federal Special Revenue Fund Group					77457
3290 763645 Federal Mitigation Program	\$	10,110,332	\$	10,413,642	77458
3370 763609 Federal Disaster Relief	\$	27,707,636	\$	27,707,636	77459
3390 763647 Emergency Management Assistance and Training	\$	75,664,821	\$	77,934,765	77460
3CB0 768691 Federal Justice Grants - FFY06	\$	200,000	\$	50,000	77461
3CC0 768609 Justice Assistance Grants - FFY07	\$	583,222	\$	310,000	77462
3CD0 768610 Justice Assistance Grants - FFY08	\$	310,000	\$	150,000	77463
3CE0 768611 Justice Assistance Grants - FFY09	\$	865,000	\$	1,200,000	77464



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3CV0	768697	Justice Assistance Grants Supplement - FFY08	\$	2,000	\$	0	77465
3DE0	768612	Federal Stimulus - Justice Assistance Grants	\$	1,015,000	\$	1,015,000	77466
3DH0	768613	Federal Stimulus - Justice Programs	\$	150,000	\$	150,000	77467
3DU0	762628	BMV Grants	\$	1,525,000	\$	<del>1,580,000</del> <u>1,480,000</u>	77468
3EU0	768614	Justice Assistance Grants - FFY10	\$	650,000	\$	920,000	77469
3L50	768604	Justice Program	\$	11,400,000	\$	11,400,000	77470
3N50	763644	U.S. Department of Energy Agreement	\$	31,672	\$	31,672	77471
TOTAL FED	Federal Special Revenue Fund Group		\$	130,214,683	\$	<del>132,862,715</del> <u>132,762,715</u>	77472
	State Special Revenue Fund Group						77473
4V30	763662	EMA Service and Reimbursement	\$	4,368,369	\$	4,499,420	77474
5390	762614	Motor Vehicle Dealers Board	\$	180,000	\$	185,400	77475
5B90	766632	Private Investigator and Security Guard Provider	\$	1,562,637	\$	1,562,637	77476
5BK0	768687	Criminal Justice Services - Operating	\$	400,000	\$	400,000	77477
5BK0	768689	Family Violence Shelter Programs	\$	750,000	\$	750,000	77478
5CM0	767691	<del>Federal Investigative</del> <u>Seizure Investigative</u> <u>Unit Federal</u> <u>Equitable Sharing -</u>	\$	300,000	\$	300,000	77479

		<u>Treasury</u>					
5DS0	769630	Homeland Security	\$	1,414,384	\$	1,414,384	77480
5FF0	762621	Indigent Interlock and Alcohol Monitoring	\$	2,000,000	\$	2,000,000	77481
5FL0	769634	Investigations	\$	899,300	\$	899,300	77482
<u>5LM0</u>	<u>768698</u>	<u>Criminal Justice</u>	<u>\$</u>	<u>33,991</u>	<u>\$</u>	<u>816,955</u>	77483
		<u>Services Law</u>					
		<u>Enforcement Support</u>					
6220	767615	Investigative Contraband and Forfeiture	\$	375,000	\$	375,000	77484
6570	763652	Utility Radiological Safety	\$	1,415,945	\$	1,415,945	77485
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	77486
8500	767628	Investigative Unit Salvage	\$	90,000	\$	92,700	77487
TOTAL SSR	State Special Revenue		\$	<del>14,018,073</del>	\$	<del>14,157,224</del>	77488
Fund Group				<u>14,052,064</u>		<u>14,974,179</u>	
Liquor Control	Fund Group						77489
7043	767321	Liquor Enforcement - Operating	\$	11,000,000	\$	11,000,000	77490
TOTAL LCF	Liquor Control Fund Group		\$	11,000,000	\$	11,000,000	77491
Agency	Fund Group						77492
5J90	761678	Federal Salvage/GSA	\$	1,500,000	\$	1,500,000	77493
TOTAL AGY	Agency Fund Group		\$	1,500,000	\$	1,500,000	77494
Holding Account	Redistribution Fund Group						77495
R024	762619	Unidentified Motor Vehicle Receipts	\$	1,885,000	\$	1,885,000	77496
R052	762623	Security Deposits	\$	350,000	\$	350,000	77497
TOTAL 090	Holding Account		\$	2,235,000	\$	2,235,000	77498

Redistribution Fund Group

TOTAL ALL BUDGET FUND GROUPS	\$	<del>654,582,393</del>	\$	<del>648,663,286</del>	77499
		<u>654,616,384</u>		<u>648,518,497</u>	

MOTOR VEHICLE REGISTRATION 77500

The Registrar of Motor Vehicles may deposit revenues to meet 77501  
the cash needs of the State Bureau of Motor Vehicles Fund (Fund 77502  
4W40) established in section 4501.25 of the Revised Code, obtained 77503  
under sections 4503.02 and 4504.02 of the Revised Code, less all 77504  
other available cash. Revenue deposited pursuant to this paragraph 77505  
shall support, in part, appropriations for operating expenses and 77506  
defray the cost of manufacturing and distributing license plates 77507  
and license plate stickers and enforcing the law relative to the 77508  
operation and registration of motor vehicles. Notwithstanding 77509  
section 4501.03 of the Revised Code, the revenues shall be paid 77510  
into Fund 4W40 before any revenues obtained pursuant to sections 77511  
4503.02 and 4504.02 of the Revised Code are paid into any other 77512  
fund. The deposit of revenues to meet the aforementioned cash 77513  
needs shall be in approximately equal amounts on a monthly basis 77514  
or as otherwise determined by the Director of Budget and 77515  
Management pursuant to a plan submitted by the Registrar of Motor 77516  
Vehicles. 77517

CAPITAL PROJECTS 77518

The Registrar of Motor Vehicles may transfer cash from the 77519  
State Bureau of Motor Vehicles Fund (Fund 4W40) to the State 77520  
Highway Safety Fund (Fund 7036) to meet its obligations for 77521  
capital projects CIR-047, Department of Public Safety Office 77522  
Building and CIR-049, Warehouse Facility. 77523

OBA BOND AUTHORITY/LEASE RENTAL PAYMENTS 77524

The foregoing appropriation item 761401, Lease Rental 77525  
Payments, shall be used for payments to the Ohio Building 77526  
Authority for the period July 1, 2011, to June 30, 2013, under the 77527

primary leases and agreements for public safety related buildings 77528  
financed by obligations issued under Chapter 152. of the Revised 77529  
Code. Notwithstanding section 152.24 of the Revised Code, the Ohio 77530  
Building Authority may, with approval of the Director of Budget 77531  
and Management, lease capital facilities to the Department of 77532  
Public Safety. 77533

HILLTOP TRANSFER 77534

The Director of Public Safety shall determine, per an 77535  
agreement with the Director of Transportation, the share of each 77536  
debt service payment made out of appropriation item 761401, Lease 77537  
Rental Payments, that relates to the Department of 77538  
Transportation's portion of the Hilltop Building Project, and 77539  
shall certify to the Director of Budget and Management the amounts 77540  
of this share. The Director of Budget and Management shall 77541  
transfer the amounts of such shares from the Highway Operating 77542  
Fund (Fund 7002) to the State Highway Safety Fund (Fund 7036). 77543

CASH TRANSFERS TO TRAUMA AND EMERGENCY MEDICAL SERVICES FUND 77544

On July 1, 2011, or as soon as possible thereafter, the 77545  
Director of Budget and Management shall transfer the unexpended 77546  
and unencumbered cash balance in the Seat Belt Education Fund 77547  
(Fund 8440) to the Trauma and Emergency Medical Services Fund 77548  
(Fund 83M0). Upon completion of the transfer, Fund 8440 is 77549  
abolished. The Director shall cancel any existing encumbrances 77550  
against appropriation item 761613, Seat Belt Education Program, 77551  
and reestablish them against appropriation item 765624, Operating 77552  
Expense - Trauma and EMS. The reestablished encumbrance amounts 77553  
are hereby appropriated. 77554

CASH TRANSFERS BETWEEN FUNDS 77555

Notwithstanding any provision of law to the contrary, the 77556  
Director of Budget and Management, upon the written request of the 77557  
Director of Public Safety, may approve the transfer of cash 77558

between the following six funds: the Trauma and Emergency Medical 77559  
Services Fund (Fund 83M0), the Homeland Security Fund (Fund 5DS0), 77560  
the Investigations Fund (Fund 5FL0), the Emergency Management 77561  
Agency Service and Reimbursement Fund (Fund 4V30), the Justice 77562  
Program Services Fund (Fund 4P60), and the State Bureau of Motor 77563  
Vehicles Fund (Fund 4W40). 77564

CASH TRANSFERS TO SECURITY, INVESTIGATIONS, AND POLICING FUND 77565

Notwithstanding any provision of law to the contrary, the 77566  
Director of Budget and Management, upon the written request of the 77567  
Director of Public Safety, may approve the transfer of cash from 77568  
the Continuing Professional Training Fund (Fund 5Y10), the State 77569  
Highway Patrol Contraband, Forfeiture, and Other Fund (Fund 83C0), 77570  
the Trauma and Emergency Medical Services Fund (Fund 83M0), and 77571  
the Highway Safety Salvage and Exchange Highway Patrol Fund (Fund 77572  
8410) to the Security, Investigations, and Policing Fund (Fund 77573  
8400). 77574

CASH TRANSFERS OF SEAT BELT FINE REVENUES 77575

Notwithstanding any provision of law to the contrary, the 77576  
Controlling Board, upon request of the Director of Public Safety, 77577  
may approve the transfer of cash between the following ~~four~~ three 77578  
funds that receive fine revenues from enforcement of the mandatory 77579  
seat belt law: the Trauma and Emergency Medical Services Fund 77580  
(Fund 83M0), the Elementary School Program Fund (Fund 83N0), and 77581  
the Trauma and Emergency Medical Services Grants Fund (Fund 83P0). 77582

STATE DISASTER RELIEF 77583

The State Disaster Relief Fund (Fund 5330) may accept 77584  
transfers of cash and appropriations from Controlling Board 77585  
appropriation items for Ohio Emergency Management Agency disaster 77586  
response costs and disaster program management costs, and may also 77587  
be used for the following purposes: 77588

(A) To accept transfers of cash and appropriations from 77589

Controlling Board appropriation items for Ohio Emergency	77590
Management Agency public assistance and mitigation program match	77591
costs to reimburse eligible local governments and private	77592
nonprofit organizations for costs related to disasters;	77593
(B) To accept and transfer cash to reimburse the costs	77594
associated with Emergency Management Assistance Compact (EMAC)	77595
deployments;	77596
(C) To accept disaster related reimbursement from federal,	77597
state, and local governments. The Director of Budget and	77598
Management may transfer cash from reimbursements received by this	77599
fund to other funds of the state from which transfers were	77600
originally approved by the Controlling Board.	77601
(D) To accept transfers of cash and appropriations from	77602
Controlling Board appropriation items to fund the State Disaster	77603
Relief Program, for disasters that have been declared by the	77604
Governor, and the State Individual Assistance Program for	77605
disasters that have been declared by the Governor and the federal	77606
Small Business Administration. The Ohio Emergency Management	77607
Agency shall publish and make available application packets	77608
outlining procedures for the State Disaster Relief Program and the	77609
State Individual Assistance Program.	77610
JUSTICE ASSISTANCE GRANT FUND	77611
The federal payments made to the state for the Byrne Justice	77612
Assistance Grants Program under Title II of Division A of the	77613
American Recovery and Reinvestment Act of 2009 shall be deposited	77614
to the credit of the Justice Assistance Grant Fund (Fund 3DE0),	77615
which is hereby created in the state treasury. All investment	77616
earnings of the fund shall be credited to the fund.	77617
FEDERAL STIMULUS - JUSTICE PROGRAMS	77618
The federal payments made to the state for the Violence	77619
Against Women Formula Grant under Title II of Division A of the	77620

American Recovery and Reinvestment Act of 2009 shall be deposited 77621  
to the credit of the Federal Stimulus - Justice Programs Fund 77622  
(Fund 3DH0). 77623

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 77624  
AGENCY SERVICE AND REIMBURSEMENT FUND 77625

On July 1 of each fiscal year, or as soon as possible 77626  
thereafter, the Director of Budget and Management shall transfer 77627  
\$200,000 in cash from the State Fire Marshal Fund (Fund 5460) to 77628  
the Emergency Management Agency Service and Reimbursement Fund 77629  
(Fund 4V30) to be distributed to the Ohio Task Force One - Urban 77630  
Search and Rescue Unit and other urban search and rescue programs 77631  
around the state. 77632

FAMILY VIOLENCE PREVENTION FUND 77633

Notwithstanding any provision of law to the contrary, in each 77634  
of fiscal years 2012 and 2013, the first \$750,000 received to the 77635  
credit of the Family Violence Prevention Fund (Fund 5BK0) shall be 77636  
appropriated to appropriation item 768689, Family Violence Shelter 77637  
Programs, and the next \$400,000 received to the credit of Fund 77638  
5BK0 in each of those fiscal years shall be appropriated to 77639  
appropriation item 768687, Criminal Justice Services - Operating. 77640  
Any moneys received to the credit of Fund 5BK0 in excess of the 77641  
aforementioned appropriated amounts in each fiscal year shall, 77642  
upon the approval of the Controlling Board, be used to provide 77643  
grants to family violence shelters in Ohio. 77644

SARA TITLE III HAZMAT PLANNING 77645

The SARA Title III HAZMAT Planning Fund (Fund 6810) is 77646  
entitled to receive grant funds from the Emergency Response 77647  
Commission to implement the Emergency Management Agency's 77648  
responsibilities under Chapter 3750. of the Revised Code. 77649

COLLECTIVE BARGAINING INCREASES 77650

Notwithstanding division (D) of section 127.14 and division 77651  
(B) of section 131.35 of the Revised Code, except for the General 77652  
Revenue Fund, the Controlling Board may, upon the request of 77653  
either the Director of Budget and Management, or the Department of 77654  
Public Safety with the approval of the Director of Budget and 77655  
Management, increase appropriations for any fund, as necessary for 77656  
the Department of Public Safety, to assist in paying the costs of 77657  
increases in employee compensation that have occurred pursuant to 77658  
collective bargaining agreements under Chapter 4117. of the 77659  
Revised Code and, for exempt employees, under section 124.152 of 77660  
the Revised Code. 77661

CASH BALANCE FUND REVIEW 77662

Not later than the first day of April in each fiscal year of 77663  
the biennium, the Director of Budget and Management shall review 77664  
the cash balances for each fund, except the State Highway Safety 77665  
Fund (Fund 7036) and the State Bureau of Motor Vehicles Fund (Fund 77666  
4W40), in the State Highway Safety Fund Group, and shall recommend 77667  
to the Controlling Board an amount to be transferred to the credit 77668  
of Fund 7036 or Fund 4W40, as appropriate. 77669

**Section 601.11.** That existing Section 205.10 of Am. Sub. H.B. 77670  
114 of the 129th General Assembly, as amended by Am. Sub. H.B. 153 77671  
of the 129th General Assembly, is hereby repealed. 77672

**Section 601.20.** That Section 201 of Sub. H.B. 123 of the 77673  
129th General Assembly be amended to read as follows: 77674

**Sec. 201.** All items in Sections 201 and 203 of this act are 77675  
hereby appropriated out of any moneys in the state treasury to the 77676  
credit of the designated fund. For all appropriations made in this 77677  
act, those in the first column are for fiscal year 2012, and those 77678  
in the second column are for fiscal year 2013. 77679



FND AI	AI TITLE	Appropriations		
				77680
	BWC BUREAU OF WORKERS' COMPENSATION			77681
	Workers' Compensation Fund Group			77682
7023 855401	William Green Lease	\$ 18,291,365	\$ 17,533,370	77683
	Payments to OBA			
7023 855407	Claims, Risk and	\$ 125,427,732	<del>124,192,959</del>	77684
	Medical Management		<u>122,492,959</u>	
7023 855408	Fraud Prevention	\$ 11,331,154	\$ 11,164,226	77685
7023 855409	Administrative	\$ 101,724,950	<del>104,136,037</del>	77686
	Services		<u>103,346,037</u>	
7023 855410	Attorney General	\$ 4,621,850	\$ 4,621,850	77687
	Payments			
8220 855606	Coal Workers' Fund	\$ 150,586	\$ 147,666	77688
8230 855608	Marine Industry	\$ 76,532	\$ 75,527	77689
8250 855605	Disabled Workers	\$ 322,266	\$ 319,718	77690
	Relief Fund			
8260 855609	Safety and Hygiene	\$ 20,382,567	\$ 20,161,132	77691
	Operating			
8260 855610	Gear Program	\$ 4,000,000	\$ 4,000,000	77692
8290 855604	Long Term Care Loan	\$ 1,000,000	<del>1,000,000</del>	77693
	Program		<u>100,000</u>	
	TOTAL WCF Workers' Compensation			77694
	Fund Group	\$ 287,329,002	<del>287,352,485</del>	77695
			<u>283,962,485</u>	
	Federal Special Revenue Fund Group			77696
3490 855601	OSHA Enforcement	\$ 1,670,998	\$ 1,647,515	77697
	TOTAL FED Federal Special Revenue	\$ 1,670,998	\$ 1,647,515	77698
	Fund Group			
	TOTAL ALL BUDGET FUND GROUPS	\$ 289,000,000	<del>289,000,000</del>	77699
			<u>285,610,000</u>	
	WILLIAM GREEN LEASE PAYMENTS			77700
	The foregoing appropriation item 855401, William Green Lease			77701

Payments to OBA, shall be used for lease payments to the Ohio 77702  
Building Authority, and these appropriations shall be used to meet 77703  
all payments at the times they are required to be made during the 77704  
period from July 1, 2011, to June 30, 2013, by the Bureau of 77705  
Workers' Compensation to the Ohio Building Authority pursuant to 77706  
leases and agreements made under Chapter 152. of the Revised Code 77707  
and Section 6 of Am. Sub. H.B. 743 of the 118th General Assembly. 77708  
Of the amounts received in Fund 7023, appropriation item 855401, 77709  
William Green Lease Payments to OBA, up to \$35,824,735 shall be 77710  
restricted for lease rental payments to the Ohio Building 77711  
Authority. If it is determined that additional appropriations are 77712  
necessary for such purpose, such amounts are hereby appropriated. 77713

Notwithstanding any provision of law to the contrary, all 77714  
tenants of the William Green Building not funded by the Workers' 77715  
Compensation Fund (Fund 7023) shall pay their fair share of the 77716  
costs of lease payments to the Workers' Compensation Fund (Fund 77717  
7023) by intrastate transfer voucher. 77718

WORKERS' COMPENSATION FRAUD UNIT 77719

The Workers' Compensation Section Fund (Fund 1950) 77720  
administered by the Attorney General shall receive payments from 77721  
the Bureau of Workers' Compensation at the beginning of each 77722  
quarter of each fiscal year to fund expenses of the Workers' 77723  
Compensation Fraud Unit within the Attorney General's Office. Of 77724  
the foregoing appropriation item 855410, Attorney General 77725  
Payments, \$828,200 in fiscal year 2012 and \$828,200 in fiscal year 77726  
2013 shall be used to provide these payments. 77727

SAFETY AND HYGIENE 77728

Notwithstanding section 4121.37 of the Revised Code, the 77729  
Treasurer of State shall transfer \$20,382,567 cash in fiscal year 77730  
2012 and \$20,161,132 cash in fiscal year 2013 from the State 77731  
Insurance Fund to the Safety and Hygiene Fund (Fund 8260). 77732

OSHA ON-SITE CONSULTATION PROGRAM 77733

The Bureau of Workers' Compensation may designate a portion 77734  
of appropriation item 855609, Safety and Hygiene Operating, to be 77735  
used to match federal funding for the federal Occupational Safety 77736  
and Health Administration's (OSHA) on-site consultation program. 77737

VOCATIONAL REHABILITATION 77738

The Bureau of Workers' Compensation and the Rehabilitation 77739  
Services Commission shall enter into an interagency agreement for 77740  
the provision of vocational rehabilitation services and staff to 77741  
mutually eligible clients. The bureau shall provide \$605,407 in 77742  
fiscal year 2012 and \$605,407 in fiscal year 2013 from the State 77743  
Insurance Fund to fund vocational rehabilitation services and 77744  
staff in accordance with the interagency agreement. 77745

FUND BALANCE 77746

Any unencumbered cash balance in excess of \$45,000,000 in the 77747  
Workers' Compensation Fund (Fund 7023) on the thirtieth day of 77748  
June of each fiscal year shall be used to reduce the 77749  
administrative cost rate charged to employers to cover 77750  
appropriations for Bureau of Workers' Compensation operations. 77751

**Section 601.21.** That existing Section 201 of Sub. H.B. 123 of 77752  
the 129th General Assembly is hereby repealed. 77753

**Section 601.30.** That Section 1 of H.B. 124 of the 129th 77754  
General Assembly be amended to read as follows: 77755

**Sec. 1.** All items in this section are hereby appropriated out 77756  
of any moneys in the state treasury to the credit of the 77757  
designated fund. For all appropriations made in this section, 77758  
those in the first column are for fiscal year 2012, and those in 77759  
the second column are for fiscal year 2013. 77760

		Appropriations		
FND AI	AI TITLE	FY 2012	FY 2013	
	OIC INDUSTRIAL COMMISSION			77761
	Workers' Compensation Fund Group			77762
5W30 845321	Operating Expenses	\$ 50,100,000	\$ <del>48,900,000</del>	77763
			<u>47,732,000</u>	
5W30 845402	Rent - William Green Building	\$ 5,500,000	\$ 5,500,000	77764
5W30 845410	Attorney General Payments	\$ 3,900,000	\$ 4,000,000	77765
TOTAL WCF Workers' Compensation Fund Group				77766
		\$ 59,500,000	\$ <del>58,400,000</del>	77767
			<u>57,232,000</u>	
TOTAL ALL BUDGET FUND GROUPS				77768
		\$ 59,500,000	\$ <del>58,400,000</del>	77769
			<u>57,232,000</u>	
RENT - WILLIAM GREEN BUILDING				77770
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.				77771
<b>Section 601.31.</b> That existing Section 1 of H.B. 124 of the 129th General Assembly is hereby repealed.				77772
				77773
<b>Section 601.40.</b> 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, 261.20.40, 261.20.50, 261.20.60, 261.20.80, 261.20.90, 261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.60, 261.30.70, 261.30.80, 261.30.90, 261.40.10, 263.10, 263.10.30, 263.10.90, 263.20.40, 263.20.70, 267.10, 267.10.10, 267.10.20, 267.10.40, 267.30.20, 267.30.40, 279.10, 287.10, 291.10, 307.10, 309.10, 309.30.10,				77774
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309.30.30, 309.30.33, 309.30.53, 309.30.73, 313.10, 315.10, 77786  
 323.10, 327.10, 335.10, 337.10, 343.10, 343.40, 365.10, 367.10, 77787  
 369.10, 371.10, 371.50.61, 371.60.80, 373.10, 375.10, 379.10, 77788  
 387.10, 403.10, 411.10, 415.10, 503.50, and 521.70 of Am. Sub. 77789  
 H.B. 153 of the 129th General Assembly be amended to read as 77790  
 follows: 77791

**Sec. 205.10. ADJ ADJUTANT GENERAL** 77792

General Revenue Fund 77793

GRF	745401	Ohio Military Reserve	\$	12,308	\$	12,308	77794
GRF	745404	Air National Guard	\$	1,810,606	\$	1,810,606	77795
GRF	745407	National Guard	\$	400,000	\$	400,000	77796
		Benefits					
GRF	745409	Central	\$	2,692,098	\$	<del>2,692,098</del>	77797
		Administration				<u>2,682,098</u>	
GRF	745499	Army National Guard	\$	3,687,888	\$	3,689,871	77798
TOTAL GRF		General Revenue Fund	\$	8,602,900	\$	<del>8,604,883</del>	77799
						<u>8,594,883</u>	

General Services Fund Group 77800

5340	745612	Property Operations	\$	534,304	\$	534,304	77801
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	77802
		Activities					
5360	745620	Camp Perry and	\$	1,178,311	\$	978,846	77803
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	62,000	\$	62,000	77804
		Facilities					
		Maintenance					
TOTAL GSF		General Services Fund	\$	1,903,215	\$	1,703,750	77805
		Group					

Federal Special Revenue Fund Group					77806
3410 745615 Air National Guard	\$	2,977,692	\$	2,977,692	77807
Base Security					
3420 745616 Army National Guard	\$	10,970,050	\$	10,970,050	77808
Service Agreement					
3E80 745628 Air National Guard	\$	16,958,595	\$	16,958,595	77809
Operations and					
Maintenance					
3R80 745603 Counter Drug	\$	25,000	\$	25,000	77810
Operations					
TOTAL FED Federal Special Revenue	\$	30,931,337	\$	30,931,337	77811
Fund Group					
State Special Revenue Fund Group					77812
5U80 745613 Community Match	\$	250,000	\$	250,000	77813
Armories					
TOTAL SSR State Special Revenue	\$	250,000	\$	250,000	77814
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	41,687,452	\$	<del>41,489,970</del>	77815
				<u>41,479,970</u>	

NATIONAL GUARD BENEFITS 77816

The foregoing appropriation item 745407, National Guard 77817  
Benefits, shall be used for purposes of sections 5919.31 and 77818  
5919.33 of the Revised Code, and for administrative costs of the 77819  
associated programs. 77820

For active duty members of the Ohio National Guard who died 77821  
after October 7, 2001, while performing active duty, the death 77822  
benefit, pursuant to section 5919.33 of the Revised Code, shall be 77823  
paid to the beneficiary or beneficiaries designated on the 77824  
member's Servicemembers' Group Life Insurance Policy. 77825

STATE ACTIVE DUTY COSTS 77826

Of the foregoing appropriation item 745409, Central 77827

Administration, \$50,000 in each fiscal year shall be used for the 77828  
purpose of paying expenses related to state active duty of members 77829  
of the Ohio organized militia, in accordance with a proclamation 77830  
of the Governor. Expenses include, but are not limited to, the 77831  
cost of equipment, supplies, and services, as determined by the 77832  
Adjutant General's Department. 77833

**Sec. 207.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES** 77834

General Revenue Fund 77835

GRF 100403 Public Employees \$ 400,000 \$ ~~400,000~~ 77836

Health Care Program 344,000

GRF 100415 OAKS Rental Payments \$ 23,024,500 \$ 23,006,300 77837

GRF 100416 STARS Lease Rental \$ 4,970,700 \$ 4,971,300 77838

Payments

GRF 100418 Web Sites and Business \$ 2,895,063 \$ ~~2,795,176~~ 0 77839

Gateway

GRF 100419 IT Security \$ 742,535 \$ ~~742,648~~ 0 77840

Infrastructure

GRF 100439 Equal Opportunity \$ 625,000 \$ ~~625,000~~ 0 77841

Certification Programs

GRF 100447 OBA - Building Rent \$ 53,260,000 \$ 83,504,200 77842

Payments

GRF 100448 OBA - Building \$ 21,000,000 \$ ~~21,000,000~~ 77843

Operating Payments 20,000,000

GRF 100449 DAS - Building \$ 7,551,245 \$ 7,551,571 77844

Operating Payments

GRF 100451 Minority Affairs \$ 24,016 \$ ~~24,016~~ 0 77845

GRF 100452 Efficiency & Results \$ 0 \$ 650,000 77846

Program

GRF 100456 State IT Services \$ 0 \$ 3,537,824 77847

GRF 100457 Equal Opportunity \$ 0 \$ 1,610,516 77848

Services

GRF	<u>100458</u>	<u>State Construction</u>	\$		\$	<u>2,745,751</u>	77849
		<u>Management Services</u>					
GRF	102321	Construction	\$	920,000	\$	<del>920,000</del> <u>0</u>	77850
		Compliance					
GRF	130321	State Agency Support	\$	2,779,457	\$	<del>2,780,032</del>	77851
		Services				<u>2,752,232</u>	
TOTAL GRF	General Revenue Fund		\$	118,192,516	\$	<del>148,320,243</del>	77852
						<u>150,673,694</u>	
General Services Fund Group							77853
1120	100616	DAS Administration	\$	5,974,625	\$	<del>5,886,524</del>	77854
						<u>5,827,659</u>	
1150	100632	Central Service Agency	\$	911,995	\$	<del>912,305</del>	77855
						<u>903,182</u>	
1170	100644	General Services	\$	13,000,000	\$	13,000,000	77856
		Division - Operating					
1220	100637	Fleet Management	\$	3,978,827	\$	<del>4,204,066</del>	77857
						<u>4,412,025</u>	
1250	100622	Human Resources	\$	16,922,295	\$	<del>16,717,009</del>	77858
		Division - Operating				<u>16,549,839</u>	
1250	100657	Benefits Communication	\$	925,586	\$	<del>921,531</del>	77859
						<u>912,316</u>	
1280	100620	Collective Bargaining	\$	3,462,529	\$	<del>3,464,148</del>	77860
						<u>3,429,507</u>	
1300	100606	Risk Management	\$	10,349,494	\$	<del>12,149,884</del>	77861
		Reserve				<u>12,028,385</u>	
1310	100639	State Architect's	\$	9,812,132	\$	<del>9,813,342</del>	77862
		Office				<u>9,463,342</u>	
1320	100631	DAS Building	\$	11,000,000	\$	11,000,000	77863
		Management					
1330	100607	IT Services Delivery	\$	58,088,940	\$	<del>58,103,005</del>	77864
						<u>57,521,975</u>	
1880	100649	Equal Opportunity	\$	939,559	\$	863,013	77865
		Division - Operating					



2100	100612	State Printing	\$	17,597,054	\$	16,659,526	77866
2290	100630	IT Governance	\$	14,000,000	\$	14,000,000	77867
2290	100640	Leveraged Enterprise	\$	3,000,000	\$	<del>3,000,000</del>	77868
		Purchases				<u>2,816,535</u>	
4270	100602	Investment Recovery	\$	4,100,000	\$	<del>4,100,000</del>	77869
						<u>4,000,000</u>	
4N60	100617	Major IT Purchases	\$	1,950,000	\$	4,950,000	77870
4P30	100603	DAS Information	\$	5,047,565	\$	<del>4,979,392</del>	77871
		Services				<u>4,929,598</u>	
5C20	100605	MARCS Administration	\$	14,075,705	\$	14,077,467	77872
5C30	100608	Skilled Trades	\$	404,297	\$	<del>404,375</del>	77873
						<u>204,375</u>	
5EB0	100635	OAKS Support	\$	19,000,539	\$	<del>19,003,108</del>	77874
		Organization				<u>18,813,077</u>	
5EB0	100656	OAKS Updates and	\$	12,265,952	\$	<del>8,743,462</del>	77875
		Developments				<u>8,656,027</u>	
5HU0	100655	Construction Reform	\$	150,000	\$	150,000	77876
		Demo Compliance					
5L70	100610	Professional	\$	2,496,679	\$	2,496,760	77877
		Development					
5V60	100619	Employee Educational	\$	800,000	\$	850,000	77878
		Development					
5X30	100634	Centralized Gateway	\$	2,052,308	\$	2,052,308	77879
		Enhancement					
TOTAL GSF General Services Fund							77880
Group			\$	232,306,081	\$	<del>232,501,225</del>	77881
						<u>230,566,916</u>	
Federal Special Revenue Fund Group							77882
3AJ0	100654	ARRA Broadband Mapping	\$	270,756	\$	106,347	77883
		Grant					
TOTAL FED Federal Special Revenue							77884
Fund Group			\$	270,756	\$	106,347	77885
State Special Revenue Fund Group							77886

5JQ0 100658	Professions	\$	2,000,000	\$	<del>1,000,000</del>	77887
	<u>Professionals</u>				<u>990,000</u>	
	Licensing System					
TOTAL SSR State Special Revenue						77888
Fund Group		\$	2,000,000	\$	<del>1,000,000</del>	77889
					<u>990,000</u>	
TOTAL ALL BUDGET FUND GROUPS		\$	352,769,353	\$	<del>381,927,815</del>	77890
					<u>382,336,957</u>	

**Sec. 207.10.80.** DAS - BUILDING OPERATING PAYMENTS 77892

The foregoing appropriation item 100449, DAS - Building 77893  
 Operating Payments, shall be used to pay the rent expenses of 77894  
 veterans organizations pursuant to section 123.024 of the Revised 77895  
 Code in fiscal years 2012 and 2013. 77896

The foregoing appropriation item, 100449, DAS - Building 77897  
 Operating Payments, also may be used to provide funding for the 77898  
 cost of property appraisals or building studies that the 77899  
 Department of Administrative Services may be required to obtain 77900  
 for property that is being sold by the state or property under 77901  
 consideration to be renovated or purchased by the state. 77902

Notwithstanding section 125.28 of the Revised Code, the 77903  
 remaining portion of the appropriation may be used to pay the 77904  
 operating expenses of state facilities maintained by the 77905  
 Department of Administrative Services that are not billed to 77906  
 building tenants, or other costs associated with the Voinovich 77907  
Center in Youngstown, Ohio. These expenses may include, but are 77908  
 not limited to, the costs for vacant space and space undergoing 77909  
 renovation, and the rent expenses of tenants that are relocated 77910  
 because of building renovations. These payments shall be processed 77911  
 by the Department of Administrative Services through intrastate 77912  
 transfer vouchers and placed in the Building Management Fund (Fund 77913  
 1320). 77914

STATE IT SERVICES

77915

The foregoing appropriation item 100456, State IT Services, 77916  
shall be used to pay costs associated with the Ohio Business 77917  
Gateway, State Portal, and Shared Hosting Service that were 77918  
formerly paid from appropriation item 100418, Web Sites and 77919  
Business Gateway, and costs associated with statewide operators 77920  
and the Ohio Geographically Referenced Information Program that 77921  
were formerly paid from appropriation item 100419, IT Security 77922  
Infrastructure. The Director of Budget and Management shall cancel 77923  
any existing encumbrances against appropriation items 100418, Web 77924  
Site and Business Gateway and 100419, IT Security Infrastructure, 77925  
and reestablish them against appropriation item 100456, State IT 77926  
Services. The reestablished encumbrance amounts are hereby 77927  
appropriated. 77928

EQUAL OPPORTUNITY SERVICES

77929

The foregoing appropriation item 100457, Equal Opportunity 77930  
Services, shall be used to pay costs associated with the 77931  
certification of businesses for participation in the Minority 77932  
Business Enterprise and Encouraging Diversity, Growth and Equity 77933  
Programs that were formerly paid from appropriation item 100439, 77934  
Equal Opportunity Certification Programs; the activities of the 77935  
Ohio Dr. Martin Luther King, Jr. Holiday Commission that were 77936  
formerly paid from appropriation item 100451, Minority Affairs; 77937  
and the monitoring of equal employment opportunity (EEO) and 77938  
affirmative action requirements to ensure contractors bidding on 77939  
and receiving contracts comply with EEO laws, rules, and 77940  
regulations that were formerly paid from appropriation item 77941  
102321, Construction Compliance. The Director of Budget and 77942  
Management shall cancel any existing encumbrances against 77943  
appropriation items 100439, Equal Opportunity Certification 77944  
Programs; 100451, Minority Affairs; and 102321, Construction 77945  
Compliance, and reestablish them against appropriation item 77946

100457, Equal Opportunity Services. The reestablished encumbrance 77947  
amounts are hereby appropriated. 77948

STATE CONSTRUCTION MANAGEMENT SERVICES 77949

The foregoing appropriation item 100458, State Construction 77950  
Management Services, shall be used to pay costs of statewide 77951  
shared construction-related services and capital improvement 77952  
project management services provided through the state's 77953  
enterprise resource planning system. 77954

CASH TRANSFER FROM THE WORKFORCE DEVELOPMENT FUND TO THE 77955  
HUMAN RESOURCES SERVICES FUND 77956

Upon request of the Director of Administrative Services, in 77957  
FY 2013, the Director of Budget and Management shall transfer up 77958  
to \$975,000 from the Workforce Development Fund (Fund 5D70) to the 77959  
Human Resources Services Fund (Fund 1250) to support one-time 77960  
human resources administration activities for state agencies. 77961

**Sec. 207.20.10. GENERAL SERVICE CHARGES** 77962

The Department of Administrative Services, with the approval 77963  
of the Director of Budget and Management, shall establish charges 77964  
for recovering the costs of administering the programs funded by 77965  
the General Services Fund (Fund 1170) and the State Printing Fund 77966  
(Fund 2100). Such charges within Fund 1170 may be used to recover 77967  
the cost of paying a vendor to establish reduced pricing for 77968  
contracted supplies or services. 77969

If the Director of Administrative Services determines that 77970  
additional amounts are necessary to pay for consulting and 77971  
administrative costs related to securing lower pricing, the 77972  
Director of Administrative Services may request that the Director 77973  
of Budget and Management approve additional expenditures. Such 77974  
approved additional amounts are appropriated to appropriation item 77975  
100644, General Services Division-Operating. 77976

**Sec. 207.20.30. EQUAL OPPORTUNITY PROGRAM** 77977

The Department of Administrative Services, with the approval 77978  
of the Director of Budget and Management, shall establish charges 77979  
for recovering the costs of administering the activities supported 77980  
by the State EEO Fund (Fund 1880). These charges shall be 77981  
deposited to the credit of the State EEO Fund (Fund 1880) upon 77982  
payment made by state agencies, state-supported or state-assisted 77983  
institutions of higher education, and tax-supported agencies, 77984  
municipal corporations, and other political subdivisions of the 77985  
state, for services rendered. 77986

LEVERAGED ENTERPRISE PURCHASES 77987

The foregoing appropriation item 100640, Leveraged Enterprise 77988  
Purchases, shall be used by the Department of Administrative 77989  
Services to make information technology purchases for the benefit 77990  
of one or more government entities as authorized under division 77991  
(G) of section 125.18 of the Revised Code. If the Director of 77992  
Administrative Services determines that the existing appropriation 77993  
is insufficient to timely make such purchases, the Director of 77994  
Administrative Services shall seek Controlling Board approval for 77995  
an increase in appropriation to make the requested purchases. 77996

**Sec. 207.20.90. CASH TRANSFERS FROM THE MAJOR IT PURCHASES 77997  
FUND** 77998

~~Upon request of the Director of Administrative Services, the 77999  
Director of Budget and Management may make the following transfers 78000  
from the Major IT Purchases Fund (Fund 4N60):~~ 78001

~~(1) Up to \$2,800,000 in each fiscal year of the biennium to 78002  
the State Architect's Fund (Fund 1310) to support the OAKS Capital 78003  
Improvements Module and other costs of the State Architect's 78004  
Office that are not directly related to capital projects managed 78005  
by the State Architect;~~ 78006

~~(2) Up to \$310,276 in fiscal year 2012 and up to \$305,921 in fiscal year 2013 to the Director's Office Fund (Fund 1120) to support operating expenses of the Accountability and Results Initiative.~~

CASH TRANSFERS TO THE MAJOR IT PURCHASES FUND

Upon request of the Director of Administrative Services, the Director of Budget and Management may transfer up to \$4,000,000 from the OAKS Support Organization Fund (Fund 5EB0) to the Major IT Purchases Fund (Fund 4N60). This amount represents cash transferred from Fund 4N60 during fiscal year 2010 pursuant to Section 207.30.80 of Am. Sub. H.B. 1 of the 128th General Assembly. Any portion of appropriation item 100617, Major IT Purchases, that is unencumbered and unexpended at the end of fiscal year 2012 is hereby reappropriated for fiscal year 2013.

**Sec. 209.10. AGE DEPARTMENT OF AGING**

General Revenue Fund

GRF	490321	Operating Expenses	\$	1,501,616	\$	<del>1,502,442</del>	78023
						<u>1,487,418</u>	
GRF	490410	Long-Term Care	\$	482,271	\$	<del>482,271</del>	78024
		Ombudsman				<u>477,448</u>	
GRF	490411	Senior Community	\$	7,130,952	\$	<del>7,131,236</del>	78025
		Services				<u>7,060,844</u>	
GRF	490414	Alzheimer's Respite	\$	1,917,740	\$	<del>1,917,757</del>	78026
						<u>1,895,245</u>	
GRF	490423	Long-Term Care Budget	\$	3,419,250	\$	<del>3,419,250</del>	78027
		- State				<u>3,385,057</u>	
GRF	490506	National Senior	\$	241,413	\$	241,413	78028
		Service Corps					
TOTAL GRF		General Revenue Fund	\$	14,693,242	\$	<del>14,694,369</del>	78029
						<u>14,547,425</u>	

General Services Fund Group 78030

4800 490606	Senior Community Outreach and Education	\$	372,518	\$	372,523	78031
TOTAL GSF General Services Fund						78032
Group		\$	372,518	\$	372,523	78033
Federal Special Revenue Fund Group						78034
3220 490618	Federal Aging Grants	\$	14,000,000	\$	14,000,000	78035
3C40 490623	Long_Term Care Budget	\$	3,525,000	\$	3,525,000	78036
3M40 490612	Federal Independence Services	\$	63,655,080	\$	63,655,080	78037
TOTAL FED Federal Special Revenue						78038
Fund Group		\$	81,180,080	\$	81,180,080	78039
State Special Revenue Fund Group						78040
4C40 490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	<del>935,000</del> <u>2,435,000</u>	78041
5BA0 490620	Ombudsman Support	\$	750,000	\$	750,000	78042
5K90 490613	Long_Term Care Consumers Guide	\$	1,059,400	\$	1,059,400	78043
5W10 490616	Resident Services Coordinator Program	\$	344,692	\$	344,700	78044
TOTAL SSR State Special Revenue						78045
Fund Group		\$	3,089,092	\$	<del>3,089,100</del> <u>4,589,100</u>	78046
TOTAL ALL BUDGET FUND GROUPS						78047
		\$	99,334,932	\$	<del>99,336,072</del> <u>100,689,128</u>	

**Sec. 209.20. LONG-TERM CARE**

78049

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

78050  
78051  
78052  
78053

under section 173.42 of the Revised Code to assist individuals in 78054  
planning for their long-term health care needs. 78055

The Department of Aging shall administer the Medicaid 78056  
waiver-funded PASSPORT Home Care Program, the Choices Program, the 78057  
Assisted Living Program, and the PACE Program as delegated by the 78058  
Department of Job and Family Services in an interagency agreement. 78059  
The foregoing appropriation items 490423, Long\_Term Care Budget - 78060  
State, and 490623, Long\_Term Care Budget, may be used to support 78061  
the Department of Aging's administrative costs associated with 78062  
operating the PASSPORT, Choices, Assisted Living, and PACE 78063  
programs. 78064

**Sec. 209.30. LONG-TERM CARE OMBUDSMAN** 78065

The foregoing appropriation item 490410, Long-Term Care 78066  
Ombudsman, shall be used for a program to fund ombudsman program 78067  
activities as authorized in sections 173.14 to 173.27 and section 78068  
173.99 of the Revised Code. 78069

**SENIOR COMMUNITY SERVICES** 78070

The foregoing appropriation item 490411, Senior Community 78071  
Services, shall be used for services designated by the Department 78072  
of Aging, including, but not limited to, home-delivered and 78073  
congregate meals, transportation services, personal care services, 78074  
respite services, adult day services, home repair, care 78075  
coordination, and decision support systems. Service priority shall 78076  
be given to low income, frail, and cognitively impaired persons 60 78077  
years of age and over. The department shall promote cost sharing 78078  
by service recipients for those services funded with senior 78079  
community services funds, including, when possible, sliding-fee 78080  
scale payment systems based on the income of service recipients. 78081

**ALZHEIMER'S RESPITE** 78082

The foregoing appropriation item 490414, Alzheimer's Respite, 78083



shall be used to fund only Alzheimer's disease services under 78084  
section 173.04 of the Revised Code. 78085

SENIOR COMMUNITY OUTREACH AND EDUCATION 78086

The foregoing appropriation item 490606, Senior Community 78087  
Outreach and Education, may be used to provide training to workers 78088  
in the field of aging pursuant to division (G) of section 173.02 78089  
of the Revised Code. 78090

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES 78091  
AND FEDERAL AGING GRANTS 78092

At the request of the Director of Aging, the Director of 78093  
Budget and Management may transfer appropriation between 78094  
appropriation items 490612, Federal Independence Services, and 78095  
490618, Federal Aging Grants. The amounts transferred shall not 78096  
exceed 30 per cent of the appropriation from which the transfer is 78097  
made. Any transfers shall be reported by the Department of Aging 78098  
to the Controlling Board at the next scheduled meeting of the 78099  
board. 78100

REGIONAL LONG-TERM CARE OMBUDSMAN PROGRAM 78101

~~The Of the~~ foregoing appropriation item 490609, Regional 78102  
Long-Term Care Ombudsman Program, \$935,000 in each fiscal year 78103  
shall be used to pay the costs of operating the regional long-term 78104  
care ombudsman programs designated by the Long-Term Care 78105  
Ombudsman. 78106

Notwithstanding division (B) of section 173.26 of the Revised 78107  
Code, of the foregoing appropriation item 490609, Regional 78108  
Long-Term Care Ombudsman Program, \$1,500,000 in fiscal year 2013 78109  
shall be used for costs associated with the Aging in Place Pilot 78110  
Program. 78111

TRANSFER OF RESIDENT PROTECTION FUNDS 78112

In each fiscal year, the Director of Budget and Management 78113

may transfer up to \$750,000 cash from the Resident Protection Fund 78114  
(Fund 4E30), which is used by the Department of Job and Family 78115  
Services, to the Ombudsman Support Fund (Fund 5BA0), which is used 78116  
by the Department of Aging. The moneys in the Ombudsman Support 78117  
Fund may be used by the state office of the Long-Term Care 78118  
Ombudsman Program and by regional ombudsman programs to promote 78119  
person-centered care in nursing homes. 78120

On July 1, 2011, or as soon as possible thereafter, the 78121  
Department of Aging shall certify to the Director of Budget and 78122  
Management the amount of the cash balance in the Ombudsman Support 78123  
Fund at the end of fiscal year 2011. 78124

LONG-TERM CARE CONSUMERS GUIDE 78125

The foregoing appropriation item 490613, Long-Term Care 78126  
Consumers Guide, shall be used to conduct annual customer 78127  
satisfaction surveys and to pay for other administrative expenses 78128  
related to the publication of the Ohio Long-Term Care Consumer 78129  
Guide. 78130

During fiscal year 2012 and fiscal year 2013, the Department 78131  
of Aging shall identify methods and tools for assessing consumer 78132  
satisfaction with adult care facilities and with the providers of 78133  
home and community-based services. The Department shall also 78134  
consider the development of a provider fee structure to support 78135  
the inclusion of information about adult care facilities and 78136  
providers of home and community-based services among the types of 78137  
providers reviewed in the Ohio Long-Term Care Consumer Guide. 78138

**Sec. 211.10. AGR DEPARTMENT OF AGRICULTURE** 78139

General Revenue Fund 78140

GRF 700401	Animal Disease Control	\$	3,936,687	\$	3,936,687	78141
GRF 700403	Dairy Division	\$	1,088,115	\$	1,088,115	78142
GRF 700404	Ohio Proud	\$	50,000	\$	50,000	78143

GRF 700406	Consumer Analytical Lab	\$ 1,287,556	\$ 1,287,556	78144
GRF 700407	Food Safety	\$ 848,792	\$ 848,792	78145
GRF 700409	Farmland Preservation	\$ 72,750	\$ 72,750	78146
GRF 700412	Weights and Measures	\$ 600,000	\$ 600,000	78147
GRF 700415	Poultry Inspection	\$ 392,978	\$ 392,978	78148
GRF 700418	Livestock Regulation Program	\$ 1,108,071	\$ 1,108,071	78149
GRF 700424	Livestock Testing and Inspections	\$ 102,770	\$ 102,770	78150
GRF 700499	Meat Inspection Program - State Share	\$ 4,175,097	\$ 4,175,097	78151
GRF 700501	County Agricultural Societies	\$ 391,413	\$ 391,413	78152
TOTAL GRF	General Revenue Fund	\$ 14,054,229	\$ 14,054,229	78153
	General Services Fund Group			78154
5DA0 700644	Laboratory Administration Support	\$ 1,094,867	\$ 1,094,867	78155
5GH0 700655	Central Support Indirect Cost	\$ 4,456,842	\$ 4,456,842	78156
TOTAL GSF	General Services Fund Group	\$ 5,551,709	\$ 5,551,709	78157
	Federal Special Revenue Fund Group			78158
3260 700618	Meat Inspection Program - Federal Share	\$ 4,950,000	\$ 4,950,000	78159
3360 700617	Ohio Farm Loan Revolving Fund	\$ 150,000	\$ 150,000	78160
3820 700601	Cooperative Contracts	\$ 2,000,000	\$ 2,000,000	78161
3AB0 700641	Agricultural Easement	\$ 1,000,000	\$ 1,000,000	78162
3J40 700607	Indirect Cost	\$ 600,000	\$ 600,000	78163

3R20	700614	Federal Plant Industry	\$	1,000,000	\$	1,000,000	78164
TOTAL FED Federal Special Revenue							
78165							
Fund Group			\$	9,700,000	\$	9,700,000	78166
State Special Revenue Fund Group							
78167							
4960	700626	Ohio Grape Industries	\$	846,611	\$	846,611	78168
4970	700627	Commodity Handlers Regulatory Program	\$	483,402	\$	483,402	78169
4C90	700605	Commercial Feed and Seed	\$	1,816,897	\$	1,816,897	78170
4D20	700609	Auction Education	\$	41,000	\$	41,000	78171
4E40	700606	Utility Radiological Safety	\$	131,785	\$	131,785	78172
4P70	700610	Food Safety Inspection	\$	1,085,836	\$	1,085,836	78173
4R00	700636	Ohio Proud Marketing	\$	30,500	\$	30,500	78174
4R20	700637	Dairy Industry Inspection	\$	1,758,247	\$	1,758,247	78175
4T60	700611	Poultry and Meat Inspection	\$	180,000	\$	180,000	78176
4T70	700613	Ohio Proud International and Domestic Market Development	\$	50,000	\$	50,000	78177
5780	700620	Ride Inspection Fees	\$	1,175,142	\$	1,175,142	78178
5B80	700629	Auctioneers	\$	359,823	\$	359,823	78179
5FC0	700648	Plant Pest Program	\$	<del>1,164,000</del>	\$	1,164,000	78180
				<u>2,164,000</u>			
5H20	700608	Metrology Lab and Scale Certification	\$	750,000	\$	750,000	78181
5HP0	700656	Livestock Care Standards Board	\$	80,000	\$	80,000	78182
5L80	700604	Livestock Management	\$	584,000	\$	584,000	78183

	Program						
6520	700634	Animal and Consumer	\$	4,366,383	\$	4,366,383	78184
		Analytical Laboratory					
6690	700635	Pesticide,	\$	3,418,041	\$	3,418,041	78185
		Fertilizer, and Lime					
		Inspection Program					
TOTAL SSR State Special Revenue							78186
Fund Group			\$	<del>18,321,667</del>	\$	18,321,667	78187
				<u>19,321,667</u>			
Clean Ohio Conservation Fund Group							78188
7057	700632	Clean Ohio	\$	310,000	\$	310,000	78189
		Agricultural Easement					
TOTAL CLF Clean Ohio Conservation							78190
Fund Group			\$	310,000	\$	310,000	
TOTAL ALL BUDGET FUND GROUPS			\$	<del>47,937,605</del>	\$	47,937,605	78191
				<u>48,937,605</u>			

COUNTY AGRICULTURAL SOCIETIES 78192

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities. 78193  
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ABOLISHMENT OF VARIOUS FUNDS 78197

Upon the effective date of this amendment, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balances in the following twelve funds to the Indirect Cost Fund (Fund 5GH0): (1) the Federal Grants Fund (Fund 3X60), (2) the Specialty Crops Support Fund (Fund 3X70), (3) the Fruits and Vegetables Fund (Fund 4930), (4) the Dairy Fund (Fund 4V00), (5) the Animal Industry Fund (Fund 4VS0), (6) the Scale Certification Fund (Fund 5790), (7) the Weights and Measures Permits Fund (Fund 58F0), (8) the Food Policy Council Fund (Fund 5FD0), (9) the Sustainable Agriculture Fund (Fund 5FE0), (10) the 78198  
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Pilot Farmland Preservation Fund (Fund 5GS0), (11) the Farm Service Electronic Filing Fund (Fund SY70), and (12) the Seed Fund (Fund SZ40). Upon completion of the cash transfers, the funds from which the required cash transfers were made are abolished. The Director shall cancel any existing encumbrances against applicable line items within the abolished funds and reestablish them against Fund 5GH0 appropriation item 700655, Central Support Indirect Cost. The reestablished encumbrance amounts are hereby appropriated.

ASIAN LONGHORNED BEETLE

On the effective date of this act, or as soon as possible thereafter, the Director of Budget and Management shall transfer up to \$1,000,000 in cash from the General Revenue Fund to the Plant Pest Fund (Fund 5FC0).

Of the foregoing appropriation item 700648, Plant Pest Program, up to \$1,000,000 in FY 2012 shall be used for the eradication of the Asian Longhorned Beetle. Any portion of this transfer that remains unexpended and unencumbered in FY 2012 is hereby reappropriated for the same purpose in FY 2013.

CLEAN OHIO AGRICULTURAL EASEMENT

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Sec. 215.10.** ADA DEPARTMENT OF ALCOHOL AND DRUG ADDICTION SERVICES

General Revenue Fund  
GRF 038401 Treatment Services \$ 11,225,590 \$ ~~7,020,974~~  
7,120,974

GRF 038404	Prevention Services	\$	868,659	\$	868,659	78237
GRF 038501	Medicaid Match	\$	23,959,113	\$	0	78238
TOTAL GRF	General Revenue Fund	\$	36,053,362	\$	<del>7,889,633</del>	78239
					<u>7,989,633</u>	
	General Services Fund					78240
5T90 038616	Problem Gambling	\$	335,000	\$	335,000	78241
	Services					
TOTAL GSF	General Services Fund	\$	335,000	\$	335,000	78242
	Group					
	Federal Special Revenue Fund Group					78243
3G40 038614	Substance Abuse Block	\$	69,000,000	\$	69,000,000	78244
	Grant					
3H80 038609	Demonstration Grants	\$	8,675,580	\$	8,675,580	78245
3J80 038610	Medicaid	\$	69,200,000	\$	0	78246
3N80 038611	Administrative	\$	300,000	\$	300,000	78247
	Reimbursement					
TOTAL FED	Federal Special Revenue					78248
	Fund Group	\$	147,175,580	\$	77,975,580	78249
	State Special Revenue Fund Group					78250
4750 038621	Statewide Treatment	\$	16,000,000	\$	<del>14,000,000</del>	78251
	and Prevention				<u>15,000,000</u>	
<u>5JL0 038629</u>	<u>Problem Casino</u>	<u>\$</u>	<u>226,612</u>	<u>\$</u>	<u>5,446,364</u>	78252
	<u>Gambling and</u>					
	<u>Addictions Fund</u>					
5JW0 038615	Board Match	\$	3,000,000	\$	3,000,000	78253
	Reimbursement					
6890 038604	Education and	\$	75,000	\$	75,000	78254
	Conferences					
TOTAL SSR	State Special Revenue					78255
	Fund Group	\$	<del>19,075,000</del>	\$	<del>17,075,000</del>	78256
			<u>19,301,612</u>		<u>23,521,364</u>	
TOTAL ALL BUDGET FUND GROUPS		\$	<del>202,638,942</del>	\$	<del>103,275,213</del>	78257

202,865,554      109,821,577

<b>Sec. 215.20. <del>ALCOHOL</del> OHIO WORKS FIRST DRUG TESTING PILOT</b>	78259
<b><u>PROGRAM</u></b>	78260
<u>Of the foregoing appropriation item 038401, Treatment</u>	78261
<u>Services, up to \$100,000 in fiscal year 2013 shall be used to fund</u>	78262
<u>drug treatment services provided to individuals seeking treatment</u>	78263
<u>under the Ohio Works First Drug Testing Pilot Program established</u>	78264
<u>under Section 751.17 of H.B. 487 of the 129th General Assembly.</u>	78265
<b><u>ALCOHOL</u> AND DRUG ADDICTION MEDICAID MATCH</b>	78266
(A) As used in this section, "community alcohol and drug	78267
addiction Medicaid services" means services provided under the	78268
component, or aspect of the component, of the Medicaid program	78269
that the Department of Alcohol and Drug Addiction Services	78270
administers pursuant to a contract entered into with the	78271
Department of Job and Family Services under section 5111.91 of the	78272
Revised Code.	78273
(B) Subject to division (C) of this section, the foregoing	78274
appropriation item 038501, Medicaid Match, shall be used by the	78275
Department of Alcohol and Drug Addiction Services to make payments	78276
for community alcohol and drug addiction Medicaid services.	78277
(C) For state fiscal year 2012, the Department shall allocate	78278
foregoing appropriation item 038501, Medicaid Match, and a portion	78279
of appropriation item 038621, Statewide Treatment and Prevention,	78280
to boards of alcohol, drug addiction, and mental health services	78281
in accordance with a distribution methodology the Department shall	78282
establish. Notwithstanding sections 5111.911 and 5111.913 of the	78283
Revised Code, the boards shall use the funds allocated to them	78284
under this section to pay claims for community alcohol and drug	78285
addiction Medicaid services provided during fiscal year 2012. The	78286
boards shall use all federal financial participation that the	78287
Department receives for claims paid for community alcohol and drug	78288



addiction Medicaid services provided during fiscal year 2012 as 78289  
the first payment source to pay claims for community alcohol and 78290  
drug addiction Medicaid services provided during fiscal year 2012. 78291  
The boards are not required to use any funds other than the funds 78292  
allocated to them under this section and the federal financial 78293  
participation received for claims for community alcohol and drug 78294  
addiction Medicaid services provided during fiscal year 2012 to 78295  
pay for such claims. 78296

(D) The Department shall enter into an agreement with each 78297  
board regarding the issue of paying claims that are for community 78298  
alcohol and drug addiction Medicaid services provided before July 78299  
1, 2011, and submitted for payment on or after that date. Such 78300  
claims shall be paid in accordance with the agreements. A board 78301  
shall receive the federal financial participation received for 78302  
claims for community alcohol and drug addiction Medicaid services 78303  
that were provided before July 1, 2011, and paid by the board. 78304

STATEWIDE TREATMENT AND PREVENTION 78305

Of the foregoing appropriation item 038621, Statewide 78306  
Treatment and Prevention, up to \$1,000,000 in fiscal year 2013 78307  
shall be used to fund the pilot program for opioid- and 78308  
alcohol-dependent offenders established under Section 737.70 of 78309  
H.B. 487 of the 129th General Assembly. 78310

**Sec. 223.10. AGO ATTORNEY GENERAL** 78311

General Revenue Fund 78312

GRF 055321 Operating Expenses \$ 42,514,169 \$ 42,514,169 78313

GRF 055405 Law-Related Education \$ 100,000 \$ 100,000 78314

GRF 055411 County Sheriffs' Pay \$ 757,921 \$ 757,921 78315

Supplement

GRF 055415 County Prosecutors' \$ 831,499 \$ 831,499 78316

Pay Supplement

TOTAL GRF General Revenue Fund	\$	44,203,589	\$	44,203,589	78317
General Services Fund Group					78318
1060 055612 General Reimbursement	\$	43,357,968	\$	43,011,277	78319
1950 055660 Workers' Compensation	\$	8,415,504	\$	8,415,504	78320
Section					
4180 055615 Charitable	\$	7,286,000	\$	7,286,000	78321
Foundations					
4200 055603 Attorney General	\$	1,871,674	\$	1,839,074	78322
Antitrust					
4210 055617 Police Officers'	\$	2,124,942	\$	2,088,805	78323
Training Academy Fee					
4Z20 055609 BCI Asset Forfeiture	\$	1,529,685	\$	1,521,731	78324
and Cost					
Reimbursement					
5900 055633 Peace Officer Private	\$	98,370	\$	98,370	78325
Security Fund					
5A90 055618 Telemarketing Fraud	\$	7,500	\$	7,500	78326
Enforcement					
5L50 055619 Law Enforcement	\$	300,222	\$	0	78327
Assistance Program					
<u>5LR0 055655 Peace Officer</u>	<u>\$</u>	<u>192,620</u>	<u>\$</u>	<u>4,629,409</u>	78328
<u>Training - Casino</u>					
6310 055637 Consumer Protection	\$	3,799,115	\$	3,718,973	78329
Enforcement					
TOTAL GSF General Services Fund					78330
Group	\$	<del>68,790,980</del>	\$	<del>67,987,234</del>	78331
		<u>68,983,600</u>		<u>72,616,643</u>	
Federal Special Revenue Fund Group					78332
3060 055620 Medicaid Fraud	\$	4,211,235	\$	4,122,399	78333
Control					
3810 055611 Civil Rights Legal	\$	402,540	\$	402,540	78334
Service					

3830	055634	Crime Victims Assistance	\$	13,000,000	\$	13,000,000	78335
3E50	055638	Attorney General Pass-Through Funds	\$	1,223,606	\$	1,222,172	78336
3R60	055613	Attorney General Federal Funds	\$	3,823,251	\$	3,673,251	78337
TOTAL FED Federal Special Revenue							78338
Fund Group			\$	22,660,632	\$	22,420,362	78339
State Special Revenue Fund Group							78340
4020	055616	Victims of Crime	\$	26,000,000	\$	26,000,000	78341
4170	055621	Domestic Violence Shelter	\$	25,000	\$	25,000	78342
4190	055623	Claims Section	\$	44,197,843	\$	41,953,025	78343
4L60	055606	DARE Programs	\$	4,477,962	\$	4,477,962	78344
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	78345
6590	055641	Solid and Hazardous Waste Background Investigations	\$	662,227	\$	651,049	78346
TOTAL SSR State Special Revenue							78347
Fund Group			\$	75,963,032	\$	73,707,036	78348
Holding Account Redistribution Fund Group							78349
R004	055631	General Holding Account	\$	1,000,000	\$	1,000,000	78350
R005	055632	Antitrust Settlements	\$	1,000	\$	1,000	78351
R018	055630	Consumer Frauds	\$	750,000	\$	750,000	78352
R042	055601	Organized Crime Commission Distributions	\$	25,025	\$	25,025	78353
R054	055650	Collection Outside Counsel Payments	\$	4,500,000	\$	4,500,000	78354
TOTAL 090 Holding Account							78355
Redistribution Fund Group			\$	6,276,025	\$	6,276,025	78356

Tobacco Master Settlement Agreement Fund Group				78357
J087 055635 Law Enforcement	\$	2,300,000	\$	0 78358
Technology, Training, and Facility Enhancements				
U087 055402 Tobacco Settlement	\$	2,527,992	\$	2,514,690 78359
Oversight, Administration, and Enforcement				
TOTAL TSF Tobacco Master Settlement Agreement Fund Group	\$	4,827,992	\$	2,514,690 78360
TOTAL ALL BUDGET FUND GROUPS	\$	<del>222,722,250</del>	\$	<del>217,108,936</del> 78361
		<u>222,914,870</u>		<u>221,738,345</u>

COUNTY SHERIFFS' PAY SUPPLEMENT 78362

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. 78363  
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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. 78367  
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COUNTY PROSECUTORS' PAY SUPPLEMENT 78373

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. 78374  
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 78377

At the request of the Attorney General, the Director of Budget and Management may transfer appropriation from 78378  
 78379

appropriation item 055321, Operating Expenses, to appropriation 78380  
item 055415, County Prosecutors' Pay Supplement. Any appropriation 78381  
so transferred shall be used to supplement the annual compensation 78382  
of county prosecutors as required by section 325.111 of the 78383  
Revised Code. 78384

GENERAL REIMBURSEMENT FUND 78385

Notwithstanding any other provision of law to the contrary, 78386  
on July 1, 2011, or as soon as possible thereafter, the Director 78387  
of Budget and Management shall transfer \$160,000 cash from the 78388  
General Revenue Fund to the General Reimbursement Fund (Fund 1060) 78389  
used by the Office of the Attorney General. 78390

WORKERS' COMPENSATION SECTION 78391

The Workers' Compensation Fund (Fund 1950) is entitled to 78392  
receive payments from the Bureau of Workers' Compensation and the 78393  
Ohio Industrial Commission at the beginning of each quarter of 78394  
each fiscal year to fund legal services to be provided to the 78395  
Bureau of Workers' Compensation and the Ohio Industrial Commission 78396  
during the ensuing quarter. The advance payment shall be subject 78397  
to adjustment. 78398

In addition, the Bureau of Workers' Compensation shall 78399  
transfer payments at the beginning of each quarter for the support 78400  
of the Workers' Compensation Fraud Unit. 78401

All amounts shall be mutually agreed upon by the Attorney 78402  
General, the Bureau of Workers' Compensation, and the Ohio 78403  
Industrial Commission. 78404

ATTORNEY GENERAL PASS-THROUGH FUNDS 78405

The foregoing appropriation item 055638, Attorney General 78406  
Pass-Through Funds, shall be used to receive federal grant funds 78407  
provided to the Attorney General by other state agencies, 78408  
including, but not limited to, the Department of Youth Services 78409

and the Department of Public Safety. 78410

GENERAL HOLDING ACCOUNT 78411

The foregoing appropriation item 055631, General Holding 78412  
Account, shall be used to distribute moneys under the terms of 78413  
relevant court orders or other settlements received in a variety 78414  
of cases involving the Office of the Attorney General. If it is 78415  
determined that additional amounts are necessary for this purpose, 78416  
the amounts are hereby appropriated. 78417

ANTITRUST SETTLEMENTS 78418

The foregoing appropriation item 055632, Antitrust 78419  
Settlements, shall be used to distribute moneys under the terms of 78420  
relevant court orders or other out of court settlements in 78421  
antitrust cases or antitrust matters involving the Office of the 78422  
Attorney General. If it is determined that additional amounts are 78423  
necessary for this purpose, the amounts are hereby appropriated. 78424

CONSUMER FRAUDS 78425

The foregoing appropriation item 055630, Consumer Frauds, 78426  
shall be used for distribution of moneys from court-ordered 78427  
judgments against sellers in actions brought by the Office of 78428  
Attorney General under sections 1334.08 and 4549.48 and division 78429  
(B) of section 1345.07 of the Revised Code. These moneys shall be 78430  
used to provide restitution to consumers victimized by the fraud 78431  
that generated the court-ordered judgments. If it is determined 78432  
that additional amounts are necessary for this purpose, the 78433  
amounts are hereby appropriated. 78434

ORGANIZED CRIME COMMISSION DISTRIBUTIONS 78435

The foregoing appropriation item 055601, Organized Crime 78436  
Commission Distributions, shall be used by the Organized Crime 78437  
Investigations Commission, as provided by section 177.011 of the 78438  
Revised Code, to reimburse political subdivisions for the expenses 78439

the political subdivisions incur when their law enforcement 78440  
officers participate in an organized crime task force. If it is 78441  
determined that additional amounts are necessary for this purpose, 78442  
the amounts are hereby appropriated. 78443

COLLECTION OUTSIDE COUNSEL PAYMENTS 78444

The foregoing appropriation item 055650, Collection Outside 78445  
Counsel Payments, shall be used for the purpose of paying 78446  
contingency counsel fees for cases where debtors mistakenly paid 78447  
the client agencies instead of the Attorney General's Revenue 78448  
Recovery/Collections Enforcement Section. If it is determined that 78449  
additional amounts are necessary for this purpose, the amounts are 78450  
hereby appropriated. 78451

**Sec. 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT 78452

General Revenue Fund 78453

GRF	042321	Budget Development	\$	2,362,025	\$	<del>2,378,166</del>	78454
		and Implementation				<u>2,353,166</u>	
GRF	042409	Commission Closures	\$	50,000	\$	50,000	78455
GRF	042416	Office of Health	\$	306,285	\$	<del>0</del> <u>499,252</u>	78456
		Transformation					
GRF	042423	Liquor Enterprise	\$	500,000	\$	0	78457
		Transaction					
TOTAL GRF		General Revenue Fund	\$	3,218,310	\$	<del>2,428,166</del>	78458
						<u>2,902,418</u>	

General Services Fund Group 78459

1050	042603	State Accounting and	\$	<del>21,917,230</del>	\$	<del>22,006,331</del>	78460
		Budgeting		<u>21,158,069</u>		<u>22,262,185</u>	
5N40	042602	OAKS Project	\$	1,358,000	\$	<del>1,309,500</del>	78461
		Implementation				<u>1,296,000</u>	
5Z80	042608	Office of Health	\$	57,752	\$	0	78462
		Transformation					

Administration					
TOTAL GSF General Services Fund	\$	<del>23,332,982</del>	\$	<del>23,315,831</del>	78463
Group		<u>22,573,821</u>		<u>23,558,185</u>	
Federal Special Revenue Fund Group					78464
3CM0 042606 Office of Health	\$	384,037	\$	<del>145,500</del>	78465
Transformation -				<u>438,723</u>	
Federal					
TOTAL FED Federal Special Revenue	\$	384,037	\$	<del>145,500</del>	78466
Fund Group				<u>438,723</u>	
Agency Fund Group					78467
5EH0 042604 Forgery Recovery	\$	50,000	\$	<del>50,000</del> <u>49,000</u>	78468
TOTAL AGY Agency Fund Group	\$	50,000	\$	<del>50,000</del> <u>49,000</u>	78469
TOTAL ALL BUDGET FUND GROUPS	\$	<del>26,985,329</del>	\$	<del>25,939,497</del>	78470
		<u>26,226,168</u>		<u>26,948,326</u>	

COMMISSION CLOSURES 78471

The foregoing appropriation item 042409, Commission Closures, 78472  
 may be used to pay obligations associated with the closure of the 78473  
 Commission on Dispute Resolution and Conflict Management, the 78474  
 School Employees Health Care Board, the Legal Rights Service, and 78475  
 the Workers' Compensation Council. Notwithstanding any provision 78476  
 of law to the contrary, this appropriation item may also be used 78477  
 to pay final payroll expenses occurring after the closure of the 78478  
 Commission on Dispute Resolution and Conflict Management, the 78479  
 School Employees Health Care Board, the Legal Rights Service, and 78480  
 the Workers' Compensation Council in the event that appropriations 78481  
 or cash in the closing agency are insufficient to do so. 78482

The Director of Budget and Management may request Controlling 78483  
 Board approval for funds to be transferred to appropriation item 78484  
 042409, Commission Closures, from appropriation item 911614, CB 78485  
 Emergency Purposes, for anticipated expenses associated with 78486  
 agency closures. 78487



LIQUOR ENTERPRISE TRANSACTION 78488

The foregoing appropriation item 042423, Liquor Enterprise Transaction, shall be used by the Director of Budget and Management, without need for any other approval, to retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the Director's judgment to commence negotiation of the transfer agreement referred to in sections 4313.01 and 4313.02 of the Revised Code, as enacted by ~~this act~~ Am. Sub. H.B. 153 of the 129th General Assembly. Any amounts expended from appropriation item 042423 shall be reimbursed from the proceeds of the enterprise acquisition project transaction authorized in those sections.

The Director of Budget and Management, in consultation with the Director of Commerce, may negotiate an initial agreement with JobsOhio, which shall be executed by the Directors of Budget and Management and Commerce upon its completion.

AUDIT COSTS AND DUES 78505

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, State Accounting and Budgeting.

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation.

SHARED SERVICES CENTER 78514

The Director of Budget and Management shall use the OAKS Project Implementation Fund (Fund 5N40) and the Accounting and Budgeting Fund (Fund 1050) to support a Shared Services Center within the Office of Budget and Management for the purpose of

consolidating statewide business functions and common 78519  
transactional processes. 78520

The Director of Budget and Management shall include the 78521  
recovery of costs to operate the Shared Services Center in the 78522  
accounting and budgeting services payroll rate and through a 78523  
direct charge using intrastate transfer vouchers to agencies for 78524  
services rendered. The Director of Budget and Management shall 78525  
determine the cost recovery methodology. Such cost recovery 78526  
revenues shall be deposited to the credit of Fund 1050. 78527

INTERNAL CONTROL AND AUDIT OVERSIGHT 78528

The Director of Budget and Management shall include the 78529  
recovery of costs to operate the Internal Control and Audit 78530  
Oversight Program in the accounting and budgeting services payroll 78531  
rate and through a direct charge using intrastate transfer 78532  
vouchers to agencies reviewed by the program. The Director of 78533  
Budget and Management, with advice from the Internal Audit 78534  
Advisory Council, shall determine the cost recovery methodology. 78535  
Such cost recovery revenues shall be deposited to the credit of 78536  
the Accounting and Budgeting Fund (Fund 1050). 78537

FORGERY RECOVERY 78538

The foregoing appropriation item 042604, Forgery Recovery, 78539  
shall be used to reissue warrants that have been certified as 78540  
forgeries by the rightful recipient as determined by the Bureau of 78541  
Criminal Identification and Investigation and the Treasurer of 78542  
State. Upon receipt of funds to cover the reissuance of the 78543  
warrant, the Director of Budget and Management shall reissue a 78544  
state warrant of the same amount. 78545

GRF TRANSFER TO THE OAKS PROJECT IMPLEMENTATION FUND 78546

On July 1 of each fiscal year, or as soon as possible 78547  
thereafter, the Director of Budget and Management shall transfer 78548  
an amount not to exceed \$1,100,000 in cash from the General 78549

Revenue Fund to the OAKS Project Implementation Fund (Fund 5N40).				78550
<b>Sec. 243.10. COM DEPARTMENT OF COMMERCE</b>				78551
General Services Fund Group				78552
1630 800620	Division of Administration	\$ 6,200,000	\$ 6,200,000	78553
1630 800637	Information Technology	\$ 5,999,892	\$ 6,011,977	78554
5430 800602	Unclaimed Funds-Operating	\$ 7,836,107	\$ 7,841,473	78555
5430 800625	Unclaimed Funds-Claims	\$ 69,700,000	\$ <del>69,800,000</del> <u>68,000,000</u>	78556
5F10 800635	Small Government Fire Departments	\$ 300,000	\$ 300,000	78557
TOTAL GSF General Services Fund Group		\$ 90,035,999	\$ <del>90,153,450</del> <u>88,353,450</u>	78558 78559
Federal Special Revenue Fund Group				78560
3480 800622	Underground Storage Tanks	\$ 1,129,518	\$ 1,129,518	78561
3480 800624	Leaking Underground Storage Tanks	\$ 1,556,211	\$ 1,556,211	78562
TOTAL FED Federal Special Revenue Fund Group		\$ 2,685,729	\$ 2,685,729	78563 78564
State Special Revenue Fund Group				78565
4B20 800631	Real Estate Appraisal Recovery	\$ 35,000	\$ 35,000	78566
4H90 800608	Cemeteries	\$ 268,067	\$ 268,293	78567
4X20 800619	Financial Institutions	\$ 2,186,271	\$ <del>1,990,693</del> <u>1,970,786</u>	78568
5440 800612	Banks	\$ 7,242,364	\$ <del>6,942,336</del> <u>6,872,913</u>	78569
5450 800613	Savings Institutions	\$ 2,257,220	\$ 2,259,536	78570

5460 800610	Fire Marshal	\$	15,400,000	\$	<del>15,501,562</del>	78571
					<u>15,484,574</u>	
5460 800639	Fire Department Grants	\$	1,698,802	\$	1,698,802	78572
5470 800603	Real Estate	\$	125,000	\$	<del>125,000</del>	78573
	Education/Research				<u>80,655</u>	
5480 800611	Real Estate Recovery	\$	25,000	\$	25,000	78574
5490 800614	Real Estate	\$	3,413,708	\$	3,332,308	78575
5500 800617	Securities	\$	4,312,434	\$	<del>4,314,613</del>	78576
					<u>4,271,467</u>	
5520 800604	Credit Union	\$	3,450,390	\$	<del>3,450,390</del>	78577
					<u>3,415,886</u>	
5530 800607	Consumer Finance	\$	3,613,016	\$	<del>3,516,861</del>	78578
					<u>3,481,692</u>	
5560 800615	Industrial Compliance	\$	27,639,372	\$	<del>27,664,695</del>	78579
					<u>27,388,048</u>	
5FW0 800616	Financial Literacy	\$	240,000	\$	<del>240,000</del>	78580
	Education				<u>200,000</u>	
5GK0 800609	Securities Investor	\$	1,135,000	\$	<del>485,000</del>	78581
	Education/Enforcement				<u>480,150</u>	
5HV0 800641	Cigarette Enforcement	\$	120,000	\$	<del>120,000</del>	78582
					<u>118,800</u>	
<u>5LN0 800645</u>	<u>Liquor Operating</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,500,000</u>	78583
	<u>Services</u>					
<u>5LP0 800646</u>	<u>Liquor Regulatory</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>8,500,000</u>	78584
	<u>Operating Expense</u>					
5X60 800623	Video Service	\$	340,299	\$	<del>340,630</del>	78585
					<u>337,224</u>	
6530 800629	UST Registration/Permit	\$	1,854,675	\$	<del>1,509,653</del>	78586
	Fee				<u>1,494,556</u>	
6A40 800630	Real Estate	\$	699,565	\$	648,890	78587
	Appraiser-Operating					
TOTAL SSR State Special Revenue						78588
Fund Group		\$	76,056,183	\$	<del>74,469,262</del>	78589

			<u>87,864,580</u>	
Liquor Control Fund Group				78590
7043 800601	Merchandising	\$ 472,209,274	\$ 0	78591
7043 800627	Liquor Control	\$ 13,398,274	\$ <del>10,110,479</del>	78592
	Operating		<u>1,509,374</u>	
7043 800633	Development Assistance	\$ 51,973,200	\$ 0	78593
	Debt Service			
7043 800636	Revitalization Debt	\$ 21,129,800	\$ 0	78594
	Service			
TOTAL LCF Liquor Control				78595
Fund Group		\$ 558,710,548	\$ <del>10,110,479</del>	78596
			<u>1,509,374</u>	
TOTAL ALL BUDGET FUND GROUPS		\$ 727,488,459	\$ <del>177,418,920</del>	78597
			<u>180,413,133</u>	

SMALL GOVERNMENT FIRE DEPARTMENTS 78598

Notwithstanding section 3737.17 of the Revised Code, the 78599  
foregoing appropriation item 800635, Small Government Fire 78600  
Departments, may be used to provide loans to private fire 78601  
departments. 78602

UNCLAIMED FUNDS PAYMENTS 78603

The foregoing appropriation item 800625, Unclaimed 78604  
Funds-Claims, shall be used to pay claims under section 169.08 of 78605  
the Revised Code. If it is determined that additional amounts are 78606  
necessary, the amounts are appropriated. 78607

UNCLAIMED FUNDS TRANSFERS 78608

Notwithstanding division (A) of section 169.05 of the Revised 78609  
Code, during the FY 2012-FY 2013 biennium, the Director of Budget 78610  
and Management shall request the Director of Commerce to transfer 78611  
to the General Revenue Fund up to \$215,000,000 of unclaimed funds 78612  
that have been reported by holders of unclaimed funds under 78613  
section 169.05 of the Revised Code, irrespective of the allocation 78614

of the unclaimed funds under that section. The Director of 78615  
Commerce shall transfer the funds at the times requested by the 78616  
Director of Budget and Management. 78617

FIRE DEPARTMENT GRANTS 78618

Of the foregoing appropriation item 800639, Fire Department 78619  
Grants, up to \$1,647,140 in each fiscal year shall be used to make 78620  
annual grants to the following eligible recipients: volunteer fire 78621  
departments, fire departments that serve one or more small 78622  
municipalities or small townships, joint fire districts comprised 78623  
of fire departments that primarily serve small municipalities or 78624  
small townships, local units of government responsible for such 78625  
fire departments, and local units of government responsible for 78626  
the provision of fire protection services for small municipalities 78627  
or small townships. For the purposes of these grants, a private 78628  
fire company, as that phrase is defined in section 9.60 of the 78629  
Revised Code, that is providing fire protection services under a 78630  
contract to a political subdivision of the state, is an additional 78631  
eligible recipient for a training grant. 78632

Eligible recipients that consist of small municipalities or 78633  
small townships that all intend to contract with the same fire 78634  
department or private fire company for fire protection services 78635  
may jointly apply and be considered for a grant. If a joint 78636  
applicant is awarded a grant, the State Fire Marshal shall, if 78637  
feasible, proportionately award the grant and any equipment 78638  
purchased with grant funds to each of the joint applicants based 78639  
upon each applicant's contribution to and demonstrated need for 78640  
fire protection services. 78641

If the grant awarded to joint applicants is an equipment 78642  
grant and the equipment to be purchased cannot be readily 78643  
distributed or possessed by multiple recipients, each of the joint 78644  
applicants shall be awarded by the State Fire Marshal an ownership 78645  
interest in the equipment so purchased in proportion to each 78646

applicant's contribution to and demonstrated need for fire 78647  
protection services. The joint applicants shall then mutually 78648  
agree on how the equipment is to be maintained, operated, stored, 78649  
or disposed of. If, for any reason, the joint applicants cannot 78650  
agree as to how jointly owned equipment is to be maintained, 78651  
operated, stored, or disposed of or any of the joint applicants no 78652  
longer maintain a contract with the same fire protection service 78653  
provider as the other applicants, then the joint applicants shall, 78654  
with the assistance of the State Fire Marshal, mutually agree as 78655  
to how the jointly owned equipment is to be maintained, operated, 78656  
stored, disposed of, or owned. If the joint applicants cannot 78657  
agree how the grant equipment is to be maintained, operated, 78658  
stored, disposed of, or owned, the State Fire Marshal may, in its 78659  
discretion, require all of the equipment acquired by the joint 78660  
applicants with grant funds to be returned to the State Fire 78661  
Marshal. The State Fire Marshal may then award the returned 78662  
equipment to any eligible recipients. 78663

The grants shall be used by recipients to purchase 78664  
firefighting or rescue equipment or gear or similar items, to 78665  
provide full or partial reimbursement for the documented costs of 78666  
firefighter training, or, at the discretion of the State Fire 78667  
Marshal, to cover fire department costs for providing fire 78668  
protection services in that grant recipient's jurisdiction. 78669

Grant awards for firefighting or rescue equipment or gear or 78670  
for fire department costs of providing fire protection services 78671  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 78672  
fiscal year if an eligible entity serves a jurisdiction in which 78673  
the Governor declared a natural disaster during the preceding or 78674  
current fiscal year in which the grant was awarded. In addition to 78675  
any grant funds awarded for rescue equipment or gear, or for fire 78676  
department costs associated with the provision of fire protection 78677  
services, an eligible entity may receive a grant for up to \$15,000 78678

per fiscal year for full or partial reimbursement of the 78679  
documented costs of firefighter training. For each fiscal year, 78680  
the State Fire Marshal shall determine the total amounts to be 78681  
allocated for each eligible purpose. 78682

The grant program shall be administered by the State Fire 78683  
Marshal in accordance with rules the State Fire Marshal adopts as 78684  
part of the state fire code adopted pursuant to section 3737.82 of 78685  
the Revised Code that are necessary for the administration and 78686  
operation of the grant program. The rules may further define the 78687  
entities eligible to receive grants and establish criteria for the 78688  
awarding and expenditure of grant funds, including methods the 78689  
State Fire Marshal may use to verify the proper use of grant funds 78690  
or to obtain reimbursement for or the return of equipment for 78691  
improperly used grant funds. Any amounts in appropriation item 78692  
800639, Fire Department Grants, in excess of the amount allocated 78693  
for these grants may be used for the administration of the grant 78694  
program. 78695

CASH TRANSFERS TO THE DIVISION OF SECURITIES INVESTOR 78696  
EDUCATION AND ENFORCEMENT EXPENSE FUND 78697

The Director of Budget and Management, upon the request of 78698  
the Director of Commerce, shall transfer up to \$485,000 in cash in 78699  
each fiscal year from the Division of Securities Fund (Fund 5500) 78700  
to the Division of Securities Investor Education and Enforcement 78701  
Expense Fund (Fund 5GK0) created in section 1707.37 of the Revised 78702  
Code. 78703

CASH TRANSFER TO VIDEO SERVICE AUTHORIZATION FUND 78704

The Director of Budget and Management, upon the request of 78705  
the Director of Commerce, shall transfer up to \$340,000 in cash in 78706  
each fiscal year from the Division of Administration Fund (Fund 78707  
1630) to the Video Service Authorization Fund (Fund 5X60). 78708

INCREASED APPROPRIATION - MERCHANDISING 78709



The foregoing appropriation item 800601, Merchandising, shall 78710  
be used under section 4301.12 of the Revised Code. If it is 78711  
determined that additional expenditures are necessary, the amounts 78712  
are hereby appropriated. 78713

DEVELOPMENT ASSISTANCE DEBT SERVICE 78714

The foregoing appropriation item 800633, Development 78715  
Assistance Debt Service, shall be used to pay debt service and 78716  
related financing costs at the times they are required to be made 78717  
during the period from July 1, 2011, to June 30, 2012, for bond 78718  
service charges on obligations issued under Chapter 166. of the 78719  
Revised Code. If it is determined that additional appropriations 78720  
are necessary for this purpose, such amounts are appropriated, 78721  
subject to the limitations set forth in section 166.11 of the 78722  
Revised Code. An appropriation for this purpose is not required, 78723  
but is made in this form and in ~~this act~~ Am. Sub. H.B. 153 of the 78724  
129th General Assembly for record purposes only. 78725

REVITALIZATION DEBT SERVICE 78726

The foregoing appropriation item 800636, Revitalization Debt 78727  
Service, shall be used to pay debt service and related financing 78728  
costs at the times they are required to be made pursuant to 78729  
sections 151.01 and 151.40 of the Revised Code during the period 78730  
from July 1, 2011, to June 30, 2012. If it is determined that 78731  
additional appropriations are necessary for this purpose, such 78732  
amounts are hereby appropriated. The General Assembly acknowledges 78733  
the priority of the pledge of a portion of receipts from that 78734  
source to obligations issued and to be issued under Chapter 166. 78735  
of the Revised Code. 78736

LIQUOR CONTROL FUND TRANSFER 78737

On January 1, 2012, or as soon as possible thereafter, the 78738  
Director of Budget and Management may transfer up to \$10,600,000 78739  
in cash from the General Revenue Fund to the Liquor Control Fund 78740

(Fund 7043) for the liquor permitting and compliance functions of 78741  
the Division of Liquor Control in the Department of Commerce and 78742  
for the operations of the Liquor Control Commission and the 78743  
Department of Public Safety pursuant to Chapter 4301. of the 78744  
Revised Code. 78745

On July 1, 2012, or as soon as possible thereafter, the 78746  
Director of Budget and Management may transfer up to \$21,800,000 78747  
in cash from the General Revenue Fund to the Liquor Control Fund 78748  
(Fund 7043) for the liquor permitting and compliance functions of 78749  
the Division of Liquor Control in the Department of Commerce and 78750  
for the operations of the Liquor Control Commission and the 78751  
Department of Public Safety pursuant to Chapter 4301. of the 78752  
Revised Code. 78753

On July 1, 2012, or as soon as possible thereafter, the 78754  
Director of Budget and Management shall transfer \$500,000 in cash 78755  
from the Liquor Control Fund (Fund 7043) to the State Liquor 78756  
Regulatory Fund (Fund 5LP0) created in section 4301.30 of the 78757  
Revised Code. 78758

ADMINISTRATIVE ASSESSMENTS 78759

Notwithstanding any other provision of law to the contrary, 78760  
the Division of Administration Fund (Fund 1630) is entitled to 78761  
receive assessments from all operating funds of the Department in 78762  
accordance with procedures prescribed by the Director of Commerce 78763  
and approved by the Director of Budget and Management. 78764

**Sec. 261.10.40. TRAVEL AND TOURISM** 78765

The foregoing appropriation item 195407, Travel and Tourism, 78766  
shall be used for marketing the state of Ohio as a tourism 78767  
destination and to support administrative expenses and contracts 78768  
necessary to market Ohio. 78769

~~STRATEGIC BUSINESS INVESTMENT DIVISION AND REGIONAL OFFICES~~ 78770

DEVELOPMENT SERVICES 78771

The foregoing appropriation item 195415, ~~Strategie Business~~ 78772  
~~Investment Division and Regional Offices~~ Development Services, 78773  
shall be used for the operating expenses of the ~~Strategie Business~~ 78774  
~~Investment Services~~ Division and the regional economic development 78775  
offices and for grants for cooperative economic development 78776  
ventures. 78777

**Sec. 261.10.70. CLEAN OHIO IMPLEMENTATION** 78778

The foregoing appropriation item 195426, Clean Ohio 78779  
Implementation, shall be used to fund the costs of administering 78780  
the Clean Ohio Revitalization program and other urban 78781  
revitalization programs that may be implemented by the ~~Department~~ 78782  
of Development Services Agency. 78783

CDBG OPERATING MATCH 78784

The foregoing appropriation item 195497, CDBG Operating 78785  
Match, shall be used as matching funds for grants from the United 78786  
States Department of Housing and Urban Development pursuant to the 78787  
Housing and Community Development Act of 1974 and regulations and 78788  
policy guidelines for the programs pursuant thereto. 78789

TECHNOLOGY PROGRAMS AND GRANTS 78790

The foregoing appropriation item 195532, Technology Programs 78791  
and Grants, shall be used for the same purposes as funding 78792  
previously appropriated for appropriation items 195401, Thomas 78793  
Edison Program, and 195422, Technology Action. Of the foregoing 78794  
appropriation item 195532, Technology Programs and Grants, up to 78795  
\$547,341 in fiscal year 2013 shall be used for operating expenses 78796  
incurred in administering the Ohio Third Frontier pursuant to 78797  
sections 184.10 to 184.20 of the Revised Code; and up to 78798  
\$13,000,000 in fiscal year 2013 shall be used for the Thomas 78799  
Edison Program pursuant to sections 122.28 to 122.38 of the 78800

Revised Code, of which not more than ten per cent shall be used 78801  
for operating expenses incurred in administering the program. 78802

BUSINESS ASSISTANCE 78803

The foregoing appropriation item 195533, Business Assistance, 78804  
shall be used as matching funds for grants from the United States 78805  
Small Business Administration and other federal agencies, pursuant 78806  
to Public Law No. 96-302 as amended by Public Law No. 98-395, and 78807  
regulations and policy guidelines for the programs pursuant 78808  
thereto. This appropriation item also may be used to provide 78809  
grants to local organizations to support economic development 78810  
activities that promote minority business development, small 78811  
business development, entrepreneurship, and exports of Ohio's 78812  
goods and services. 78813

APPALACHIA ASSISTANCE 78814

The foregoing appropriation item 195535, Appalachia 78815  
Assistance, may be used for the administrative costs of planning 78816  
and liaison activities for the Governor's Office of Appalachia, to 78817  
provide financial assistance to projects in Ohio's Appalachian 78818  
counties, to pay dues for the Appalachian Regional Commission, and 78819  
to match federal funds from the Appalachian Regional Commission. 78820

Of the foregoing appropriation item 195535, Appalachia 78821  
Assistance, up to \$440,000 in fiscal year 2013 shall be used to 78822  
support four local development districts. Of that amount, up to 78823  
\$135,000 shall be allocated to the Ohio Valley Regional 78824  
Development Commission, up to \$135,000 shall be allocated to the 78825  
Ohio Mid-Eastern Government Association, up to \$135,000 shall be 78826  
allocated to the Buckeye Hills-Hocking Valley Regional Development 78827  
District, and up to \$35,000 shall be allocated to the Eastgate 78828  
Regional Council of Governments. Local development districts 78829  
receiving funding under this section shall use the funds for the 78830  
implementation and administration of programs and duties under 78831

section 107.21 of the Revised Code. 78832

**Sec. 261.20.40. SUPPORTIVE DEVELOPMENT SERVICES OPERATIONS** 78833

The Director of Development Services may assess ~~divisions~~ 78834  
offices of the ~~department~~ agency for the cost of central service 78835  
operations. An assessment shall contain the characteristics of 78836  
administrative ease and uniform application. A division's payments 78837  
shall be credited to the Supportive Services Fund (Fund 1350) 78838  
using an intrastate transfer voucher. 78839

~~ECONOMIC DEVELOPMENT CONTINGENCY~~ 78840

~~The foregoing appropriation item 195677, Economic Development~~ 78841  
~~Contingency, may be used to award funds directly to either (1)~~ 78842  
~~business entities considering Ohio for expansion or new site~~ 78843  
~~location opportunities or (2) political subdivisions to assist~~ 78844  
~~with necessary costs involved in attracting a business entity. In~~ 78845  
~~addition, the Director of Development may award funds for~~ 78846  
~~alternative purposes when appropriate to satisfy an economic~~ 78847  
~~development opportunity or need deemed extraordinary in nature by~~ 78848  
~~the Director.~~ 78849

LEGACY PROJECTS 78850

The foregoing appropriation item 195633, Legacy Projects, 78851  
shall be used to support existing grant commitments to companies 78852  
incurred prior to fiscal year 2013. A portion of the appropriation 78853  
item may also be used to support administrative expenses and other 78854  
costs associated with these projects. 78855

~~DIRECT COST RECOVERY DEVELOPMENT SERVICES REIMBURSABLE~~ 78856  
~~EXPENDITURES~~ 78857

The foregoing appropriation item 195636, ~~Direct Cost Recovery~~ 78858  
Development Services Reimbursable Expenditures, shall be used for 78859  
reimbursable costs incurred by the agency. Revenues to the General 78860  
Reimbursement Fund (Fund 6850) shall consist of moneys charged for 78861

administrative costs that are not central service costs. 78862

**Sec. 261.20.50. HEAP WEATHERIZATION 78863**

Up to fifteen per cent of the federal funds deposited to the 78864  
credit of the Home Energy Assistance Block Grant Fund (Fund 3K90) 78865  
may be expended from appropriation item 195614, HEAP 78866  
Weatherization, to provide home weatherization services in the 78867  
state as determined by the Director of Development Services. Any 78868  
transfers or increases in appropriation for the foregoing 78869  
appropriation items 195614, HEAP Weatherization, or 195611, Home 78870  
Energy Assistance Block Grant, shall be subject to approval by the 78871  
Controlling Board. 78872

**Sec. 261.20.60. BUSINESS ASSISTANCE PROGRAMS 78873**

The foregoing appropriation item 195649, Business Assistance 78874  
Programs, shall be used for administrative expenses associated 78875  
with the operation of tax credit programs, loan servicing, the 78876  
Ohio Film Office, and the Office of Strategic Business 78877  
Investments, and for payments to the JobsOhio corporation 78878  
established in Chapter 187. of the Revised Code for services 78879  
provided for the administration of the 166 Direct Loan Program, 78880  
Ohio Enterprise Bond Fund, Research and Development Loan Program, 78881  
and Innovation Ohio Loan Program. 78882

**STATE SPECIAL PROJECTS 78883**

The State Special Projects Fund (Fund 4F20), may be used for 78884  
the deposit of private-sector funds from utility companies and for 78885  
the deposit of other miscellaneous state funds. State moneys so 78886  
deposited ~~shall~~ may also be used to match federal housing grants 78887  
for the homeless ~~and to market economic development opportunities~~ 78888  
~~in the state~~. Private-sector moneys shall be deposited for use in 78889  
appropriation item 195699, Utility ~~Provided Funds~~ Community 78890  
Assistance, and shall be used to (1) pay the expenses of verifying 78891

the income-eligibility of HEAP applicants, (2) leverage additional 78892  
federal funds, (3) fund special projects to assist ~~homeless~~ 78893  
~~individuals~~ income-eligible veterans and families with services 78894  
and energy assistance programs, (4) fund special projects to 78895  
assist with the energy efficiency of households eligible to 78896  
participate in the Percentage of Income Payment Plan, and (5) 78897  
assist with training programs for agencies that administer 78898  
low-income customer assistance programs. 78899

**Sec. 261.20.80. MINORITY BUSINESS ENTERPRISE LOAN** 78900

All repayments from the Minority Development Financing 78901  
Advisory Board Loan Program and the Ohio Mini-Loan Guarantee 78902  
Program shall be deposited in the State Treasury to the credit of 78903  
the Minority Business Enterprise Loan Fund (Fund 4W10). Operating 78904  
costs of administering the Minority Business Enterprise Loan Fund 78905  
may be paid from the Minority Business Enterprise Loan Fund (Fund 78906  
4W10). 78907

**MINORITY BUSINESS BONDING FUND** 78908

Notwithstanding Chapters 122., 169., and 175. of the Revised 78909  
Code, the Director of Development Services may, upon the 78910  
recommendation of the Minority Development Financing Advisory 78911  
Board, pledge up to \$10,000,000 in the fiscal year 2012-fiscal 78912  
year 2013 biennium of unclaimed funds administered by the Director 78913  
of Commerce and allocated to the Minority Business Bonding Program 78914  
under section 169.05 of the Revised Code. The transfer of any cash 78915  
by the Director of Budget and Management from the ~~Department of~~ 78916  
~~Commerce's~~ Unclaimed Funds Fund (Fund 5430) used by the Department 78917  
of Commerce to the ~~Department of Development's~~ Minority Business 78918  
Bonding Fund (Fund 4490) used by the Development Services Agency 78919  
shall occur, if requested by the Director of Development Services, 78920  
only if such funds are needed for payment of losses arising from 78921  
the Minority Business Bonding Program, and only after proceeds of 78922

the initial transfer of \$2,700,000 by the Controlling Board to the 78923  
Minority Business Bonding Program has been used for that purpose. 78924  
Moneys transferred by the Director of Budget and Management from 78925  
the Department of Commerce for this purpose may be moneys in 78926  
custodial funds held by the Treasurer of State. If expenditures 78927  
are required for payment of losses arising from the Minority 78928  
Business Bonding Program, such expenditures shall be made from 78929  
appropriation item 195623, Minority Business Bonding Contingency 78930  
in the Minority Business Bonding Fund, and such amounts are hereby 78931  
appropriated. 78932

**Sec. 261.20.90. ~~OHIO~~ INCUMBENT WORKFORCE TRAINING VOUCHERS** 78933

(A) On July 1, 2011, or as soon as possible thereafter, the 78934  
Director of Budget and Management shall transfer up to \$20,000,000 78935  
cash from the Economic Development Programs Fund (Fund 5JC0) used 78936  
by the Board of Regents to the Ohio Incumbent Workforce Job 78937  
Training Fund (Fund 5HR0) used by the ~~Department of~~ Development 78938  
Services Agency. 78939

On July 1, 2012, or as soon as possible thereafter, the 78940  
Director of Budget and Management shall transfer up to \$30,000,000 78941  
cash from the Economic Development Programs Fund (Fund 5JC0) used 78942  
by the Board of Regents to the Ohio Incumbent Workforce Job 78943  
Training Fund (Fund 5HR0) used by the ~~Department of~~ Development 78944  
Services Agency. 78945

(B) Of the foregoing appropriation item 195526, ~~Ohio~~ 78946  
Incumbent Workforce Job Training Vouchers, up to \$20,000,000 in 78947  
fiscal year 2012 and up to \$30,000,000 in fiscal year 2013 shall 78948  
be used to support the Ohio Incumbent Workforce Training Voucher 78949  
Program. The Director of Development Services and the Chief 78950  
Investment Officer of JobsOhio may enter into an agreement to 78951  
operate the program pursuant to the contract between the 78952  
~~Department of~~ Development Services Agency and JobsOhio under 78953



section 187.04 of the Revised Code. The agreement may include a 78954  
provision for granting, loaning, or transferring funds from 78955  
appropriation item 195526, ~~Ohio~~ Incumbent Workforce ~~Job~~ Training 78956  
Vouchers, to JobsOhio to provide training for incumbent workers. 78957

(C) Regardless of any agreement between the Director and the 78958  
Chief Investment Officer under division (B) of this section, the 78959  
Ohio Incumbent Workforce Training Voucher Program shall conform to 78960  
guidelines for the operation of the program, including, but not 78961  
limited to, the following: 78962

(1) A requirement that a training voucher under the program 78963  
shall not exceed \$6,000 per worker per year; 78964

(2) A provision for an employer of an eligible employee to 78965  
apply for a voucher on behalf of the eligible employee; 78966

(3) A provision for an eligible employee to apply directly 78967  
for a training voucher with the pre-approval of the employee's 78968  
employer; and 78969

(4) A requirement that an employee participating in the 78970  
program, or the employee's employer, shall pay for not less than 78971  
thirty-three per cent of the training costs under the program. 78972

DEFENSE DEVELOPMENT ASSISTANCE 78973

On July 1 of each fiscal year, or as soon as possible 78974  
thereafter, the Director of Budget and Management shall transfer 78975  
\$5,000,000 in cash from the Economic Development Projects Fund 78976  
(Fund 5JC0) used by the Board of Regents to the Ohio Incumbent 78977  
Workforce Job Training Fund (Fund 5HR0) used by the ~~Department of~~ 78978  
Development Services Agency. The transferred funds are hereby 78979  
appropriated in appropriation item 195622, Defense Development 78980  
Assistance. 78981

The foregoing appropriation item 195622, Defense Development 78982  
Assistance, shall be used for economic development programs and 78983

the creation of new jobs to leverage and support mission gains at 78984  
Department of Defense facilities in Ohio by working with future 78985  
base realignment and closure activities and ongoing Department of 78986  
Defense efficiency initiatives, assisting efforts to secure 78987  
Department of Defense support contracts for Ohio companies, 78988  
assessing and supporting regional job training and workforce 78989  
development needs generated by the Department of Defense and the 78990  
Ohio aerospace industry, and for expanding job training and 78991  
economic development programs in human performance related 78992  
initiatives. These funds shall be matched by private industry 78993  
partners or the Department of Defense in an aggregate amount of 78994  
\$6,000,000 over the FY 2012-FY 2013 biennium. 78995

WORKFORCE DEVELOPMENT PROGRAMS

78996

The foregoing appropriation item 195655, Workforce 78997  
Development Programs, may be used for the Ohio Workforce Guarantee 78998  
Program to promote training through grants to businesses and, in 78999  
the case of a business consortium, to the consortium for training 79000  
and education providers for the reimbursement of eligible training 79001  
expenses. Not more than ten per cent of appropriation item 195655, 79002  
Workforce Development Programs, shall be used for administrative 79003  
expenses related to the Ohio Workforce Guarantee Program. 79004

**Sec. 261.30.10. ADVANCED ENERGY ~~FUND~~ LOAN PROGRAMS**

79005

The foregoing appropriation item 195660, Advanced Energy Loan 79006  
Programs, shall be used to provide financial assistance to 79007  
customers for eligible advanced energy projects for residential, 79008  
commercial, and industrial business, local government, educational 79009  
institution, nonprofit, and agriculture customers, and to pay for 79010  
the program's administrative costs as provided in sections 4928.61 79011  
to 4928.63 of the Revised Code and rules adopted by the Director 79012  
of Development Services. 79013

On July 1 of each fiscal year, or as soon as possible

79014

thereafter, the Director of Budget and Management shall transfer 79015  
\$750,000 in cash from the Advanced Energy Fund (Fund 5M50) to the 79016  
Alternative Fuel Transportation Grant Fund (Fund 5CG0). 79017

VOLUME CAP ADMINISTRATION 79018

The foregoing appropriation item 195654, Volume Cap 79019  
Administration, shall be used for expenses related to the 79020  
administration of the Volume Cap Program. Revenues received by the 79021  
Volume Cap Administration Fund (Fund 6170) shall consist of 79022  
application fees, forfeited deposits, and interest earned from the 79023  
custodial account held by the Treasurer of State. 79024

**Sec. 261.30.20.** INNOVATION OHIO LOAN FUND 79025

The foregoing appropriation item 195664, Innovation Ohio, 79026  
shall be used to provide for innovation Ohio purposes, including 79027  
loan guarantees and loans under Chapter 166. and particularly 79028  
sections 166.12 to 166.16 of the Revised Code. 79029

RESEARCH AND DEVELOPMENT 79030

The foregoing appropriation item 195665, Research and 79031  
Development, shall be used to provide for research and development 79032  
purposes, including loans, under Chapter 166. and particularly 79033  
sections 166.17 to 166.21 of the Revised Code. 79034

LOGISTICS AND DISTRIBUTION INFRASTRUCTURE 79035

Appropriation item 195698, Logistics and Distribution 79036  
Infrastructure, shall be used for eligible logistics and 79037  
distribution infrastructure projects as defined in section 166.01 79038  
of the Revised Code. Any unexpended and unencumbered portion of 79039  
the appropriation item at the end of fiscal year 2011 is hereby 79040  
reappropriated for the same purpose in fiscal year 2012, and any 79041  
unexpended and unencumbered portion of the appropriation item at 79042  
the end of fiscal year 2012 is hereby reappropriated for the same 79043  
purpose in fiscal year 2013. 79044

After all encumbrances have been paid, the Director of Budget and Management shall transfer the remaining cash balance in the Logistics and Distribution Infrastructure Fund (Fund 7008) to the Facilities Establishment Fund (Fund 7037).

FACILITIES ESTABLISHMENT ~~FUND~~

The foregoing appropriation item 195615, Facilities Establishment (Fund 7037), shall be used for the purposes of the Facilities Establishment Fund under Chapter 166. of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, an amount not to exceed \$1,000,000 in cash in fiscal year 2012 may be transferred from the Facilities Establishment Fund (Fund 7037) to the ~~Economic Development Financing Operating~~ Business Assistance Fund (Fund 4510). The transfer is subject to Controlling Board approval under division (B) of section 166.03 of the Revised Code.

Notwithstanding Chapter 166. of the Revised Code, the Director of Budget and Management may transfer an amount not to exceed \$2,500,000 in cash in each fiscal year from the Facilities Establishment Fund (Fund 7037) to the Minority Business Enterprise Loan Fund (Fund 4W10).

On July 1, ~~2011~~ 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer the unexpended and unencumbered cash balance in the Urban Development Loans Fund (Fund 5D20) to the Facilities Establishment Fund (Fund 7037).

On July 1, ~~2011~~ 2012, or as soon as possible thereafter, the Director of Budget and Management shall transfer the unexpended and unencumbered cash balance in the Rural Industrial Park Loan Fund (Fund 4Z60) to the Facilities Establishment Fund (Fund 7037).

CAPITAL ACCESS LOAN PROGRAM

The foregoing appropriation item 195628, Capital Access Loan

Program, shall be used for operating, program, and administrative 79075  
expenses of the program. Funds of the Capital Access Loan Program 79076  
shall be used to assist participating financial institutions in 79077  
making program loans to eligible businesses that face barriers in 79078  
accessing working capital and obtaining fixed-asset financing. 79079

**Sec. 261.30.30. CLEAN OHIO OPERATING EXPENSES** 79080

The foregoing appropriation item 195663, Clean Ohio ~~Operating~~ 79081  
~~Program~~, shall be used by the ~~Department of~~ Development Services 79082  
Agency in administering Clean Ohio Revitalization Fund (Fund 7003) 79083  
projects pursuant to sections 122.65 to 122.658 of the Revised 79084  
Code. 79085

**Sec. 261.30.40. THIRD FRONTIER OPERATING** 79086

The foregoing appropriation items 195686, Third Frontier 79087  
Operating, and 195620, Third Frontier Operating - Tax, shall be 79088  
used for operating expenses incurred by the ~~Department of~~ 79089  
Development Services Agency in administering projects pursuant to 79090  
sections 184.10 to 184.20 of the Revised Code. Operating expenses 79091  
paid from item 195686 shall be limited to the administration of 79092  
projects funded from the Third Frontier Research & Development 79093  
Fund (Fund 7011) and operating expenses paid from item 195620 79094  
shall be limited to the administration of projects funded from the 79095  
Third Frontier Research & Development Taxable Bond Project Fund 79096  
(Fund 7014). 79097

**Sec. 261.30.60. JOB READY SITE ~~OPERATING~~ PROGRAM** 79098

The foregoing appropriation item 195688, Job Ready Site 79099  
~~Operating Program~~, shall be used for operating expenses incurred 79100  
by the ~~Department of~~ Development Services Agency in administering 79101  
Job Ready Site Development Fund (Fund 7012) projects pursuant to 79102  
sections 122.085 to 122.0820 of the Revised Code. Operating 79103

expenses include, but are not limited to, certain qualified 79104  
expenses of the District Public Works Integrating Committees, as 79105  
applicable, engineering review of submitted applications by the 79106  
State Architect or a third-party engineering firm, audit and 79107  
accountability activities, and costs associated with formal 79108  
certifications verifying that site infrastructure is in place and 79109  
is functional. 79110

**Sec. 261.30.70. OHIO COAL DEVELOPMENT OFFICE** 79111

On July 1, 2011, or as soon as possible thereafter, the 79112  
Director of Budget and Management shall transfer any unexpended 79113  
and unencumbered portion of appropriation item 898604, Coal 79114  
Research and Development Fund, used by the Ohio Air Quality 79115  
Development Authority, to a new capital appropriation item in the 79116  
~~Department of Development~~ Services Agency, to be determined by the 79117  
Director. The Director also shall cancel all outstanding 79118  
encumbrances against appropriation item 898604, Coal Research and 79119  
Development Fund, and reestablish them against the foregoing new 79120  
capital appropriation item. The amounts of the transfer and the 79121  
reestablished encumbrances, plus \$2,283,264, are hereby 79122  
appropriated for fiscal year 2012 in the foregoing new 79123  
appropriation item and shall be used to provide funding for coal 79124  
research and development purposes. 79125

**Sec. 261.30.80. THIRD FRONTIER BIOMEDICAL RESEARCH AND** 79126  
**COMMERCIALIZATION SUPPORT** 79127

The General Assembly and the Governor recognize the role that 79128  
the biomedical industry has in job creation, innovation, and 79129  
economic development throughout Ohio. It is the intent of the 79130  
General Assembly, the Governor, the Director of Development 79131  
Services, and the Director of Budget and Management to work 79132  
together in continuing to provide comprehensive state support for 79133

the biomedical industry. 79134

**Sec. 261.30.90. UNCLAIMED FUNDS TRANSFER** 79135

(A)(1) Notwithstanding division (A) of section 169.05 of the 79136  
Revised Code, upon the request of the Director of Budget and 79137  
Management, the Director of Commerce, before June 30, 2012, shall 79138  
transfer to the Job Development Initiatives Fund (Fund 5AD0) an 79139  
amount not to exceed \$25,000,000 in cash of the unclaimed funds 79140  
that have been reported by the holders of unclaimed funds under 79141  
section 169.05 of the Revised Code, regardless of the allocation 79142  
of the unclaimed funds described under that section. 79143

Notwithstanding division (A) of section 169.05 of the Revised 79144  
Code, upon the request of the Director of Budget and Management, 79145  
the Director of Commerce, before June 30, 2013, shall transfer to 79146  
the Job Development Initiatives Fund (Fund 5AD0) an amount not to 79147  
exceed ~~\$15,000,000~~ 18,600,000 in cash of the unclaimed funds that 79148  
have been reported by the holders of unclaimed funds under section 79149  
169.05 of the Revised Code, regardless of the allocation of the 79150  
unclaimed funds described under that section. 79151

~~(B)~~(2) Notwithstanding division (A) of section 169.05 of the 79152  
Revised Code, upon the request of the Director of Budget and 79153  
Management, the Director of Commerce, before June 30, 2012, shall 79154  
transfer to the State Special Projects Fund (Fund 4F20) an amount 79155  
not to exceed \$5,000,000 in cash of the unclaimed funds that have 79156  
been reported by the holders of unclaimed funds under section 79157  
169.05 of the Revised Code, regardless of the allocation of the 79158  
unclaimed funds described under that section. 79159

(B) ASSORTED TRANSFERS FOR RESTRUCTURING 79160

On July 1, 2012, or as soon as possible thereafter, the 79161  
Director of Budget and Management shall transfer the cash balance 79162  
in the Water and Sewer Fund (Fund 4440) to the General 79163

Reimbursement Fund (Fund 6850). 79164

On July 1, 2012, or as soon as possible thereafter, the 79165  
Director of Budget and Management shall transfer the cash balance 79166  
in the Water and Sewer Administration Fund (Fund 6110) to the 79167  
General Reimbursement Fund (Fund 6850). 79168

On July 1, 2012, or as soon as possible thereafter, the 79169  
Director of Budget and Management shall transfer the cash balance 79170  
in the Tax Incentive Programs Operating Fund (Fund 4S00) to the 79171  
Business Assistance Fund (Fund 4510). 79172

On July 1, 2012, or as soon as possible thereafter, the 79173  
Director of Budget and Management shall transfer the cash balance 79174  
in the Brownfield Stormwater Loan Fund (Fund 5KD0) to the New 79175  
Market Tax Credit Program Fund (Fund 5JR0). 79176

**Sec. 261.40.10. WORKFORCE DEVELOPMENT** 79177

The Director of Development Services and the Director of Job 79178  
and Family Services may enter into one or more interagency 79179  
agreements between the two departments and take other actions the 79180  
directors consider appropriate to further integrate workforce 79181  
development into a larger economic development strategy, to 79182  
implement the recommendations of the Workforce Policy Board, and 79183  
to complete activities related to the transition of the 79184  
administration of employment programs identified by the board. 79185  
Subject to the approval of the Director of Budget and Management, 79186  
the ~~Department of~~ Development Services Agency and the Department 79187  
of Job and Family Services may expend moneys to support the 79188  
recommendations of the Workforce Policy Board in the area of 79189  
integration of employment functions as described in this paragraph 79190  
and to complete implementation and transition activities from the 79191  
appropriations to those departments. 79192

**Sec. 263.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES** 79193



General Revenue Fund				79194
GRF	320321	Central	\$ 4,422,794 \$ 4,422,794	79195
Administration				
GRF	320412	Protective Services	\$ 2,174,826 \$ 1,957,343	79196
GRF	320415	Lease-Rental Payments	\$ 18,394,250 \$ <del>19,907,900</del>	79197
				<u>17,907,900</u>
GRF	322407	Medicaid State Match	\$ 218,034,162 \$ 214,902,506	79198
<u>GRF</u>	<u>322420</u>	<u>Screening and Early</u>	<u>\$ 0 \$ 300,000</u>	79199
<u>Intervention</u>				
GRF	322451	Family Support	\$ 5,932,758 \$ 5,932,758	79200
Services				
GRF	322501	County Boards	\$ 40,906,365 \$ 44,449,280	79201
Subsidies				
GRF	322503	Tax Equity	\$ 14,000,000 \$ 14,000,000	79202
TOTAL GRF	General Revenue Fund		\$ 303,865,155 \$ <del>305,572,581</del>	79203
				<u>303,872,581</u>
General Services Fund Group				79204
1520	323609	Developmental Center	\$ 3,414,317 \$ 3,414,317	79205
and Residential				
Operating Services				
TOTAL GSF	General Services Fund		\$ 3,414,317 \$ 3,414,317	79206
Group				
Federal Special Revenue Fund Group				79207
3A50	320613	DD Council	\$ 3,341,572 \$ 3,341,572	79208
3250	322612	Community Social	\$ 11,017,754 \$ 10,604,896	79209
Service Programs				
3DZ0	322648	Enhanced Medicaid -	\$ 10,000,000 \$ 0	79210
Federal				
3G60	322639	Medicaid Waiver -	\$ 866,566,007 \$ 985,566,007	79211
Federal				
3M70	322650	CAFS Medicaid	\$ 29,349,502 \$ <del>29,349,502</del>	79212
				<u>3,000,000</u>

3A40	323605	Developmental Center and Residential Facility Services and Support	\$ 180,266,029	\$ <del>179,384,881</del> <u>174,000,000</u>	79213
TOTAL FED	Federal Special Revenue		\$ 1,100,540,864	\$ <del>1,208,246,858</del> <u>1,176,512,475</u>	79214
Fund Group					
	State Special Revenue	Fund Group			79215
5GE0	320606	Operating and Services	\$ 7,406,609	\$ 7,407,297	79216
2210	322620	Supplement Service Trust	\$ 150,000	\$ 150,000	79217
4K80	322604	Medicaid Waiver - State Match	\$ 12,000,000	\$ 12,000,000	79218
5CT0	322632	Intensive Behavioral Needs	\$ 1,000,000	\$ 1,000,000	79219
5DJ0	322625	Targeted Case Management Match	\$ 21,000,000	\$ 24,000,000	79220
5DJ0	322626	Targeted Case Management Services	\$ 57,307,357	\$ 66,000,000	79221
5DK0	322629	Capital Replacement Facilities	\$ 750,000	\$ 750,000	79222
5EV0	322627	Program Fees	\$ 685,000	\$ 685,000	79223
5H00	322619	Medicaid Repayment	\$ 160,000	\$ 160,000	79224
5JX0	322651	Interagency Workgroup - Autism	\$ 45,000	\$ 45,000	79225
5Z10	322624	County Board Waiver Match	\$ 235,000,000	\$ 290,000,000	79226
4890	323632	Developmental Center Direct Care Support	\$ 16,497,170	\$ 16,497,169	79227
5S20	590622	Medicaid Administration & Oversight	\$ 20,875,567	\$ 21,727,540	79228
TOTAL SSR	State Special Revenue		\$ 372,876,703	\$ 440,422,006	79229

Fund Group

TOTAL ALL BUDGET FUND GROUPS                    \$ 1,780,697,039    \$ ~~1,957,655,762~~    79230  
1,924,221,379

**Sec. 263.10.30. ~~FAMILY~~ SCREENING AND EARLY INTERVENTION**                    79232

The foregoing appropriation item 322420, Screening and Early                    79233  
Intervention, shall be used for screening and early intervention                    79234  
programs for children with autism selected by the Director.                    79235

FAMILY SUPPORT SERVICES SUBSIDY                    79236

(A) The foregoing appropriation item 322451, Family Support                    79237  
Services, may be used as follows in fiscal year 2012 and fiscal                    79238  
year 2013:                    79239

(1) The appropriation item may be used to provide a subsidy                    79240  
to county boards of developmental disabilities for family support                    79241  
services provided under section 5126.11 of the Revised Code. The                    79242  
subsidy shall be paid in quarterly installments and allocated to                    79243  
county boards according to a formula the Director of Developmental                    79244  
Disabilities shall develop in consultation with representatives of                    79245  
county boards. A county board shall use not more than seven per                    79246  
cent of its subsidy for administrative costs.                    79247

(2) The appropriation item may be used to distribute funds to                    79248  
county boards for the purpose of addressing economic hardships and                    79249  
to promote efficiency of operations. In consultation with                    79250  
representatives of county boards, the Director shall determine the                    79251  
amount of funds to distribute for these purposes and the criteria                    79252  
for distributing the funds.                    79253

(B) Each county board shall submit reports to the Department                    79254  
of Developmental Disabilities on the use of funds received under                    79255  
this section. The reports shall be submitted at the times and in                    79256  
the manner specified in rules the Director shall adopt in                    79257  
accordance with Chapter 119. of the Revised Code.                    79258

**Sec. 263.10.90. TARGETED CASE MANAGEMENT SERVICES** 79259

County boards of developmental disabilities shall pay the 79260  
nonfederal portion of targeted case management costs to the 79261  
Department of Developmental Disabilities. 79262

The Directors of Developmental Disabilities and Job and 79263  
Family Services may enter into an interagency agreement under 79264  
which the Department of Developmental Disabilities shall transfer 79265  
cash from the Targeted Case Management Fund (Fund 5DJ0) to the 79266  
~~Medicaid Program Support~~ State Health Care/Medicaid Support and 79267  
Recoveries Fund (Fund ~~5C90~~ 5DL0) used by the Department of Job and 79268  
Family Services in an amount equal to the nonfederal portion of 79269  
the cost of targeted case management services paid by county 79270  
boards, and the Department of Job and Family Services shall pay 79271  
the total cost of targeted case management claims. The transfer 79272  
shall be made using an intrastate transfer voucher. 79273

**Sec. 263.20.40. TRANSFER OF FUNDS FOR DEVELOPMENTAL CENTER** 79274  
**PHARMACY PROGRAMS** 79275

The Director of Developmental Disabilities shall quarterly 79276  
transfer cash from the Medicaid - Medicare Fund (Fund 3A40) to the 79277  
~~Medicaid Program Support~~ State Health Care/Medicaid Support and 79278  
Recoveries Fund (Fund ~~5C90~~ 5DL0) used by the Department of Job and 79279  
Family Services, in an amount equal to the nonfederal share of 79280  
Medicaid prescription drug claim costs for all developmental 79281  
centers paid by the Department of Job and Family Services. The 79282  
quarterly transfer shall be made using an intrastate transfer 79283  
voucher. 79284

**Sec. 263.20.70. RATE INCREASE FOR WAIVER PROVIDERS SERVING** 79285  
**FORMER RESIDENTS OF DEVELOPMENTAL CENTERS OR RESIDENTS OF** 79286  
**CONVERTED FACILITIES** 79287

~~Subject~~ (A) As used in this section, "converted facility" 79288  
means an intermediate care facility for the mentally retarded as 79289  
defined in section 5111.20 of the Revised Code, or former 79290  
intermediate care facility for the mentally retarded, that 79291  
converted some or all of its beds to providing home and 79292  
community-based services under the Individual Options Waiver 79293  
pursuant to section 5111.874 of the Revised Code. 79294

(B) Subject to approval by the Centers for Medicare and 79295  
 Medicaid Services, the Department of Job and Family Services shall 79296  
 increase the rate paid to a provider under the Individual Options 79297  
 Waiver by fifty-two cents for each fifteen minutes of routine 79298  
 homemaker/personal care provided to an individual for up to a year 79299  
 if all of the following apply: 79300

~~(A)~~(1) The individual was a resident of a developmental 79301  
 center or converted facility immediately prior to enrollment in 79302  
 the waiver; 79303

~~(B)~~(2) The provider begins serving the individual on or after 79304  
 July 1, 2011; 79305

~~(C)~~(3) The Director of Developmental Disabilities determines 79306  
 that the increased rate is warranted by the individual's special 79307  
 circumstances, including the individual's diagnosis, service 79308  
 needs, or length of stay at the developmental center or converted 79309  
facility, and that serving the individual through the Individual 79310  
 Options Waiver is fiscally prudent for the Medicaid program. 79311

**Sec. 267.10. EDU DEPARTMENT OF EDUCATION** 79312

General Revenue Fund 79313

GRF 200100	Personal Services	\$	8,579,178	\$	<del>8,579,178</del>	0	79314
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GRF 200320	Maintenance and	\$	2,830,407	\$	<del>2,830,407</del>	0	79315
	Equipment						

GRF 200321	Operating Expenses	\$	0	\$	<u>13,142,780</u>		79316
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GRF 200408	Early Childhood Education	\$	23,268,341	\$	23,268,341	79317
GRF 200416	Career-Technical Education Match	\$	2,233,195	\$	<del>2,233,195</del> 0	79318
GRF 200420	<del>Computer/Application/ Network</del> <u>Information</u> <u>Technology</u> Development <u>and Support</u>	\$	4,241,296	\$	4,241,296	79319
GRF 200421	Alternative Education Programs	\$	7,403,998	\$	7,403,998	79320
GRF 200422	School Management Assistance	\$	2,842,812	\$	3,000,000	79321
GRF 200424	Policy Analysis	\$	328,558	\$	328,558	79322
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	79323
GRF 200426	Ohio Educational Computer Network	\$	17,974,489	\$	17,974,489	79324
GRF 200427	Academic Standards	\$	4,346,060	\$	3,700,000	79325
GRF 200437	Student Assessment	\$	55,002,167	\$	55,002,167	79326
GRF 200439	Accountability/Report Cards	\$	3,579,279	\$	3,579,279	79327
GRF 200442	Child Care Licensing	\$	827,140	\$	827,140	79328
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	79329
GRF 200447	GED Testing	\$	879,551	\$	879,551	79330
GRF 200448	Educator Preparation	\$	786,737	\$	786,737	79331
GRF 200455	Community Schools and Choice Programs	\$	2,200,000	\$	2,200,000	79332
GRF 200502	Pupil Transportation	\$	438,248,936	\$	442,113,527	79333
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	79334
GRF 200511	Auxiliary Services	\$	124,194,099	\$	126,194,099	79335
GRF 200532	Nonpublic Administrative Cost	\$	56,164,384	\$	57,006,850	79336

		Reimbursement				
GRF 200540	Special Education	\$	135,820,668	\$	135,820,668	79337
	Enhancements					
GRF 200545	Career-Technical	\$	8,802,699	\$	8,802,699	79338
	Education Enhancements					
GRF 200550	Foundation Funding	\$	5,536,347,861	\$	<del>5,610,290,686</del>	79339
					<u>5,612,562,311</u>	
GRF 200901	Property Tax	\$	1,086,500,000	\$	1,095,000,000	79340
	Allocation - Education					
TOTAL GRF General Revenue Fund		\$	7,539,595,467	\$	<del>7,628,256,477</del>	79341
					<u>7,630,028,102</u>	
General Services Fund Group						79342
1380 200606	<del>Computer</del>	\$	7,600,090	\$	<del>7,600,090</del>	79343
	<del>Services-Operational</del>				<u>6,100,090</u>	
	<del>Information</del>					
	<del>Technology</del>					
	<del>Development and</del>					
	Support					
4520 200638	Miscellaneous	\$	300,000	\$	300,000	79344
	<del>Educational Services</del>					
	<del>Fees and Refunds</del>					
4L20 200681	Teacher Certification	\$	8,147,756	\$	8,147,756	79345
	and Licensure					
5960 200656	Ohio Career	\$	529,761	\$	529,761	79346
	Information System					
5H30 200687	School District	\$	25,000,000	\$	25,000,000	79347
	Solvency Assistance					
TOTAL GSF General Services						79348
Fund Group		\$	41,577,607	\$	<del>41,577,607</del>	79349
					<u>40,077,607</u>	
Federal Special Revenue Fund Group						79350
3090 200601	Neglected and	\$	2,168,642	\$	2,168,642	79351

		Delinquent Education					
3670	200607	School Food Services	\$	6,803,472	\$	6,959,906	79352
3690	200616	Career-Technical	\$	5,000,000	\$	5,000,000	79353
		Education Federal					
		Enhancement					
3700	200624	Education of	\$	1,905,000	\$	0	79354
		Exceptional Children					
3780	200660	Learn and Serve	\$	619,211	\$	619,211	79355
3AF0	200603	Schools Medicaid	\$	639,000	\$	639,000	79356
		Administrative Claims					
3AN0	200671	School Improvement	\$	20,400,000	\$	20,400,000	79357
		Grants					
3AX0	200698	Improving Health and	\$	630,954	\$	630,954	79358
		Educational Outcomes					
		of Young People					
3BK0	200628	Longitudinal Data	\$	500,000	\$	250,000	79359
		Systems					
3C50	200661	Early Childhood	\$	14,554,749	\$	14,554,749	79360
		Education					
3CG0	200646	Teacher Incentive	\$	1,925,881	\$	0	79361
		Fund					
3D10	200664	Drug Free Schools	\$	1,500,000	\$	0	79362
3D20	200667	Math Science	\$	9,500,001	\$	9,500,001	79363
		Partnerships					
3DG0	200630	Federal Stimulus -	\$	330,512	\$	0	79364
		McKinney Vento Grants					
3DJ0	200699	IDEA Part B - Federal	\$	21,886,803	\$	0	79365
		Stimulus					
3DK0	200642	Title 1A - Federal	\$	18,633,673	\$	0	79366
		Stimulus					
3DL0	200650	IDEA Preschool -	\$	670,000	\$	0	79367
		Federal Stimulus					
3DM0	200651	Title IID Technology	\$	1,195,100	\$	0	79368



		- Federal Stimulus				
3DP0	200652	Title I School Improvement - Federal Stimulus	\$	48,500,000	\$	30,000,000 79369
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	7,500,000	\$	7,500,000 79370
3EH0	200620	Migrant Education	\$	2,645,905	\$	2,645,905 79371
3EJ0	200622	Homeless Children Education	\$	1,759,782	\$	1,759,782 79372
3EN0	200655	State Data Systems - Federal Stimulus	\$	2,500,000	\$	2,500,000 79373
3ES0	200657	General Supervisory Enhancement Grant	\$	500,000	\$	500,000 79374
3ET0	200658	Education Jobs Fund	\$	300,000,000	\$	50,000,000 79375
3FD0	200665	Race to the Top	\$	100,000,000	\$	100,000,000 79376
3FE0	200669	Striving Readers	\$	180,000	\$	100,000 79377
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000 79378
3L60	200617	Federal School Lunch	\$	327,516,539	\$	337,323,792 79379
3L70	200618	Federal School Breakfast	\$	87,596,850	\$	90,224,756 79380
3L80	200619	Child/Adult Food Programs	\$	100,850,833	\$	103,876,359 79381
3L90	200621	Career-Technical Education Basic Grant	\$	48,466,864	\$	48,466,864 79382
3M00	200623	ESEA Title 1A	\$	530,010,000	\$	530,010,000 79383
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050 79384
3S20	200641	Education Technology	\$	9,487,397	\$	9,487,397 79385
3T40	200613	Public Charter Schools	\$	14,291,353	\$	14,291,353 79386
3Y20	200688	21st Century	\$	43,720,462	\$	45,906,485 79387

		Community Learning Centers				
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000 79388
3Y70	200689	English Language Acquisition	\$	8,373,995	\$	8,373,995 79389
3Y80	200639	Rural and Low Income Technical Assistance	\$	1,500,000	\$	1,500,000 79390
3Z20	200690	State Assessments	\$	11,882,258	\$	11,882,258 79391
3Z30	200645	Consolidated Federal Grant Administration	\$	8,949,280	\$	<del>8,949,280</del> 79392
						<u>7,949,280</u>
TOTAL FED Federal Special						79393
Revenue Fund Group			\$	2,310,389,566	\$	<del>2,011,315,739</del> 79394
						<u>2,010,315,739</u>
State Special Revenue Fund Group						79395
4540	200610	<del>Guidance and</del> <u>GED</u> Testing	\$	1,050,000	\$	1,050,000 79396
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 79397
4R70	200695	Indirect Operational Support	\$	6,500,000	\$	6,600,000 79398
4V70	200633	Interagency <del>Operational Program</del> Support	\$	1,117,725	\$	<del>1,117,725</del> 79399
						<u>717,725</u>
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910 79400
5BB0	200696	State Action for Education Leadership	\$	231,300	\$	0 79401
5BJ0	200626	Half-Mill Maintenance Equalization	\$	17,300,000	\$	18,000,000 79402
5U20	200685	National Education Statistics	\$	300,000	\$	300,000 79403
6200	200615	Educational Improvement Grants	\$	3,000,000	\$	3,000,000 79404

TOTAL SSR State Special Revenue				79405
Fund Group	\$	54,827,935	\$	<del>55,396,635</del>
				79406
				<u>54,996,635</u>
Lottery Profits Education Fund Group				79407
7017 200612 Foundation Funding	\$	717,500,000	\$	680,500,000
				79408
TOTAL LPE Lottery Profits				79409
Education Fund Group	\$	717,500,000	\$	680,500,000
				79410
Revenue Distribution Fund Group				79411
7047 200909 School District	\$	722,000,000	\$	475,000,000
				79412
Property Tax				
Replacement-Business				
7053 200900 School District	\$	34,000,000	\$	30,000,000
				79413
Property Tax				
Replacement-Utility				
TOTAL RDF Revenue Distribution				79414
Fund Group	\$	756,000,000	\$	505,000,000
				79415
TOTAL ALL BUDGET FUND GROUPS	\$11,419,890,575		\$ <del>10,922,046,458</del>	79416
				<u>10,920,918,083</u>

**Sec. 267.10.10. OPERATING EXPENSES** 79418

The foregoing appropriation item 200321, Operating Expenses, 79419  
shall be used to support the same activities as are supported 79420  
prior to July 1, 2012, by appropriation items 200100, Personal 79421  
Services, and 200320, Maintenance and Equipment. A portion of this 79422  
appropriation item also shall be used by the Department of 79423  
Education to provide matching funds under 20 U.S.C. 2321, which 79424  
are provided by appropriation item 200416, Career-Technical 79425  
Education Match, prior to July 1, 2012. 79426

On July 1, 2012, or as soon as possible thereafter, the 79427  
Director of Budget and Management shall cancel any existing 79428  
encumbrances against appropriation items 200100, Personal 79429  
Services, 200320, Maintenance and Equipment, and 200416, 79430

Career-Technical Education Match, and reestablish them against 79431  
appropriation item 200321, Operating Expenses. The reestablished 79432  
encumbrance amounts are hereby appropriated. 79433

EARLY CHILDHOOD EDUCATION 79434

The Department of Education shall distribute the foregoing 79435  
appropriation item 200408, Early Childhood Education, to pay the 79436  
costs of early childhood education programs. 79437

(A) As used in this section: 79438

(1) "Provider" means a city, local, exempted village, or 79439  
joint vocational school district, or an educational service 79440  
center. 79441

(2) In the case of a city, local, or exempted village school 79442  
district, "new eligible provider" means a district that did not 79443  
receive state funding for Early Childhood Education in the 79444  
previous fiscal year or demonstrates a need for early childhood 79445  
programs as defined in division (D) of this section. 79446

(3) "Eligible child" means a child who is at least three 79447  
years of age as of the district entry date for kindergarten, is 79448  
not of the age to be eligible for kindergarten, and whose family 79449  
earns not more than two hundred per cent of the federal poverty 79450  
guidelines as defined in division (A)(3) of section 5101.46 of the 79451  
Revised Code. Children with an Individualized Education Program 79452  
and where the Early Childhood Education program is the least 79453  
restrictive environment may be enrolled on their third birthday. 79454

(B) In each fiscal year, up to two per cent of the total 79455  
appropriation may be used by the Department for program support 79456  
and technical assistance. The Department shall distribute the 79457  
remainder of the appropriation in each fiscal year to serve 79458  
eligible children. 79459

(C) The Department shall provide an annual report to the 79460

Governor, the Speaker of the House of Representatives, and the 79461  
President of the Senate and post the report to the Department's 79462  
web site, regarding early childhood education programs operated 79463  
under this section and the early learning program guidelines. 79464

(D) After setting aside the amounts to make payments due from 79465  
the previous fiscal year, in fiscal year 2012, the Department 79466  
shall distribute funds first to recipients of funds for early 79467  
childhood education programs under Section 265.10.20 of Am. Sub. 79468  
H.B. 1 of the 128th General Assembly in the previous fiscal year 79469  
and the balance to new eligible providers of early childhood 79470  
education programs under this section or to existing providers to 79471  
serve more eligible children or for purposes of program expansion, 79472  
improvement, or special projects to promote quality and 79473  
innovation. 79474

After setting aside the amounts to make payments due from the 79475  
previous fiscal year, in fiscal year 2013, the Department shall 79476  
distribute funds first to providers of early childhood education 79477  
programs under this section in the previous fiscal year and the 79478  
balance to new eligible providers or to existing providers to 79479  
serve more eligible children or for purposes of program expansion, 79480  
improvement, or special projects to promote quality and 79481  
innovation. 79482

Awards under this section shall be distributed on a per-pupil 79483  
basis, and in accordance with division (H) of this section. The 79484  
Department may adjust the per-pupil amount so that the per-pupil 79485  
amount multiplied by the number of eligible children enrolled and 79486  
receiving services on the first day of December or the business 79487  
day closest to that date equals the amount allocated under this 79488  
section. 79489

(E) Costs for developing and administering an early childhood 79490  
education program may not exceed fifteen per cent of the total 79491  
approved costs of the program. 79492

All providers shall maintain such fiscal control and 79493  
accounting procedures as may be necessary to ensure the 79494  
disbursement of, and accounting for, these funds. The control of 79495  
funds provided in this program, and title to property obtained, 79496  
shall be under the authority of the approved provider for purposes 79497  
provided in the program unless, as described in division (J) of 79498  
this section, the program waives its right for funding or a 79499  
program's funding is eliminated or reduced due to its inability to 79500  
meet financial or early learning program guidelines. The approved 79501  
provider shall administer and use such property and funds for the 79502  
purposes specified. 79503

(F) The Department may examine a provider's financial and 79504  
program records. If the financial practices of the program are not 79505  
in accordance with standard accounting principles or do not meet 79506  
financial standards outlined under division (E) of this section, 79507  
or if the program fails to substantially meet the early learning 79508  
program guidelines, meet a quality rating level in the tiered 79509  
quality rating and improvement system developed under section 79510  
5104.30 of the Revised Code as prescribed by the Department, or 79511  
exhibits below average performance as measured against the 79512  
guidelines, the early childhood education program shall propose 79513  
and implement a corrective action plan that has been approved by 79514  
the Department. The approved corrective action plan shall be 79515  
signed by the chief executive officer and the executive of the 79516  
official governing body of the provider. The corrective action 79517  
plan shall include a schedule for monitoring by the Department. 79518  
Such monitoring may include monthly reports, inspections, a 79519  
timeline for correction of deficiencies, and technical assistance 79520  
to be provided by the Department or obtained by the early 79521  
childhood education program. The Department may withhold funding 79522  
pending corrective action. If an early childhood education program 79523  
fails to satisfactorily complete a corrective action plan, the 79524  
Department may deny expansion funding to the program or withdraw 79525

all or part of the funding to the program and establish a new 79526  
eligible provider through a selection process established by the 79527  
Department. 79528

(G) Each early childhood education program shall do all of 79529  
the following: 79530

(1) Meet teacher qualification requirements prescribed by 79531  
section 3301.311 of the Revised Code; 79532

(2) Align curriculum to the early learning content standards 79533  
developed by the Department; 79534

(3) Meet any child or program assessment requirements 79535  
prescribed by the Department; 79536

(4) Require teachers, except teachers enrolled and working to 79537  
obtain a degree pursuant to section 3301.311 of the Revised Code, 79538  
to attend a minimum of twenty hours every two years of 79539  
professional development as prescribed by the Department; 79540

(5) Document and report child progress as prescribed by the 79541  
Department; 79542

(6) Meet and report compliance with the early learning 79543  
program guidelines as prescribed by the Department; 79544

(7) Participate in the tiered quality rating and improvement 79545  
system developed under section 5104.30 of the Revised Code. 79546  
Effective July 1, 2016, all programs shall be rated through the 79547  
system. 79548

(H) Per-pupil funding for programs subject to this section 79549  
shall be sufficient to provide eligible children with services for 79550  
a standard early childhood schedule which shall be defined in this 79551  
section as a minimum of twelve and one-half hours per school week 79552  
as defined in section 3313.62 of the Revised Code for the minimum 79553  
school year as defined in sections 3313.48, 3313.481, and 3313.482 79554  
of the Revised Code. Nothing in this section shall be construed to 79555

prohibit program providers from utilizing other funds to serve 79556  
eligible children in programs that exceed the twelve and one-half 79557  
hours per week or that exceed the minimum school year. For any 79558  
provider for which a standard early childhood education schedule 79559  
creates a hardship or for which the provider shows evidence that 79560  
the provider is working in collaboration with a preschool special 79561  
education program, the provider may submit a waiver to the 79562  
Department requesting an alternate schedule. If the Department 79563  
approves a waiver for an alternate schedule that provides services 79564  
for less time than the standard early childhood education 79565  
schedule, the Department may reduce the provider's annual 79566  
allocation proportionately. Under no circumstances shall an annual 79567  
allocation be increased because of the approval of an alternate 79568  
schedule. 79569

(I) Each provider shall develop a sliding fee scale based on 79570  
family incomes and shall charge families who earn more than two 79571  
hundred per cent of the federal poverty guidelines, as defined in 79572  
division (A)(3) of section 5101.46 of the Revised Code, for the 79573  
early childhood education program. 79574

The Department shall conduct an annual survey of each 79575  
provider to determine whether the provider charges families 79576  
tuition or fees, the amount families are charged relative to 79577  
family income levels, and the number of families and students 79578  
charged tuition and fees for the early childhood program. 79579

(J) If an early childhood education program voluntarily 79580  
waives its right for funding, or has its funding eliminated for 79581  
not meeting financial standards or the early learning program 79582  
guidelines, the provider shall transfer control of title to 79583  
property, equipment, and remaining supplies obtained through the 79584  
program to providers designated by the Department and return any 79585  
unexpended funds to the Department along with any reports 79586  
prescribed by the Department. The funding made available from a 79587



program that waives its right for funding or has its funding 79588  
eliminated or reduced may be used by the Department for new grant 79589  
awards or expansion grants. The Department may award new grants or 79590  
expansion grants to eligible providers who apply. The eligible 79591  
providers who apply must do so in accordance with the selection 79592  
process established by the Department. 79593

(K) As used in this section, "early learning program 79594  
guidelines" means the guidelines established by the Department 79595  
pursuant to division (C)(3) of Section 206.09.54 of Am. Sub. H.B. 79596  
66 of the 126th General Assembly. 79597

(L) Eligible expenditures for the Early Childhood Education 79598  
program shall be claimed each fiscal year to help meet the state's 79599  
TANF maintenance of effort requirement. The Superintendent of 79600  
Public Instruction and the Director of Job and Family Services 79601  
shall enter into an interagency agreement to carry out the 79602  
requirements under this division, which shall include developing 79603  
reporting guidelines for these expenditures. 79604

**Sec. 267.10.20. CAREER-TECHNICAL EDUCATION MATCH** 79605

~~The~~ For fiscal year 2012, the foregoing appropriation item 79606  
200416, Career-Technical Education Match, shall be used by the 79607  
Department of Education to provide ~~vocational administration~~ 79608  
matching funds under 20 U.S.C. ~~2311~~ 2321. 79609

~~The Director of Budget and Management shall transfer any~~ 79610  
~~remaining appropriation from appropriation item 200416,~~ 79611  
~~Career-Technical Education Match, to appropriation item 200426,~~ 79612  
~~Ohio Educational Computer Network, to support the Ohio Educational~~ 79613  
~~Computer Network.~~ 79614

COMPUTER/APPLICATION/NETWORK INFORMATION TECHNOLOGY 79615  
DEVELOPMENT AND SUPPORT 79616

The foregoing appropriation item 200420, 79617

~~Computer/Application/Network~~ Information Technology Development 79618  
and Support, shall be used to support the development and 79619  
implementation of information technology solutions designed to 79620  
improve the performance and services of the Department of 79621  
Education. Funds may be used for personnel, maintenance, and 79622  
equipment costs related to the development and implementation of 79623  
these technical system projects. Implementation of these systems 79624  
shall allow the Department to provide greater levels of assistance 79625  
to school districts and to provide more timely information to the 79626  
public, including school districts, administrators, and 79627  
legislators. Funds may also be used to support data-driven 79628  
decision-making and differentiated instruction, as well as to 79629  
communicate academic content standards and curriculum models to 79630  
schools through web-based applications. 79631

**Sec. 267.10.40. SCHOOL MANAGEMENT ASSISTANCE** 79632

Of the foregoing appropriation item 200422, School Management 79633  
Assistance, \$1,000,000 in each fiscal year ~~2012 and \$1,300,000 in~~ 79634  
~~fiscal year 2013~~ shall be used by the Auditor of State in 79635  
consultation with the Department of Education for expenses 79636  
incurred in the Auditor of State's role relating to fiscal 79637  
caution, fiscal watch, and fiscal emergency activities as defined 79638  
in Chapter 3316. of the Revised Code and may also be used by the 79639  
Auditor of State to conduct performance audits of other school 79640  
districts with priority given to districts in fiscal distress. 79641  
Districts in fiscal distress shall be determined by the Auditor of 79642  
State and shall include districts that the Auditor of State, in 79643  
consultation with the Department of Education, determines are 79644  
employing fiscal practices or experiencing budgetary conditions 79645  
that could produce a state of fiscal watch or fiscal emergency. 79646

The remainder of appropriation item 200422, School Management 79647  
Assistance, shall be used by the Department of Education to 79648

provide fiscal technical assistance and inservice education for 79649  
school district management personnel and to administer, monitor, 79650  
and implement the fiscal caution, fiscal watch, and fiscal 79651  
emergency provisions under Chapter 3316. of the Revised Code. 79652

COMMUNITY SCHOOL AND CHOICE PROGRAMS 79653

An amount equal to the unexpended, unencumbered balances of 79654  
the GRF appropriations for the Department of Education at the end 79655  
of fiscal year 2012, but not to exceed \$600,000, is hereby 79656  
reappropriated to appropriation item 200455, Community Schools and 79657  
Choice Programs, for fiscal year 2013 for the Department of 79658  
Education to provide STEM schools with matching funds for industry 79659  
workforce development initiatives. 79660

If the unexpended, unencumbered balances reappropriated above 79661  
are less than \$600,000, the Superintendent of Public Instruction 79662  
shall identify outstanding GRF encumbrances of the Department for 79663  
fiscal year 2012 and prior fiscal years that are no longer needed 79664  
to support the obligations of the Department. On July 1, 2012, or 79665  
as soon as possible thereafter, the Superintendent shall certify 79666  
the identified encumbrances to the Director of Budget and 79667  
Management. Upon receipt of the certification, the Director of 79668  
Budget and Management shall cancel identified encumbrances in an 79669  
amount up to the difference between \$600,000 and the amount 79670  
reappropriated above. The amount of canceled encumbrances is 79671  
hereby appropriated to appropriation item 200455, Community 79672  
Schools and Choice Programs, for fiscal year 2013 for the 79673  
Department of Education to provide STEM schools with matching 79674  
funds for industry workforce development initiatives. 79675

**Sec. 267.30.20. SPECIAL EDUCATION ENHANCEMENTS** 79676

Of the foregoing appropriation item 200540, Special Education 79677  
Enhancements, up to \$2,206,875 in each fiscal year shall be used 79678  
for home instruction for children with disabilities. 79679

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$45,282,959 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. Notwithstanding the distribution formulas under sections 3317.20 and 3317.201 of the Revised Code, funding for DD boards and institutions for fiscal year 2012 and fiscal year 2013 shall be determined by providing the per pupil amount received by each DD board and institution for the prior fiscal year for each student served in the current fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,333,468 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$2,537,824 in each fiscal year may be used for school psychology interns.

The remainder of appropriation item 200540, Special Education Enhancements, shall be distributed by the Department of Education to county boards of developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units under section 3317.052 of the Revised Code. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers.

The Department may reimburse county DD boards, educational service centers, and school districts for services provided by instructional assistants, related services as defined in rule 3301-51-11 of the Administrative Code, physical therapy services provided by a licensed physical therapist or physical therapist assistant under the supervision of a licensed physical therapist

as required under Chapter 4755. of the Revised Code and Chapter 79712  
4755-27 of the Administrative Code and occupational therapy 79713  
services provided by a licensed occupational therapist or 79714  
occupational therapy assistant under the supervision of a licensed 79715  
occupational therapist as required under Chapter 4755. of the 79716  
Revised Code and Chapter 4755-7 of the Administrative Code. 79717  
Nothing in this section authorizes occupational therapy assistants 79718  
or physical therapist assistants to generate or manage their own 79719  
caseloads. 79720

The Department of Education shall require school districts, 79721  
educational service centers, and county DD boards serving 79722  
preschool children with disabilities to adhere to Ohio's Early 79723  
Learning Program Guidelines, participate in the tiered quality 79724  
rating and improvement system developed under section 5104.30 of 79725  
the Revised Code, and document child progress using research-based 79726  
indicators prescribed by the Department and report results 79727  
annually. The reporting dates and method shall be determined by 79728  
the Department. Effective July 1, 2018, all programs shall be 79729  
rated through the tiered quality rating and improvement system. 79730

**Sec. 267.30.40. FOUNDATION FUNDING** 79731

Of the foregoing appropriation item 200550, Foundation 79732  
Funding, up to \$675,000 in each fiscal year shall be used to 79733  
support the work of the College of Education and Human Ecology at 79734  
the Ohio State University in reviewing and assessing the alignment 79735  
of courses offered through the distance learning clearinghouse 79736  
established in sections 3333.81 to 3333.88 of the Revised Code 79737  
with the academic content standards adopted under division (A) of 79738  
section 3301.079 of the Revised Code. 79739

Of the foregoing appropriation item 200550, Foundation 79740  
Funding, up to \$250,000 in each fiscal year may be used by the 79741  
Department to fund a shared services pilot project involving at 79742

least two educational service centers. The pilot project shall 79743  
focus on the design, implementation, and evaluation of a shared 79744  
service delivery model. The educational service centers 79745  
participating in the pilot project shall submit a report not later 79746  
than September 1, 2013, to the Governor, members of the General 79747  
Assembly, and members of the State Board of Education, reviewing 79748  
the opportunities and challenges of implementing shared services 79749  
initiatives as well as any real or projected cost efficiencies 79750  
achieved through the pilot project. 79751

Of the foregoing appropriation item 200550, Foundation 79752  
Funding, up to \$50,000 shall be expended in each fiscal year for 79753  
court payments under section 2151.362 of the Revised Code. 79754

Of the foregoing appropriation item 200550, Foundation 79755  
Funding, up to \$8,100,000 in each fiscal year shall be used to 79756  
fund gifted education at educational service centers. 79757  
Notwithstanding division (D)(5) of section 3317.018 of the Revised 79758  
Code, the Department shall distribute the funding through the 79759  
unit-based funding methodology in place under division (L) of 79760  
section 3317.024, division (E) of section 3317.05, and divisions 79761  
(A), (B), and (C) of section 3317.053 of the Revised Code as they 79762  
existed prior to fiscal year 2010. 79763

Of the foregoing appropriation item 200550, Foundation 79764  
Funding, up to \$10,000,000 in each fiscal year shall be used to 79765  
provide additional state aid to school districts, joint vocational 79766  
school districts, and community schools for special education 79767  
students under division (C)(3) of section 3317.022 of the Revised 79768  
Code, except that the Controlling Board may increase these amounts 79769  
if presented with such a request from the Department of Education 79770  
at the final meeting of the fiscal year; and up to \$2,000,000 in 79771  
each fiscal year shall be reserved for Youth Services tuition 79772  
payments under section 3317.024 of the Revised Code. 79773

Of the foregoing appropriation item 200550, Foundation 79774

Funding, up to \$41,760,000 in fiscal year 2012 and up to 79775  
\$35,496,000 in fiscal year 2013 shall be reserved to fund the 79776  
state reimbursement of educational service centers under section 79777  
3317.11 of the Revised Code and the section of this act entitled 79778  
"EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,545,752 in 79779  
each fiscal year shall be distributed to educational service 79780  
centers for School Improvement Initiatives. Educational service 79781  
centers shall be required to support districts in the development 79782  
and implementation of their continuous improvement plans as 79783  
required in section 3302.04 of the Revised Code and to provide 79784  
technical assistance and support in accordance with Title I of the 79785  
"No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 79786  
6317. 79787

Of the foregoing appropriation item 200550, Foundation 79788  
Funding, up to \$700,000 in each fiscal year shall be used by the 79789  
Department of Education for a program to pay for educational 79790  
services for youth who have been assigned by a juvenile court or 79791  
other authorized agency to any of the facilities described in 79792  
division (A) of the section of this act entitled "PRIVATE 79793  
TREATMENT FACILITY PROJECT." 79794

Of the foregoing appropriation item 200550, Foundation 79795  
Funding, up to \$12,522,860 in ~~each~~ fiscal year 2012 and up to 79796  
\$14,794,485 in fiscal year 2013 shall be used to support ~~the~~ 79797  
~~Cleveland~~ school choice ~~program~~ programs. 79798

Of the portion of the funds distributed to the Cleveland 79799  
Municipal School District under this section, up to \$11,901,887 in 79800  
each fiscal year shall be used to operate the school choice 79801  
program in the Cleveland Municipal School District under sections 79802  
3313.974 to 3313.979 of the Revised Code. Notwithstanding 79803  
divisions (B) and (C) of section 3313.978 and division (C) of 79804  
section 3313.979 of the Revised Code, up to \$1,000,000 in each 79805  
fiscal year of this amount shall be used by the Cleveland 79806

Municipal School District to provide tutorial assistance as 79807  
provided in division (H) of section 3313.974 of the Revised Code. 79808  
The Cleveland Municipal School District shall report the use of 79809  
these funds in the district's three-year continuous improvement 79810  
plan as described in section 3302.04 of the Revised Code in a 79811  
manner approved by the Department of Education. 79812

Any sums, in addition to the amounts specifically 79813  
appropriated in appropriation item 200550, Foundation Funding, for 79814  
payments of the scholarships required under sections 3313.974 to 79815  
3313.979 of the Revised Code, which are determined to be necessary 79816  
by the Superintendent of Public Instruction, are hereby 79817  
appropriated. 79818

Of the foregoing appropriation item 200550, Foundation 79819  
Funding, an amount shall be available in each fiscal year to be 79820  
paid to joint vocational school districts in accordance with the 79821  
section of this act entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 79822  
DISTRICTS." 79823

Of the foregoing appropriation item 200550, Foundation 79824  
Funding, a portion in each fiscal year shall be paid to city, 79825  
exempted village, and local school districts in accordance with 79826  
the section of this act entitled "SUPPLEMENTAL SCHOOL DISTRICT 79827  
FUNDING." 79828

Of the foregoing appropriation item 200550, Foundation 79829  
Funding, a portion in each fiscal year shall be paid to school 79830  
districts and community schools in accordance with the section of 79831  
this act entitled "SUBSIDY FOR HIGH PERFORMING SCHOOL DISTRICTS." 79832

The remainder of appropriation item 200550, Foundation 79833  
Funding, shall be used to distribute the amounts calculated for 79834  
formula aid under Section 267.30.50 of this act. 79835

Appropriation items 200502, Pupil Transportation, 200540, 79836  
Special Education Enhancements, and 200550, Foundation Funding, 79837



other than specific set-asides, are collectively used in each 79838  
 fiscal year to pay state formula aid obligations for school 79839  
 districts, community schools, STEM schools, and joint vocational 79840  
 school districts under this act. The first priority of these 79841  
 appropriation items, with the exception of specific set-asides, is 79842  
 to fund state formula aid obligations. It may be necessary to 79843  
 reallocate funds among these appropriation items or use excess 79844  
 funds from other general revenue fund appropriation items in the 79845  
 Department of Education's budget in each fiscal year, in order to 79846  
 meet state formula aid obligations. If it is determined that it is 79847  
 necessary to transfer funds among these appropriation items or to 79848  
 transfer funds from other General Revenue Fund appropriations in 79849  
 the Department of Education's budget to meet state formula aid 79850  
 obligations, the Department of Education shall seek approval from 79851  
 the Controlling Board to transfer funds as needed. 79852

**Sec. 279.10. EPA ENVIRONMENTAL PROTECTION AGENCY** 79853

General Services Fund Group 79854

1990	715602	Laboratory Services	\$	402,295	\$	408,560	79855
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2190	715604	Central Support	\$	8,594,348	\$	8,555,680	79856
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Indirect

4A10	715640	Operating Expenses	\$	2,304,267	\$	2,093,039	79857
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<u>4D50</u>	<u>715618</u>	<u>Recycled State</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>50,000</u>	79858
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Materials

TOTAL GSF General Services 79859

Fund Group	\$	11,300,910	\$	<del>11,057,279</del>	79860
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11,107,279

Federal Special Revenue Fund Group 79861

3530	715612	Public Water Supply	\$	2,941,282	\$	2,941,282	79862
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3540	715614	Hazardous Waste	\$	4,193,000	\$	4,193,000	79863
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Management - Federal

3570	715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	79864
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		- Federal					
3620	715605	Underground Injection Control - Federal	\$	111,874	\$	111,874	79865
3BU0	715684	Water Quality Protection	\$	8,100,000	\$	6,785,000	79866
3CS0	715688	Federal NRD Settlements	\$	100,000	\$	100,000	79867
3F20	715630	Revolving Loan Fund - Operating	\$	907,543	\$	907,543	79868
3F30	715632	Federally Supported Cleanup and Response	\$	3,344,746	\$	3,290,405	79869
3F50	715641	Nonpoint Source Pollution Management	\$	6,265,000	\$	6,260,000	79870
3T30	715669	Drinking Water State Revolving Fund	\$	2,273,323	\$	2,273,323	79871
3V70	715606	Agencywide Grants	\$	600,000	\$	600,000	79872
TOTAL FED		Federal Special Revenue					79873
Fund Group			\$	35,146,971	\$	33,772,630	79874
State Special Revenue Fund Group							79875
4J00	715638	Underground Injection Control	\$	445,234	\$	445,571	79876
4K20	715648	Clean Air - Non Title V	\$	3,152,306	\$	2,906,267	79877
4K30	715649	Solid Waste	\$	16,742,551	\$	16,414,654	79878
4K40	715650	Surface Water Protection	\$	7,642,625	\$	6,672,246	79879
4K40	715686	Environmental Lab Service	\$	2,096,007	\$	2,096,007	79880
4K50	715651	Drinking Water Protection	\$	7,410,118	\$	7,405,428	79881
4P50	715654	Cozart Landfill	\$	100,000	\$	100,000	79882
4R50	715656	Scrap Tire Management	\$	1,368,610	\$	1,376,742	79883
4R90	715658	Voluntary Action	\$	999,503	\$	997,425	79884

		Program					
4T30	715659	Clean Air - Title V Permit Program	\$	16,349,471	\$	16,241,822	79885
4U70	715660	Construction and Demolition Debris	\$	425,913	\$	433,591	79886
5000	715608	Immediate Removal Special Account	\$	633,832	\$	634,033	79887
5030	715621	Hazardous Waste Facility Management	\$	10,241,107	\$	9,789,620	79888
5050	715623	Hazardous Waste Cleanup	\$	12,511,234	\$	12,331,272	79889
5050	715674	Clean Ohio Environmental Review	\$	108,104	\$	108,104	79890
<u>5320</u>	<u>715646</u>	<u>Recycling and Litter Control</u>	\$	<u>0</u>	\$	<u>4,911,575</u>	79891
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101	79892
5420	715671	Risk Management Reporting	\$	132,636	\$	132,636	79893
<u>5860</u>	<u>715637</u>	<u>Scrap Tire Market Development</u>	\$	<u>0</u>	\$	<u>1,497,645</u>	79894
5920	715627	Anti Tampering Settlement	\$	2,285	\$	2,285	79895
5BC0	715617	Clean Ohio	\$	611,455	\$	611,455	79896
5BC0	715622	Local Air Pollution Control	\$	2,297,980	\$	2,297,980	79897
5BC0	715624	Surface Water	\$	8,970,181	\$	9,114,974	79898
5BC0	715672	Air Pollution Control	\$	4,438,629	\$	4,534,758	79899
5BC0	715673	Drinking and Ground Water	\$	4,317,527	\$	4,323,521	79900
5BC0	715675	Hazardous Waste	\$	95,266	\$	95,266	79901
5BC0	715676	Assistance and Prevention	\$	640,179	\$	645,069	79902
5BC0	715677	Laboratory	\$	939,717	\$	958,586	79903

5BC0	715678	Corrective Actions	\$	31,765	\$	105,423	79904
5BC0	715687	Areawide Planning Agencies	\$	450,000	\$	450,000	79905
5BC0	715692	Administration	\$	8,562,476	\$	8,212,627	79906
5BT0	715679	C&DD Groundwater Monitoring	\$	203,800	\$	203,800	79907
5BY0	715681	Auto Emissions Test	\$	13,029,952	\$	<del>13,242,762</del> <u>11,242,762</u>	79908
5CD0	715682	Clean Diesel School Buses	\$	600,000	\$	600,000	79909
5H40	715664	Groundwater Support	\$	77,508	\$	78,212	79910
5N20	715613	Dredge and Fill	\$	29,250	\$	29,250	79911
5Y30	715685	Surface Water Improvement	\$	2,800,000	\$	2,800,000	79912
6440	715631	ER Radiological Safety	\$	279,838	\$	279,966	79913
6600	715629	Infectious Waste Management	\$	91,573	\$	88,764	79914
6760	715642	Water Pollution Control Loan Administration	\$	4,317,376	\$	4,321,605	79915
6780	715635	Air Toxic Release	\$	138,669	\$	138,669	79916
6790	715636	Emergency Planning	\$	2,623,192	\$	2,623,252	79917
6960	715643	Air Pollution Control Administration	\$	1,100,000	\$	1,100,000	79918
6990	715644	Water Pollution Control Administration	\$	220,000	\$	220,000	79919
6A10	715645	Environmental Education	\$	1,488,260	\$	1,488,718	79920
TOTAL SSR		State Special Revenue	\$	140,764,230	\$	<del>138,700,461</del> <u>143,109,681</u>	79921
Fund Group							
Clean Ohio Conservation Fund Group							79922
5S10	715607	Clean Ohio - Operating	\$	284,083	\$	284,124	79923



GRF	935402	Ohio Government	\$	702,089	\$	<del>702,089</del>	79951
		Telecommunications				<u>1,002,089</u>	
		Services					
GRF	935408	General Operations	\$	1,251,789	\$	1,254,193	79952
GRF	935409	Technology Operations	\$	2,092,432	\$	2,091,823	79953
GRF	935410	Content Development,	\$	2,607,094	\$	2,607,094	79954
		Acquisition, and					
		Distribution					
GRF	935411	Technology	\$	4,251,185	\$	4,252,671	79955
		Integration and					
		Professional					
		Development					
GRF	935412	Information	\$	829,340	\$	829,963	79956
		Technology					
TOTAL GRF		General Revenue Fund	\$	11,949,490	\$	<del>11,953,394</del>	79957
						<u>12,253,394</u>	
		General Services Fund Group					79958
4F30	935603	Affiliate Services	\$	50,000	\$	50,000	79959
4T20	935605	Government	\$	25,000	\$	25,000	79960
		Television/Telecommunications					
		Operating					
TOTAL GSF		General Services Fund	\$	75,000	\$	75,000	79961
		Group					
		State Special Revenue Fund Group					79962
4W90	935630	Telecommunity	\$	25,000	\$	25,000	79963
4X10	935634	Distance Learning	\$	24,150	\$	24,150	79964
5D40	935640	Conference/Special	\$	2,100,000	\$	2,100,000	79965
		Purposes					
5FK0	935608	Media Services	\$	637,601	\$	637,956	79966
5JU0	935611	Information	\$	1,455,000	\$	1,455,000	79967
		Technology Services					
5T30	935607	Gates Foundation	\$	200,000	\$	171,112	79968

Grants

TOTAL SSR State Special Revenue	\$	4,441,751	\$	4,413,218	79969
Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	16,466,241	\$	<del>16,441,612</del>	79970
				<u>16,741,612</u>	

**Sec. 283.20. STATEHOUSE NEWS BUREAU** 79972

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 79973  
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 79975

**OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES** 79976

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 79977  
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**TECHNOLOGY OPERATIONS** 79984

The foregoing appropriation item 935409, Technology Operations, shall be used by eTech Ohio to pay expenses of eTech Ohio's network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each other and to the Internet, and provide access to voice, video, other communication services, and data educational resources for students and teachers. The foregoing appropriation item 935409, Technology Operations, may also be used to cover student costs for taking advanced placement courses and courses that the Chancellor of the Board of Regents has determined to be eligible for postsecondary credit through the Ohio Learns Gateway. To the extent that funds remain available for this purpose, public school students taking advanced placement or 79985  
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postsecondary courses through the OhioLearns Gateway shall be 79998  
eligible to receive a fee waiver to cover the cost of 79999  
participating in one course. The fee waivers shall be distributed 80000  
until the funds appropriated to support the waivers have been 80001  
exhausted. 80002

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 80003

The foregoing appropriation item 935410, Content Development, 80004  
Acquisition, and Distribution, shall be used for the development, 80005  
acquisition, and distribution of information resources by public 80006  
media and radio reading services and for educational use in the 80007  
classroom and online. 80008

Of the foregoing appropriation item 935410, Content 80009  
Development, Acquisition, and Distribution, up to \$658,099 in ~~each~~ 80010  
fiscal year 2012 shall be allocated equally among the 12 Ohio 80011  
educational television stations and used with the advice and 80012  
approval of eTech Ohio. Funds shall be used for the production of 80013  
interactive instructional programming series with priority given 80014  
to resources aligned with state academic content standards in 80015  
consultation with the Ohio Department of Education and for 80016  
teleconferences to support eTech Ohio. The programming shall be 80017  
targeted to the needs of the poorest two hundred school districts 80018  
as determined by the district's adjusted valuation per pupil as 80019  
defined in former section 3317.0213 of the Revised Code as that 80020  
section existed prior to June 30, 2005. 80021

Of the foregoing appropriation item 935410, Content 80022  
Development, Acquisition, and Distribution, up to \$1,749,283 in 80023  
~~each~~ fiscal year 2012 shall be distributed by eTech Ohio to Ohio's 80024  
qualified public educational television stations and educational 80025  
radio stations to support their operations. The funds shall be 80026  
distributed pursuant to an allocation formula used by the Ohio 80027  
Educational Telecommunications Network Commission unless a 80028  
substitute formula is developed by eTech Ohio in consultation with 80029



Ohio's qualified public educational television stations and 80030  
educational radio stations. 80031

Of the foregoing appropriation item 935410, Content 80032  
Development, Acquisition, and Distribution, up to \$199,712 in ~~each~~ 80033  
fiscal year 2012 shall be distributed by eTech Ohio to Ohio's 80034  
qualified radio reading services to support their operations. The 80035  
funds shall be distributed pursuant to an allocation formula used 80036  
by the Ohio Educational Telecommunications Network Commission 80037  
unless a substitute formula is developed by eTech Ohio in 80038  
consultation with Ohio's qualified radio reading services. 80039

**Sec. 283.30. TECHNOLOGY INTEGRATION AND PROFESSIONAL 80040  
DEVELOPMENT 80041**

The foregoing appropriation item 935411, Technology 80042  
Integration and Professional Development, shall be used by eTech 80043  
Ohio for the provision of staff development, hardware, software, 80044  
telecommunications services, and information resources to support 80045  
educational uses of technology in the classroom and at a distance 80046  
and for professional development for teachers, administrators, and 80047  
technology staff on the use of educational technology in 80048  
qualifying public schools, including the State School for the 80049  
Blind, the State School for the Deaf, and the Department of Youth 80050  
Services. 80051

Of the foregoing appropriation item 935411, Technology 80052  
Integration and Professional Development, up to \$1,691,701 in ~~each~~ 80053  
fiscal year 2012 shall be used by eTech Ohio to contract with 80054  
educational television to provide Ohio public schools with 80055  
instructional resources and services with priority given to 80056  
resources and services aligned with state academic content 80057  
standards and such resources and services shall be based upon the 80058  
advice and approval of eTech Ohio, based on a formula used by the 80059  
Ohio SchoolNet Commission unless and until a substitute formula is 80060

developed by eTech Ohio in consultation with Ohio's educational 80061  
technology agencies and noncommercial educational television 80062  
stations. 80063

**Sec. 287.10. EXP OHIO EXPOSITIONS COMMISSION** 80064

General Revenue Fund 80065

GRF 723403	Junior Fair Subsidy	\$	250,000	\$	250,000	80066
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GRF <u>723501</u>	<u>Building Construction</u>	\$	<u>0</u>	\$	<u>1,000,000</u>	80067
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TOTAL GRF General Revenue Fund	\$	250,000	\$	<del>250,000</del>	80068
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1,250,000

State Special Revenue Fund Group 80069

4N20 723602	Ohio State Fair	\$	400,000	\$	400,000	80070
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Harness Racing

5060 723601	Operating Expenses	\$	12,991,000	\$	12,894,000	80071
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TOTAL SSR State Special Revenue 80072

Fund Group	\$	13,391,000	\$	13,294,000	80073
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TOTAL ALL BUDGET FUND GROUPS	\$	13,641,000	\$	<del>13,544,000</del>	80074
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14,544,000

STATE FAIR RESERVE 80075

The General Manager of the Expositions Commission may submit 80076

a request to the Controlling Board to use available amounts in the 80077

State Fair Reserve Fund (Fund 6400) if the following conditions 80078

apply: 80079

(A) Admissions receipts for the 2011 or 2012 Ohio State Fair 80080

are less than \$1,982,000 because of inclement weather or 80081

extraordinary circumstances; 80082

(B) The Ohio Expositions Commission declares a state of 80083

fiscal exigency; and 80084

(C) The request contains a plan describing how the 80085

Expositions Commission will eliminate the cash shortage causing 80086

the request. 80087

The amount approved by the Controlling Board is hereby 80088  
appropriated. 80089

BUILDING CONSTRUCTION 80090

The foregoing GRF appropriation item 723501, Building 80091  
Construction, shall be used for acquiring purchased services and 80092  
for construction of a new Expositions facility for which matching 80093  
funds are received in the amount of \$1,000,000 from a private 80094  
sector partnering entity. 80095

**Sec. 291.10. DOH DEPARTMENT OF HEALTH** 80096

General Revenue Fund 80097

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 80098  
Surveillance System

GRF 440413 Local Health \$ 2,302,788 \$ 2,303,061 80099  
Department Support

GRF 440416 Mothers and Children \$ 4,227,842 \$ 4,228,015 80100  
Safety Net Services

GRF 440418 Immunizations \$ 6,430,538 \$ ~~8,930,829~~ 80101  
8,825,829

GRF 440431 Free Clinics Safety \$ 437,326 \$ 437,326 80102  
Net Services

GRF 440438 Breast and Cervical \$ 823,217 \$ 823,217 80103  
Cancer Screening

GRF 440444 AIDS Prevention and \$ 5,842,315 \$ 5,842,315 80104  
Treatment

GRF 440451 Public Health \$ 3,654,348 \$ 3,655,449 80105  
Laboratory

GRF 440452 Child and Family \$ 630,390 \$ 630,444 80106  
Health Services Match

GRF 440453 Health Care Quality \$ 8,170,694 \$ 8,174,361 80107  
Assurance

GRF 440454 Local Environmental \$ 1,310,141 \$ ~~1,310,362~~ 80108

	Health				<u>1,194,634</u>	
GRF 440459	Help Me Grow	\$	33,673,545	\$	33,673,987	80109
GRF 440465	Federally Qualified	\$	458,688	\$	2,686,688	80110
	Health Centers					
GRF 440467	Access to Dental Care	\$	540,484	\$	540,484	80111
GRF 440468	Chronic Disease and	\$	2,577,251	\$	<del>2,577,251</del>	80112
	Injury Prevention				<u>2,447,251</u>	
GRF 440472	Alcohol Testing	\$	550,000	\$	1,100,000	80113
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451	80114
	Children					
GRF 440507	Targeted Health Care	\$	1,045,414	\$	1,045,414	80115
	Services Over 21					
TOTAL GRF General Revenue Fund		\$	80,787,432	\$	<del>86,071,654</del>	80116
					<u>85,720,926</u>	
	State Highway Safety Fund Group					80117
4T40 440603	Child Highway Safety	\$	233,894	\$	233,894	80118
TOTAL HSF State Highway Safety						80119
Fund Group		\$	233,894	\$	233,894	80120
	General Services Fund Group					80121
1420 440646	Agency Health	\$	8,825,788	\$	8,826,146	80122
	Services					
2110 440613	Central Support	\$	28,900,000	\$	29,000,000	80123
	Indirect Costs					
4730 440622	Lab Operating	\$	5,000,000	\$	5,000,000	80124
	Expenses					
5HB0 440470	Breast and Cervical	\$	1,000,000	\$	0	80125
	Cancer Screening					
6830 440633	Employee Assistance	\$	1,100,000	\$	1,100,000	80126
	Program					
6980 440634	Nurse Aide Training	\$	99,239	\$	99,265	80127
TOTAL GSF General Services						80128
Fund Group		\$	44,925,027	\$	44,025,411	80129

Federal Special Revenue Fund Group					80130	
3200 440601	Maternal Child Health	\$	27,068,886	\$	27,068,886	80131
	Block Grant					
3870 440602	Preventive Health	\$	7,826,659	\$	7,826,659	80132
	Block Grant					
3890 440604	Women, Infants, and	\$	308,672,689	\$	308,672,689	80133
	Children					
3910 440606	Medicaid/Medicare	\$	29,625,467	\$	29,257,457	80134
3920 440618	Federal Public Health	\$	137,976,988	\$	137,976,988	80135
	Programs					
TOTAL FED	Federal Special Revenue					80136
Fund Group		\$	511,170,689	\$	510,802,679	80137
State Special Revenue Fund Group						80138
4700 440647	Fee Supported	\$	24,503,065	\$	<del>24,513,973</del>	80139
	Programs				<u>24,263,973</u>	
4710 440619	Certificate of Need	\$	878,145	\$	878,433	80140
4770 440627	Medically Handicapped	\$	3,692,704	\$	3,692,703	80141
	Children Audit					
4D60 440608	Genetics Services	\$	3,310,953	\$	3,311,039	80142
4F90 440610	Sickle Cell Disease	\$	1,032,754	\$	1,032,824	80143
	Control					
4G00 440636	Heirloom Birth	\$	5,000	\$	5,000	80144
	Certificate					
4G00 440637	Birth Certificate	\$	5,000	\$	5,000	80145
	Surcharge					
4L30 440609	Miscellaneous	\$	3,333,164	\$	3,333,164	80146
	Expenses					
4P40 440628	Ohio Physician Loan	\$	476,870	\$	476,870	80147
	Repayment					
4V60 440641	Save Our Sight	\$	2,255,760	\$	2,255,789	80148
5B50 440616	Quality, Monitoring,	\$	878,638	\$	878,997	80149
	and Inspection					

5C00	440615	Alcohol Testing and Permit	\$	551,018	\$	0	80150
5CN0	440645	Choose Life	\$	75,000	\$	75,000	80151
5D60	440620	Second Chance Trust	\$	1,151,815	\$	1,151,902	80152
5ED0	440651	Smoke Free Indoor Air	\$	190,452	\$	190,452	80153
5G40	440639	Adoption Services	\$	20,000	\$	20,000	80154
5L10	440623	Nursing Facility Technical Assistance Program	\$	687,500	\$	687,528	80155
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	140,000	80156
6100	440626	Radiation Emergency Response	\$	930,525	\$	930,576	80157
6660	440607	Medically Handicapped Children - County Assessments	\$	19,738,286	\$	19,739,617	80158
TOTAL SSR State Special Revenue							80159
Fund Group			\$	63,856,649	\$	<del>63,318,867</del>	80160
							<u>63,068,867</u>
Holding Account Redistribution Fund Group							80161
R014	440631	Vital Statistics	\$	44,986	\$	44,986	80162
R048	440625	Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	80163
TOTAL 090 Holding Account Redistribution Fund Group							80164
			\$	64,986	\$	64,986	80165
Tobacco Master Settlement Agreement Fund Group							80166
5BX0	440656	Tobacco Use Prevention	\$	1,000,000	\$	1,000,000	80167
TOTAL TSF Tobacco Master Settlement Agreement Fund Group							80168
			\$	1,000,000	\$	1,000,000	
TOTAL ALL BUDGET FUND GROUPS			\$	702,038,677	\$	<del>705,517,491</del>	80169

704,916,763

<b>Sec. 307.10. INS DEPARTMENT OF INSURANCE</b>				80171
Federal Special Revenue Fund Group				80172
3EV0	820610	Health Insurance	\$ 1,000,000 \$ 1,000,000	80173
		Premium Review		
3EW0	820611	Health Exchange	\$ 1,000,000 \$ 1,000,000	80174
		Planning		
3U50	820602	OSHIIP Operating	\$ 2,270,726 \$ 2,270,725	80175
		Grant		
TOTAL FED Federal Special				80176
Revenue Fund Group				80177
			\$ 4,270,726 \$ 4,270,725	
State Special Revenue Fund Group				80178
5540	820601	Operating Expenses -	\$ 190,000 \$ 180,000	80179
		OSHIIP		
5540	820606	Operating Expenses	\$ 22,745,538 \$ <del>22,288,550</del>	80180
			<u>22,931,817</u>	
5550	820605	Examination	\$ 9,065,684 \$ <del>8,934,065</del>	80181
			<u>8,184,065</u>	
TOTAL SSR State Special Revenue				80182
Fund Group				80183
			\$ 32,001,222 \$ <del>31,402,615</del>	
			<u>31,295,882</u>	
TOTAL ALL BUDGET FUND GROUPS				80184
			\$ 36,271,948 \$ <del>35,673,340</del>	
			<u>35,566,607</u>	
MARKET CONDUCT EXAMINATION				80185
When conducting a market conduct examination of any insurer				80186
doing business in this state, the Superintendent of Insurance may				80187
assess the costs of the examination against the insurer. The				80188
superintendent may enter into consent agreements to impose				80189
administrative assessments or fines for conduct discovered that				80190
may be violations of statutes or rules administered by the				80191
superintendent. All costs, assessments, or fines collected shall				80192

be deposited to the credit of the Department of Insurance				80193	
Operating Fund (Fund 5540).				80194	
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES				80195	
The Director of Budget and Management, at the request of the				80196	
Superintendent of Insurance, may transfer funds from the				80197	
Department of Insurance Operating Fund (Fund 5540), established by				80198	
section 3901.021 of the Revised Code, to the Superintendent's				80199	
Examination Fund (Fund 5550), established by section 3901.071 of				80200	
the Revised Code, only for expenses incurred in examining domestic				80201	
fraternal benefit societies as required by section 3921.28 of the				80202	
Revised Code.				80203	
TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND				80204	
Not later than the thirty-first day of July each fiscal year,				80205	
the Director of Budget and Management shall transfer \$5,000,000				80206	
from the Department of Insurance Operating Fund (Fund 5540) to the				80207	
General Revenue Fund.				80208	
<b>Sec. 309.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b>				80209	
General Revenue Fund				80210	
GRF 600321 <u>Program</u> Support				80211	
<u>Services</u>					
State	\$	34,801,760	\$	<del>31,932,117</del>	80212
				<u>31,612,796</u>	
Federal	\$	9,322,222	\$	<del>9,207,441</del>	80213
				<u>9,115,366</u>	
<u>Program</u> Support	\$	44,123,982	\$	<del>41,139,558</del>	80214
<u>Services</u> Total				<u>40,728,162</u>	
GRF 600410 <u>TANF State/Maintenance</u>	\$	151,386,934	\$	151,386,934	80215
<u>of Effort</u>					
GRF 600413 <u>Child Care Match</u>	\$	84,732,730	\$	84,732,730	80216
<u>State/Maintenance</u> of					



	Effort				
GRF 600416	<del>Computer Information</del> <u>Technology</u> Projects				80217
	State	\$	67,955,340	\$	<del>69,263,506</del> <u>68,570,871</u>
	Federal	\$	13,105,167	\$	<del>12,937,222</del> <u>12,807,850</u>
	<del>Computer Information</del> <u>Technology</u> Projects	\$	81,060,507	\$	<del>82,200,728</del> <u>81,378,721</u>
	Total				
GRF 600417	Medicaid Provider Audits	\$	1,312,992	\$	<del>1,312,992</del> <u>1,299,862</u>
GRF 600420	Child Support <del>Administration</del> <u>Programs</u>	\$	6,163,534	\$	<del>6,065,588</del> <u>6,004,932</u>
GRF 600421	<del>Office of Family</del> <u>Stability Assistance</u> <u>Programs</u>	\$	3,768,929	\$	<del>3,757,493</del> <u>3,719,918</u>
GRF 600423	<del>Office of Children and</del> <u>Families and Children</u> <u>Programs</u>	\$	5,123,406	\$	4,978,756
GRF 600425	<del>Office of Ohio Health</del> <u>Plans Care</u> <u>Programs</u>				80225
	State	\$	13,149,582	\$	<del>15,740,987</del> <u>15,583,577</u>
	Federal	\$	12,556,921	\$	<del>12,286,234</del> <u>12,163,372</u>
	<del>Office of Ohio Health</del> <u>Plans Care</u> <u>Programs</u>	\$	25,706,503	\$	<del>28,027,221</del> <u>27,746,949</u>
	Total				
GRF 600502	<del>Administration</del> <u>Child</u> <u>Support</u> - Local	\$	23,814,103	\$	23,814,103
GRF 600511	Disability Financial Assistance	\$	26,599,666	\$	27,108,734

GRF 600521	Entitlement	\$	72,200,721	\$	72,200,721	80231
	Administration <u>Family</u>					
	<u>Assistance</u> - Local					
GRF 600523	<u>Family and Children and</u>	\$	<del>53,605,323</del>	\$	<del>53,105,323</del>	80232
	<u>Families</u> Services		<u>52,605,323</u>		<u>54,105,323</u>	
GRF 600525	Health Care/Medicaid					80233
	State	\$	4,313,761,372	\$	<del>4,689,051,017</del>	80234
					<u>4,689,701,017</u>	
	Federal	\$	7,530,008,024	\$	<del>8,429,762,527</del>	80235
					<u>8,430,897,261</u>	
	Health Care Total	\$	11,843,769,396	\$	<del>13,118,813,544</del>	80236
					<u>13,120,598,278</u>	
GRF 600526	Medicare Part D	\$	277,996,490	\$	296,964,743	80237
GRF 600528	Adoption Services					80238
	State	\$	29,257,932	\$	29,257,932	80239
	Federal	\$	41,085,169	\$	41,085,169	80240
	Adoption Services Total	\$	70,343,101	\$	70,343,101	80241
GRF 600533	Child, Family, and	\$	13,500,000	\$	13,500,000	80242
	Adult Community &					
	Protective Services					
GRF 600534	Adult Protective	\$	366,003	\$	366,003	80243
	Services					
GRF 600535	Early Care and	\$	123,596,474	\$	123,596,474	80244
	Education					
GRF 600537	Children's Hospital	\$	6,000,000	\$	6,000,000	80245
GRF 600540	Second Harvest Food	\$	4,000,000	\$	4,000,000	80246
	Banks					
GRF 600541	Kinship Permanency	\$	2,500,000	\$	3,500,000	80247
	Incentive Program					
TOTAL GRF	General Revenue Fund					80248
	State	\$	<del>5,315,593,291</del>	\$	<del>5,711,636,153</del>	80249
			<u>5,314,593,291</u>		<u>5,712,005,426</u>	
	Federal	\$	7,606,077,503	\$	<del>8,505,278,593</del>	80250

				<u>8,506,069,018</u>	
	GRF Total		<del>\$12,921,670,794</del>	<del>\$14,216,914,746</del>	80251
			<u>12,920,670,794</u>	<u>14,218,074,444</u>	
	General Services Fund Group				80252
4A80	600658	Public Assistance Activities	\$ 34,000,000	\$ 34,000,000	80253
5C90	600671	Medicaid Program Support	\$ 85,800,878	\$ <del>82,839,266</del> 0	80254
5DL0	600639	<del>Medicaid Revenue and Collections</del> <u>Health Care/Medicaid Support - Recoveries</u>	\$ 89,256,974	\$ <del>84,156,974</del> <u>166,996,240</u>	80255
5DM0	600633	Administration & Operating	\$ 20,392,173	\$ <del>19,858,928</del> <u>19,660,339</u>	80256
5FX0	600638	Medicaid Payment Withholding	\$ 5,000,000	\$ 6,000,000	80257
5HL0	600602	State and County Shared services	\$ 3,020,000	\$ 3,020,000	80258
5P50	600692	<del>Prescription Drug Rebate</del> <u>State Health Care/Medicaid Support - Drug Rebates</u>	\$ 220,600,000	\$ 242,600,000	80259
6130	600645	Training Activities	\$ 500,000	\$ 500,000	80260
	TOTAL GSF General Services Fund Group		\$ 458,570,025	\$ <del>472,975,168</del> <u>472,776,579</u>	80262
	Federal Special Revenue Fund Group				80263
3270	600606	Child Welfare	\$ 29,769,865	\$ 29,769,866	80264
<u>3310</u>	<u>600615</u>	<u>Veterans Programs</u>	<u>\$ 0</u>	<u>\$ 8,000,000</u>	80265
<u>3310</u>	<u>600624</u>	<u>Employment Services Programs</u>	<u>\$ 0</u>	<u>\$ 33,943,023</u>	80266
3310	600686	<del>Federal Operating</del>	\$ 49,128,140	\$ <del>48,203,023</del>	80267

		<u>Workforce Programs</u>		<u>6,260,000</u>	
3840	600610	Food Assistance and <del>State Administration</del> <u>Programs</u>	\$ 180,381,394	\$ 180,381,394	80268
3850	600614	Refugee Services	\$ 11,582,440	\$ 12,564,952	80269
3950	600616	<del>Special</del> <del>Activities/Child and</del> <del>Family Services</del> <u>Federal Discretionary</u> <u>Grants</u>	\$ 2,259,264	\$ 2,259,264	80270
3960	600620	Social Services Block Grant	\$ 64,999,999	\$ 64,999,998	80271
3970	600626	Child Support - <u>Federal</u>	\$ 255,812,837	\$ 255,813,528	80272
3980	600627	Adoption Maintenance/ <del>Administration Program</del> <u>- Federal</u>	\$ 352,183,862	<del>352,184,253</del> <u>174,178,779</u>	80273
3A20	600641	Emergency Food Distribution	\$ 5,000,000	\$ 5,000,000	80274
3AW0	600675	Faith Based Initiatives	\$ 544,140	\$ 544,140	80275
3D30	600648	Children's Trust Fund Federal	\$ 2,040,524	\$ 2,040,524	80276
3ER0	600603	Health Information Technology	\$ 411,661,286	\$ 416,395,286	80277
3F00	600623	Health Care Federal	\$ 2,637,061,505	\$ 2,720,724,869	80278
3F00	600650	Hospital Care Assurance Match - <u>Federal</u>	\$ 372,784,046	\$ 380,645,627	80279
3FA0	600680	<del>Ohio</del> Health Care Grants - <u>Federal</u>	\$ 9,405,000	\$ 20,000,000	80280
3G50	600655	Interagency Reimbursement	\$ 1,621,305,787	\$ 1,380,391,478	80281

3H70	600617	Child Care Federal	\$	208,290,036	\$	204,813,731	80282
3N00	600628	<del>IV-E Foster Care</del>	\$	133,963,142	\$	<del>133,963,142</del>	80283
		<u>Maintenance Program -</u>				<u>311,968,616</u>	
		<u>Federal</u>					
3S50	600622	Child Support Projects	\$	534,050	\$	534,050	80284
3V00	600688	Workforce Investment	\$	176,496,250	\$	172,805,562	80285
		Act <u>Programs</u>					
3V40	600678	Federal Unemployment	\$	188,680,096	\$	186,723,415	80286
		Programs					
3V40	600679	<del>Unemployment</del>	\$	4,166,988	\$	4,068,758	80287
		<del>Compensation UC Review</del>					
		Commission - Federal					
3V60	600689	TANF Block Grant	\$	727,968,260	\$	727,968,260	80288
TOTAL FED		Federal Special Revenue					80289
Fund Group			\$	7,446,018,911	\$	7,302,795,120	80290
State Special Revenue		Fund Group					80291
1980	600647	Children's Trust Fund	\$	5,873,637	\$	5,873,848	80292
4A90	600607	Unemployment	\$	21,924,998	\$	21,424,998	80293
		Compensation					
		Administration Fund					
4A90	600694	<del>Unemployment</del>	\$	2,173,167	\$	2,117,031	80294
		<del>Compensation UC Review</del>					
		Commission - <u>SAF</u>					
4E30	600605	<del>Nursing Home</del>	\$	2,878,320	\$	2,878,319	80295
		<del>Assessments Resident</del>					
		<u>Protection Fund</u>					
4E70	600604	<del>Child and Family and</del>	\$	400,000	\$	400,000	80296
		<u>Children Services</u>					
		Collections					
4F10	600609	<u>Family and Children</u>	\$	683,359	\$	683,549	80297
		<del>and Family Services</del>					
		Activities					
4K10	600621	<del>ICF/MR Bed Assessments</del>	\$	41,405,596	\$	44,372,874	80298

		<u>DDD Support -</u>				
		<u>Franchise Fee</u>				
4Z10	600625	HealthCare Compliance	\$	11,551,076	\$	14,582,000 80299
5AJ0	600631	Money Follows the Person	\$	5,483,080	\$	4,733,080 80300
5DB0	600637	Military Injury <del>Grants</del>	\$	2,000,000	\$	2,000,000 80301
		<u>Relief Subsidies</u>				
5DP0	600634	Adoption Assistance Loan	\$	500,000	\$	500,000 80302
5ES0	600630	Food <u>Bank</u> Assistance	\$	500,000	\$	500,000 80303
5GF0	600656	<del>Medicaid Health</del> <u>Care/Medicaid Support</u> - Hospital/ <u>UPL</u>	\$	436,000,000	\$	436,000,000 80304
5KC0	600682	Health Care <del>Special</del> <u>Activities Grants -</u> <u>State</u>	\$	10,000,000	\$	10,000,000 80305
<u>5KU0</u>	<u>600611</u>	<u>Unemployment</u>	<u>\$</u>	<u>2,000,000</u>	<u>\$</u>	<u>4,000,000</u> 80306
		<u>Compensation Support -</u> <u>Other Sources</u>				
5R20	600608	<del>Medicaid Nursing</del> <u>Facilities Long-Term</u> <u>Care Support</u>	\$	402,489,308	\$	407,100,746 80307
5S30	600629	<del>MR/DD Medicaid</del> <u>Administration Health</u> <u>Care Program</u> and <u>Oversight DDD Support</u>	\$	9,252,738	\$	9,147,791 80308
5U30	600654	Health Care <del>Services</del> <u>Administration Program</u> <u>Support</u>	\$	24,400,000	\$	<del>24,400,000</del> 24,156,000 80309
5U60	600663	Children <u>Family</u> and <u>Family Children</u> Support	\$	4,000,000	\$	4,000,000 80310
6510	600649	Hospital Care	\$	212,526,123	\$	217,008,050 80311

Assurance Program Fund			
TOTAL SSR State Special Revenue			80312
Fund Group	\$ <del>1,194,041,402</del>	\$ <del>1,207,722,286</del>	80313
	<u>1,196,041,402</u>	<u>1,211,478,286</u>	
Agency Fund Group			80314
1920 600646 <u>Child</u> Support	\$ 130,000,000	\$ <del>130,000,000</del>	80315
Intercept - Federal		<u>129,250,000</u>	
5830 600642 <u>Child</u> Support	\$ 16,000,000	\$ <del>16,000,000</del>	80316
Intercept - State		<u>14,000,000</u>	
5B60 600601 Food Assistance	\$ 2,000,000	\$ <del>2,000,000</del>	80317
Intercept		<u>1,000,000</u>	
TOTAL AGY Agency Fund Group	\$ 148,000,000	\$ <del>148,000,000</del>	80318
		<u>144,250,000</u>	
Holding Account Redistribution Fund Group			80319
R012 600643 Refunds and Audit	\$ 2,200,000	\$ 2,200,000	80320
Settlements			
R013 600644 Forgery Collections	\$ 10,000	\$ 10,000	80321
TOTAL 090 Holding Account	\$ 2,210,000	\$ 2,210,000	80322
Redistribution Fund Group			
TOTAL ALL BUDGET FUND GROUPS	<del>\$22,170,511,132</del>	<del>\$23,350,617,320</del>	80323
	<u>22,171,511,132</u>	<u>23,351,584,429</u>	

**Sec. 309.30.10. HEALTH CARE/MEDICAID** 80325

The foregoing appropriation item 600525, Health 80326  
Care/Medicaid, shall not be limited by section 131.33 of the 80327  
Revised Code. 80328

HEALTH CARE/MEDICAID ENDING BALANCE 80329

Thirty million dollars of the unexpended and unencumbered 80330  
portion of appropriation item 600525, Health Care/Medicaid, at the 80331  
end of fiscal year 2012 is hereby reappropriated to the Department 80332  
of Job and Family Services for payments to nursing facilities for 80333  
fiscal year 2013 in accordance with the section of this act titled 80334

<u>"FISCAL YEAR 2013 QUALITY BONUS PAYMENTS TO NURSING FACILITIES."</u>	80335
<b>Sec. 309.30.30. REDUCTION IN MEDICAID PAYMENT RATES</b>	80336
(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.	80337 80338 80339 80340 80341
(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:	80342 80343 80344 80345 80346 80347 80348 80349
(1) Notwithstanding the section of <del>this act</del> <u>Am. Sub. H.B. 153 of the 129th General Assembly</u> titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL INPATIENT AND OUTPATIENT SERVICES," modernize hospital inpatient and outpatient reimbursement methodologies by doing the following:	80350 80351 80352 80353 80354
(a) Modifying the inpatient hospital capital reimbursement methodology;	80355 80356
(b) Establishing new diagnosis-related groups in a cost-neutral manner;	80357 80358
(c) For hospital discharges that occur during the period beginning October 1, 2011, and ending January 1, 2012, modifying charge high trim points, as in effect on January 1, 2011, by a factor of 13.6%;	80359 80360 80361 80362
(d) For hospital discharges that occur during the period beginning January 1, 2012, and ending on the effective date of the	80363 80364



first of the new diagnosis-related groups established under 80365  
division (B)(1)(b) of this section, modifying charge high trim 80366  
points, as in effect on October 1, 2011, by a factor of 9.72%; 80367

(e) Implementing other changes the Director considers 80368  
appropriate. 80369

(2) Establish selective contracting and prior authorization 80370  
requirements for types of medical assistance the Director 80371  
identifies. 80372

(C) The Director shall adopt rules under ~~section~~ sections 80373  
5111.02 and 5111.85 of the Revised Code as necessary to implement 80374  
this section. The rules adopted to implement divisions (B)(1)(a), 80375  
(b), and (e) of this section shall include quality factors and 80376  
quality-based incentive payments. 80377

(D) This section does not apply to nursing facility and 80378  
intermediate care facility for the mentally retarded services 80379  
provided under the Medicaid program. 80380

**Sec. 309.30.33. HOSPITAL INPATIENT AND OUTPATIENT** 80381  
**SUPPLEMENTAL UPPER PAYMENT LIMIT PROGRAM; MEDICAID MANAGED CARE** 80382  
**HOSPITAL INCENTIVE PAYMENT PROGRAM** 80383

(A) As used in this section: 80384

(1) "Hospital" has the same meaning as in section 5112.40 of 80385  
the Revised Code. 80386

(2) "Hospital Assessment Fund" means the fund created under 80387  
section 5112.45 of the Revised Code. 80388

(3) "Medicaid managed care organization" means an entity 80389  
under contract pursuant to section 5111.17 of the Revised Code to 80390  
provide or arrange services for Medicaid recipients who are 80391  
required or permitted to participate in the Medicaid care 80392  
management system. 80393

(B) The Department of Job and Family Services shall submit to the United States Secretary of Health and Human Services a Medicaid state plan amendment to do both of the following:

(1) Continue the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program that was established pursuant to Section 309.30.17 of Am. Sub. H.B. 1 of the 128th General Assembly, with any modifications necessary to implement the program as described under division (D) of this section;

(2) Create the Medicaid Managed Care Hospital Incentive Payment Program, as described under division (E) of this section.

(C) Of the amounts deposited into the Hospital Assessment Fund in fiscal year 2012 and fiscal year 2013:

(1) Up to \$432,432,725 (state and federal) in fiscal year 2012 and up to \$415,162,388 (state and federal) in fiscal year 2013 shall be used for the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program;

(2) Up to \$162,000,000 (state and federal) in each fiscal year shall be used for the Medicaid Managed Care Hospital Incentive Payment Program;

(3) Up to \$176,021,111 (state and federal) in fiscal year 2012 and up to \$195,158,394 (state and federal) in fiscal year 2013 shall be used for the program authorized by 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."

(D)(1) If the Medicaid state plan amendment submitted under division (B)(1) of this section is approved, the Department shall implement the Hospital Inpatient and Outpatient Supplemental Upper Payment Limit Program during fiscal year 2012 and fiscal year 2013. Under the Program, subject to division (D)(2) of this section, supplemental Medicaid payments shall be made to hospitals

for Medicaid-covered inpatient and outpatient services. The 80425  
Department shall make the payments through amounts that are made 80426  
available for the Program under division (C) of this section and 80427  
any federal financial participation available for the Program. 80428

(2) The Department shall take all actions necessary to cease 80429  
implementation of the Program if the United States Secretary 80430  
determines that the assessment imposed under section 5112.41 of 80431  
the Revised Code is an impermissible healthcare-related tax under 80432  
section 1903(w) of the "Social Security Act," 105 Stat. 1793 80433  
(1991), 42 U.S.C. 1396b(w), as amended. 80434

(E)(1) If the Medicaid state plan amendment submitted under 80435  
division (B)(2) of this section is approved, the Department shall 80436  
implement the Medicaid Managed Care Hospital Incentive Payment 80437  
Program. The purpose of the Program is to increase access to 80438  
hospital services for Medicaid recipients who are enrolled in 80439  
Medicaid managed care organizations. 80440

Under the Program, subject to division (E)(3) of this 80441  
section, funds shall be provided to Medicaid managed care 80442  
organizations, which shall use the funds to increase payments to 80443  
hospitals for providing services to Medicaid recipients who are 80444  
enrolled in the organizations. The Department shall provide the 80445  
funds through amounts that are made available for the Program 80446  
under division (C) of this section and any federal financial 80447  
participation available for the Program. 80448

(2) Not later than July 1, 2012, the Department shall select 80449  
an actuary to conduct a study of the contracted reimbursement 80450  
rates between Medicaid managed care organizations and hospitals. 80451  
The actuary shall determine if a reduction in the capitation rates 80452  
paid to Medicaid managed care organizations in fiscal year 2013 is 80453  
appropriate as a result of the contracted reimbursement rates 80454  
between the organizations and hospitals. The actuary shall notify 80455  
the Department of its determination. 80456

If the actuary determines that a reduction in the capitation rates paid to Medicaid managed care organizations in fiscal year 2013 will not achieve \$22 million in state savings in fiscal year 2013, the state shall receive the difference between what the actuary determines the state will save and \$22 million. The Department, in consultation with the Ohio Association of Health Plans and the Ohio Hospital Association, shall establish a methodology under which the difference is paid equally by Medicaid managed care organizations and hospitals in this state.

Notwithstanding anything to the contrary specified in division (E)(3)(b) or (c) of this section, the Medicaid managed care organizations and hospitals shall pay the amounts determined under the methodology, unless the Department waives the requirement to make the payments. The requirement may be waived if spending for the Medicaid program in fiscal year 2013 is less than the amount that is budgeted for that fiscal year. If payments are made, the amount received by the Department shall be deposited into the state treasury to the credit of the Health Care Compliance Fund created under section ~~5111.171~~ 5111.946 of the Revised Code.

(3)(a) The Department shall not provide funds to Medicaid managed care organizations under the Program unless an actuary selected by the Department certifies that the Program would not violate the actuarial soundness of the capitation rates paid to Medicaid managed care organizations.

(b) The Department shall not implement the Program in a manner that causes a hospital to receive less money from the Hospital Assessment Fund than the hospital would have received if the Program were not implemented.

(c) The Department shall not implement the Program in a manner that causes a Medicaid managed care organization to receive a lower capitation payment rate solely because funds are made

available to the organization under the Program. 80489

(d) The Department shall take all necessary actions to cease 80490  
implementation of the Program if the United States Secretary 80491  
determines that the assessment imposed under section 5112.41 of 80492  
the Revised Code is an impermissible healthcare-related tax under 80493  
section 1903(w) of the "Social Security Act," 105 Stat. 1793 80494  
(1991), 42 U.S.C. 1396b(w), as amended. 80495

(F) The Director of Budget and Management may authorize 80496  
additional expenditures from appropriation item 600623, Health 80497  
Care Federal, appropriation item 600525, Health Care/Medicaid, and 80498  
appropriation item 600656, Medicaid-Hospital, in order to 80499  
implement the programs authorized by this section and to implement 80500  
the section of ~~this act~~ Am. Sub. H.B. 153 of the 129th General 80501  
Assembly titled "CONTINUATION OF MEDICAID RATES FOR HOSPITAL 80502  
INPATIENT AND OUTPATIENT SERVICES." Any amounts authorized are 80503  
hereby appropriated. 80504

(G) Nothing in this section reduces payments to children's 80505  
hospitals authorized under the section of ~~this act~~ Am. Sub. H.B. 80506  
153 of the 129th General Assembly titled "CHILDREN'S HOSPITALS 80507  
SUPPLEMENTAL FUNDING." 80508

**Sec. 309.30.53. MEDICAID MANAGED CARE EXEMPTIONS** 80509

(A) As used in this section, "disabled individual" means any 80510  
individual receiving services through the program for medically 80511  
handicapped children established under section 3701.023 of the 80512  
Revised Code who has one or more of the following conditions: 80513

(1) Cystic fibrosis; 80514

(2) Hemophilia; 80515

(3) Cancer. 80516

(B) Notwithstanding section 5111.16 of the Revised Code, as 80517  
amended by ~~this act~~ Am. Sub. H.B. 153 of the 129th General 80518

~~Assembly, the Department of Job and Family Services shall not include in the care management system established under that section in either fiscal year 2012 or fiscal year 2013 any individual receiving services through the program for medically handicapped children established under section 3701.023 of the Revised Code who has one or more of the following conditions and who was not receiving services through the care management system immediately before the effective date of this section:~~

~~(1) Cystic fibrosis;~~

~~(2) Hemophilia;~~

~~(3) Cancer~~ any disabled individual who was not receiving services through the care management system immediately before June 30, 2011, until the later of the following:

(1) January 1, 2014;

(2) One year after the date that the Department first designates any individual who receives Medicaid on the basis of being aged, blind, or disabled who is under twenty-one years of age as an individual who is permitted or required to participate in the care management system.

**Sec. 309.30.73. JOINT LEGISLATIVE COMMITTEE FOR UNIFIED LONG-TERM SERVICES AND SUPPORTS**

(A) There is hereby created the Joint Legislative Committee for Unified Long-Term Services and Supports. The Committee shall consist of the following members:

(1) Two members of the House of Representatives from the majority party, appointed by the Speaker of the House of Representatives;

(2) One member of the House of Representatives from the minority party, appointed by the Speaker of the House of Representatives;

(3) Two members of the Senate from the majority party, 80549  
appointed by the President of the Senate; 80550

(4) One member of the Senate from the minority party, 80551  
appointed by the President of the Senate. 80552

(B) The Speaker of the House of Representatives shall 80553  
designate one of the members of the Committee appointed under 80554  
division (A)(1) of this section to serve as co-chairperson of the 80555  
Committee. The President of the Senate shall designate one of the 80556  
members of the Committee appointed under division (A)(3) of this 80557  
section to serve as the other co-chairperson of the Committee. The 80558  
Committee shall meet at the call of the co-chairpersons. The 80559  
co-chairpersons may request assistance for the Committee from the 80560  
Legislative Service Commission. 80561

(C) The Committee may examine the following issues: 80562

(1) The implementation of the dual eligible integrated care 80563  
demonstration project authorized by section 5111.981 of the 80564  
Revised Code; 80565

(2) The implementation of a unified long-term services and 80566  
support Medicaid waiver component under section 5111.864 of the 80567  
Revised Code; 80568

(3) Providing consumers choices regarding a continuum of 80569  
services that meet their health-care needs, promote autonomy and 80570  
independence, and improve quality of life; 80571

(4) Ensuring that long-term care services and supports are 80572  
delivered in a cost-effective and quality manner; 80573

(5) Subjecting county homes, county nursing homes, and 80574  
district homes operated pursuant to Chapter 5155. of the Revised 80575  
Code to the franchise permit fee under sections 3721.50 to 3721.58 80576  
of the Revised Code; 80577

(6) Other issues of interest to the committee. 80578

(D) The co-chairpersons of the Committee shall provide for 80579  
the Medical Assistance Director ~~of the Office of Ohio Health Plans~~ 80580  
~~in the Department of Job and Family Services~~ to testify before the 80581  
Committee not later than September 30, 2011, and at least 80582  
quarterly thereafter regarding the issues that the Committee 80583  
examines. 80584

**Sec. 309.35.73. HEALTHCARE COMPLIANCE APPROPRIATION** 80585

Notwithstanding the provisions of section ~~5111.171~~ 5111.946 80586  
of the Revised Code specifying the uses of the ~~HealthCare~~ Health 80587  
Care Compliance Fund, appropriations in appropriation item 600625, 80588  
HealthCare Compliance, may be used for expenses incurred in 80589  
implementation or operation of Health Home programs, contracts for 80590  
consultants regarding Medicaid, and for the creation, 80591  
modification, or replacement of any federally funded Medicaid 80592  
healthcare systems in fiscal year 2012 and fiscal year 2013. 80593

**Sec. 313.10. JCO JUDICIAL CONFERENCE OF OHIO** 80594

General Revenue Fund 80595

GRF 018321	Operating Expenses	\$	<del>720,000</del>	\$	<del>720,000</del>	80596
			<u>801,000</u>		<u>801,700</u>	
TOTAL GRF	General Revenue Fund	\$	<del>720,000</del>	\$	<del>720,000</del>	80597
			<u>801,000</u>		<u>801,700</u>	

General Services Fund Group 80598

4030 018601	Ohio Jury	\$	350,000	\$	350,000	80599
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Instructions

TOTAL GSF	General Services Fund	\$	350,000	\$	350,000	80600
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	<del>1,070,000</del>	\$	<del>1,070,000</del>	80601
			<u>1,151,000</u>		<u>1,151,700</u>	

STATE COUNCIL OF UNIFORM STATE LAWS 80602

Notwithstanding section 105.26 of the Revised Code, of the 80603



foregoing appropriation item 018321, Operating Expenses, up to 80604  
\$81,000 in fiscal year 2012 and up to \$81,700 in fiscal year 2013 80605  
shall be used to pay the expenses of the State Council of Uniform 80606  
State Laws, including membership dues to the National Conference 80607  
of Commissioners on Uniform State Laws. 80608

OHIO JURY INSTRUCTIONS FUND 80609

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 80610  
grants, royalties, dues, conference fees, bequests, devises, and 80611  
other gifts received for the purpose of supporting costs incurred 80612  
by the Judicial Conference of Ohio in its activities as a part of 80613  
the judicial system of the state as determined by the Judicial 80614  
Conference Executive Committee. Fund 4030 shall be used by the 80615  
Judicial Conference of Ohio to pay expenses incurred in its 80616  
activities as a part of the judicial system of the state as 80617  
determined by the Judicial Conference Executive Committee. All 80618  
moneys accruing to Fund 4030 in excess of \$350,000 in fiscal year 80619  
2012 and in excess of \$350,000 in fiscal year 2013 are hereby 80620  
appropriated for the purposes authorized. 80621

No money in Fund 4030 shall be transferred to any other fund 80622  
by the Director of Budget and Management or the Controlling Board. 80623

**Sec. 315.10.** JSC THE JUDICIARY/SUPREME COURT 80624

General Revenue Fund 80625

GRF 005321	Operating Expenses -	\$	<del>133,704,620</del>	\$	<del>132,565,410</del>	80626
	Judiciary/Supreme		<u>132,347,507</u>		<u>133,922,523</u>	
	Court					

GRF 005406	Law-Related Education	\$	236,172	\$	236,172	80627
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GRF 005409	Ohio Courts	\$	2,150,000	\$	2,150,000	80628
	Technology Initiative					

TOTAL GRF General Revenue Fund	\$	<del>136,090,792</del>	\$	<del>134,951,582</del>	80629
		<u>134,733,679</u>		<u>136,308,695</u>	

General Services Fund Group				80630
6720 005601 Continuing Judicial	\$	172,142	\$ 169,420	80631
Education				
TOTAL GSF General Services Fund	\$	172,142	\$ 169,420	80632
Group				
Federal Special Revenue Fund Group				80633
3J00 005603 Federal Grants	\$	1,653,317	\$ 1,605,717	80634
TOTAL FED Federal Special Revenue	\$	1,653,317	\$ 1,605,717	80635
Fund Group				
State Special Revenue Fund Group				80636
4C80 005605 Attorney Services	\$	3,718,328	\$ 3,695,192	80637
5HT0 005617 Court Interpreter	\$	39,000	\$ 39,000	80638
Certification				
5T80 005609 Grants and Awards	\$	50,000	\$ 50,000	80639
6A80 005606 Supreme Court	\$	1,223,340	\$ 1,205,056	80640
Admissions				
TOTAL SSR State Special Revenue	\$	5,030,668	\$ 4,989,248	80641
Fund Group				
TOTAL ALL BUDGET FUND GROUPS	\$	<del>142,946,919</del>	\$ <del>141,715,967</del>	80642
		<u>141,589,806</u>	<u>143,073,080</u>	
OPERATING EXPENSES - JUDICIARY/SUPREME COURT				80643
Of the foregoing appropriation item 005321, Operating				80644
Expenses - Judiciary/Supreme Court, up to \$206,770 in each fiscal				80645
year may be used to support the functions of the State Criminal				80646
Sentencing Council.				80647
LAW-RELATED EDUCATION				80648
The foregoing appropriation item 005406, Law-Related				80649
Education, shall be distributed directly to the Ohio Center for				80650
Law-Related Education for the purposes of providing continuing				80651
citizenship education activities to primary and secondary				80652
students, expanding delinquency prevention programs, increasing				80653

activities for at-risk youth, and accessing additional public and 80654  
private money for new programs. 80655

OHIO COURTS TECHNOLOGY INITIATIVE 80656

The foregoing appropriation item 005409, Ohio Courts 80657  
Technology Initiative, shall be used to fund an initiative by the 80658  
Supreme Court to facilitate the exchange of information and 80659  
warehousing of data by and between Ohio courts and other justice 80660  
system partners through the creation of an Ohio Courts Network, 80661  
the delivery of technology services to courts throughout the 80662  
state, including the provision of hardware, software, and the 80663  
development and implementation of educational and training 80664  
programs for judges and court personnel, and operation of the 80665  
Commission on Technology and the Courts by the Supreme Court for 80666  
the promulgation of statewide rules, policies, and uniform 80667  
standards, and to aid in the orderly adoption and comprehensive 80668  
use of technology in Ohio courts. 80669

CONTINUING JUDICIAL EDUCATION 80670

The Continuing Judicial Education Fund (Fund 6720) shall 80671  
consist of fees paid by judges and court personnel for attending 80672  
continuing education courses and other gifts and grants received 80673  
for the purpose of continuing judicial education. The foregoing 80674  
appropriation item 005601, Continuing Judicial Education, shall be 80675  
used to pay expenses for continuing education courses for judges 80676  
and court personnel. If it is determined by the Administrative 80677  
Director of the Supreme Court that additional appropriations are 80678  
necessary, the amounts are hereby appropriated. 80679

No money in Fund 6720 shall be transferred to any other fund 80680  
by the Director of Budget and Management or the Controlling Board. 80681  
Interest earned on money in Fund 6720 shall be credited to the 80682  
fund. 80683

FEDERAL GRANTS 80684

The Federal Grants Fund (Fund 3J00) shall consist of grants and other moneys awarded to the Supreme Court (The Judiciary) by the United States Government or other entities that receive the moneys directly from the United States Government and distribute those moneys to the Supreme Court (The Judiciary). The foregoing appropriation item 005603, Federal Grants, shall be used in a manner consistent with the purpose of the grant or award. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 3J00 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. However, interest earned on money in Fund 3J00 shall be credited or transferred to the General Revenue Fund.

ATTORNEY SERVICES

The Attorney Services Fund (Fund 4C80), formerly known as the Attorney Registration Fund, shall consist of money received by the Supreme Court (The Judiciary) pursuant to the Rules for the Government of the Bar of Ohio. In addition to funding other activities considered appropriate by the Supreme Court, the foregoing appropriation item 005605, Attorney Services, may be used to compensate employees and to fund appropriate activities of the following offices established by the Supreme Court: the Office of Disciplinary Counsel, the Board of Commissioners on Grievances and Discipline, the Clients' Security Fund, and the Attorney Services Division. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 4C80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 4C80 shall be credited to the fund.

COURT INTERPRETER CERTIFICATION 80717

The Court Interpreter Certification Fund (Fund 5HT0) shall 80718  
consist of money received by the Supreme Court (The Judiciary) 80719  
pursuant to Rules 80 through 87 of the Rules of Superintendence 80720  
for the Courts of Ohio. The foregoing appropriation item 005617, 80721  
Court Interpreter Certification, shall be used to provide 80722  
training, to provide the written examination, and to pay language 80723  
experts to rate, or grade, the oral examinations of those applying 80724  
to become certified court interpreters. If it is determined by the 80725  
Administrative Director that additional appropriations are 80726  
necessary, the amounts are hereby appropriated. 80727

No money in Fund 5HT0 shall be transferred to any other fund 80728  
by the Director of Budget and Management or the Controlling Board. 80729  
Interest earned on money in Fund 5HT0 shall be credited to the 80730  
fund. 80731

GRANTS AND AWARDS 80732

The Grants and Awards Fund (Fund 5T80) shall consist of 80733  
grants and other money awarded to the Supreme Court (The 80734  
Judiciary) by the State Justice Institute, the Division of 80735  
Criminal Justice Services, or other entities. The foregoing 80736  
appropriation item 005609, Grants and Awards, shall be used in a 80737  
manner consistent with the purpose of the grant or award. If it is 80738  
determined by the Administrative Director of the Supreme Court 80739  
that additional appropriations are necessary, the amounts are 80740  
hereby appropriated. 80741

No money in Fund 5T80 shall be transferred to any other fund 80742  
by the Director of Budget and Management or the Controlling Board. 80743  
However, interest earned on money in Fund 5T80 shall be credited 80744  
or transferred to the General Revenue Fund. 80745

SUPREME COURT ADMISSIONS 80746

The foregoing appropriation item 005606, Supreme Court 80747

Admissions, shall be used to compensate Supreme Court employees 80748  
 who are primarily responsible for administering the attorney 80749  
 admissions program under the Rules for the Government of the Bar 80750  
 of Ohio, and to fund any other activities considered appropriate 80751  
 by the court. Moneys shall be deposited into the Supreme Court 80752  
 Admissions Fund (Fund 6A80) under the Supreme Court Rules for the 80753  
 Government of the Bar of Ohio. If it is determined by the 80754  
 Administrative Director of the Supreme Court that additional 80755  
 appropriations are necessary, the amounts are hereby appropriated. 80756

No money in Fund 6A80 shall be transferred to any other fund 80757  
 by the Director of Budget and Management or the Controlling Board. 80758  
 Interest earned on money in Fund 6A80 shall be credited to the 80759  
 fund. 80760

**Sec. 323.10. LSC LEGISLATIVE SERVICE COMMISSION** 80761

General Revenue Fund 80762

GRF	035321	Operating Expenses	\$	15,117,700	\$	15,117,700	80763
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GRF	035402	Legislative Fellows	\$	1,022,120	\$	1,022,120	80764
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GRF	035405	Correctional	\$	438,900	\$	438,900	80765
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Institution Inspection  
Committee

GRF	035407	Legislative Task Force	\$	590,000	\$	750,000	80766
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on Redistricting

GRF	035409	National Associations	\$	460,560	\$	460,560	80767
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GRF	035410	Legislative	\$	3,661,250	\$	<del>3,661,250</del>	80768
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Information Systems 3,861,250

GRF	035411	Ohio Constitutional	\$	50,000	\$	50,000	80769
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Modernization  
Commission

TOTAL GRF	General Revenue Fund	\$	21,340,530	\$	<del>21,500,530</del>	80770
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21,700,530

General Services Fund Group 80771

4100 035601	Sale of Publications	\$	10,000	\$	10,000	80772
4F60 035603	Legislative Budget	\$	200,000	\$	200,000	80773
	Services					
5EF0 035607	Legislative Agency	\$	30,000	\$	30,000	80774
	Telephone Usage					
TOTAL GSF General Services						80775
Fund Group		\$	240,000	\$	240,000	80776
TOTAL ALL BUDGET FUND GROUPS						80777
					<u>21,740,530</u>	
					<u>21,940,530</u>	

OPERATING EXPENSES 80778

On July 1, 2011, or as soon as possible thereafter, the 80779  
 Director of the Legislative Service Commission may certify to the 80780  
 Director of Budget and Management the amount of the unexpended, 80781  
 unencumbered balance of the foregoing appropriation item 035321, 80782  
 Operating Expenses, at the end of fiscal year 2011 to be 80783  
 reappropriated to fiscal year 2012. The amount certified is hereby 80784  
 reappropriated to the same appropriation item for fiscal year 80785  
 2012. 80786

On July 1, 2012, or as soon as possible thereafter, the 80787  
 Director of the Legislative Service Commission may certify to the 80788  
 Director of Budget and Management the amount of the unexpended, 80789  
 unencumbered balance of the foregoing appropriation item 035321, 80790  
 Operating Expenses, at the end of fiscal year 2012 to be 80791  
 reappropriated to fiscal year 2013. The amount certified is hereby 80792  
 reappropriated to the same appropriation item for fiscal year 80793  
 2013. 80794

LEGISLATIVE TASK FORCE ON REDISTRICTING 80795

An amount equal to the unexpended, unencumbered portion of 80796  
 the foregoing appropriation item 035407, Legislative Task Force on 80797  
 Redistricting, at the end of fiscal year 2011 is hereby 80798  
 reappropriated to the Legislative Service Commission for the same 80799  
 purpose for fiscal year 2012. 80800

An amount equal to the unexpended, unencumbered portion of 80801  
the foregoing appropriation item 035407, Legislative Task Force on 80802  
Redistricting, at the end of fiscal year 2012 is hereby 80803  
reappropriated to the Legislative Service Commission for the same 80804  
purpose for fiscal year 2013. 80805

LEGISLATIVE INFORMATION SYSTEMS 80806

On July 1, 2011, or as soon as possible thereafter, the 80807  
Director of the Legislative Service Commission may certify to the 80808  
Director of Budget and Management the amount of the unexpended, 80809  
unencumbered balance of the foregoing appropriation item 035410, 80810  
Legislative Information Systems, at the end of fiscal year 2011 to 80811  
be reappropriated to fiscal year 2012. The amount certified is 80812  
hereby reappropriated to the same appropriation item for fiscal 80813  
year 2012. 80814

On July 1, 2012, or as soon as possible thereafter, the 80815  
Director of the Legislative Service Commission may certify to the 80816  
Director of Budget and Management the amount of the unexpended, 80817  
unencumbered balance of the foregoing appropriation item 035410, 80818  
Legislative Information Systems, at the end of fiscal year 2012 to 80819  
be reappropriated to fiscal year 2013. The amount certified is 80820  
hereby reappropriated to the same appropriation item for fiscal 80821  
year 2013. 80822

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 80823

The foregoing appropriation item 035411, Ohio Constitutional 80824  
Modernization Commission, shall be used to support the operation 80825  
and expenses of the Ohio Constitutional Modernization Commission 80826  
under sections 103.61 to 103.67 of the Revised Code. 80827

**Sec. 327.10.** LCO LIQUOR CONTROL COMMISSION 80828

State Special Revenue Fund Group 80829

5LP0 970601 Commission Operating \$ 0 \$ 754,146 80830



<u>Expense</u>					
<u>TOTAL SSR State Special Revenue</u>	\$	0	\$	<u>754,146</u>	80831
<u>Fund Group</u>					
Liquor Control Fund Group					80832
7043 970321 Operating Expenses	\$	753,933	\$	<del>754,146</del> 0	80833
TOTAL LCF Liquor Control Fund Group	\$	753,933	\$	<del>754,146</del> 0	80834
TOTAL ALL BUDGET FUND GROUPS	\$	753,933	\$	754,146	80835
<b>Sec. 335.10. AMB OHIO MEDICAL TRANSPORTATION BOARD</b>					80837
General Services Fund Group					80838
4K90 915604 Operating Expenses	\$	493,641	\$	<del>493,856</del> 0	80839
TOTAL GSF General Services					80840
Fund Group	\$	493,641	\$	<del>493,856</del> 0	80841
TOTAL ALL BUDGET FUND GROUPS	\$	493,641	\$	<del>493,856</del> 0	80842
<b>Sec. 337.10. DMH DEPARTMENT OF MENTAL HEALTH</b>					80844
General Revenue Fund					80845
GRF 332401 Forensic Services	\$	3,244,251	\$	3,244,251	80846
GRF 333321 Central	\$	16,000,000	\$	16,000,000	80847
Administration					
GRF 333402 Resident Trainees	\$	450,000	\$	450,000	80848
GRF 333403 Pre-Admission	\$	486,119	\$	<del>486,119</del>	80849
Screening Expenses					
GRF 333415 Lease-Rental Payments	\$	18,394,250	\$	<del>19,907,900</del>	80850
				<u>17,907,900</u>	
GRF 333416 Research Program	\$	421,724	\$	421,998	80851
Evaluation					
GRF 334412 Hospital Services	\$	194,918,888	\$	<del>192,051,209</del>	80852
				<u>191,051,209</u>	
GRF 334506 Court Costs	\$	584,210	\$	584,210	80853
GRF 335405 Family & Children	\$	1,386,000	\$	1,386,000	80854
First					

GRF	335419	Community Medication Subsidy	\$	8,963,818	\$	8,963,818	80855
GRF	335501	Mental Health Medicaid Match	\$	186,400,000	\$	0	80856
GRF	335505	Local Mental Health Systems of Care	\$	49,963,776	\$	<del>59,087,955</del> <u>62,087,955</u>	80857
GRF	335506	Residential State Supplement	\$	4,702,875	\$	4,702,875	80858
TOTAL GRF	General Revenue Fund		\$	485,915,911	\$	<del>307,286,335</del> <u>307,086,335</u>	80859
General Services Fund Group							80860
1490	333609	Central Office Operating	\$	1,343,190	\$	1,343,190	80861
1490	334609	Hospital - Operating Expenses	\$	28,190,000	\$	28,190,000	80862
1500	334620	Special Education	\$	150,000	\$	150,000	80863
4P90	335604	Community Mental Health Projects	\$	4,061,100	\$	250,000	80864
1510	336601	Office of Support Services	\$	129,770,770	\$	<del>129,779,822</del> <u>127,297,130</u>	80865
TOTAL GSF	General Services Fund Group		\$	163,515,060	\$	<del>159,713,012</del> <u>157,230,320</u>	80866
Federal Special Revenue Fund Group							80867
3240	333605	Medicaid/Medicare	\$	154,500	\$	154,500	80868
3A60	333608	Federal Miscellaneous	\$	140,000	\$	140,000	80869
3A70	333612	Social Services Block Grant	\$	50,000	\$	50,000	80870
3A80	333613	Federal Grant - Administration	\$	4,717,000	\$	4,717,000	80871
3A90	333614	Mental Health Block Grant - Administration	\$	748,470	\$	748,470	80872

3B10	333635	Community Medicaid Expansion	\$	13,691,682	\$	13,691,682	80873
3240	334605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	80874
3A60	334608	Federal Miscellaneous	\$	200,000	\$	200,000	80875
3A80	334613	Federal Letter of Credit	\$	200,000	\$	200,000	80876
3A60	335608	Federal Miscellaneous	\$	2,170,000	\$	2,170,000	80877
3A70	335612	Social Services Block Grant	\$	8,400,000	\$	8,400,000	80878
3A80	335613	Federal Grant - Community Mental Health Board Subsidy	\$	2,500,000	\$	2,500,000	80879
3A90	335614	Mental Health Block Grant	\$	14,200,000	\$	14,200,000	80880
3B10	335635	Community Medicaid Expansion	\$	346,200,000	\$	0	80881
TOTAL FED	Federal Special Revenue		\$	421,571,652	\$	75,371,652	80882
Fund Group							
State Special Revenue Fund Group							80883
2320	333621	Family and Children First Administration	\$	448,286	\$	432,197	80884
4850	333632	Mental Health Operating	\$	134,233	\$	134,233	80885
4X50	333607	Behavioral Health Medicaid Services	\$	3,000,624	\$	3,000,624	80886
5V20	333611	Non-Federal Miscellaneous	\$	100,000	\$	100,000	80887
4850	334632	Mental Health Operating	\$	2,477,500	\$	2,477,500	80888
5AU0	335615	Behavioral Healthcare	\$	6,690,000	\$	6,690,000	80889
6320	335616	Community Capital Replacement	\$	350,000	\$	350,000	80890
TOTAL SSR	State Special Revenue		\$	13,200,643	\$	13,184,554	80891

Fund Group			
TOTAL ALL BUDGET FUND GROUPS		\$ 1,084,203,266 \$	<del>555,555,553</del> 80892 <u>552,872,861</u>
<b>Sec. 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b>			80894
General Revenue Fund			80895
GRF 725401	Wildlife-GRF Central	\$ 1,800,000 \$	1,800,000 80896
	Support		
GRF 725413	Lease Rental Payments	\$ 20,568,600 \$	19,734,700 80897
GRF 725456	Canal Lands	\$ 135,000 \$	135,000 80898
GRF 725502	Soil and Water	\$ 2,900,000 \$	2,900,000 80899
	Districts		
<u>GRF 725505</u>	<u>Healthy Lake Erie Fund</u>	<u>\$ 0 \$</u>	<u>3,000,000</u> 80900
GRF 725903	Natural Resources	\$ 5,375,300 \$	25,209,100 80901
	General Obligation		
	Debt Service		
GRF 727321	Division of Forestry	\$ 4,878,338 \$	4,880,000 80902
GRF 729321	Office of Information	\$ 194,118 \$	197,117 80903
	Technology		
GRF 730321	Division of Parks and	\$ 30,000,000 \$	30,000,000 80904
	Recreation		
GRF 736321	Division of	\$ 3,024,459 \$	<del>3,025,078</del> 80905 <u>2,995,078</u>
	Engineering		
GRF 737321	Division of Soil and	\$ 4,982,961 \$	4,983,356 80906
	Water Resources		
GRF 741321	Division of Natural	\$ 1,200,000 \$	1,200,000 80907
	Areas and Preserves		
TOTAL GRF General Revenue Fund		\$ 75,058,776 \$	<del>94,064,351</del> 80908 <u>97,034,351</u>
General Services Fund Group			80909
1550 725601	Departmental Projects	\$ 3,365,651 \$	<del>2,725,484</del> 80910 <u>2,512,977</u>

1570	725651	Central Support	\$	5,854,167	\$	5,857,800	80911
		Indirect					
2040	725687	Information Services	\$	4,659,276	\$	4,643,835	80912
2070	725690	Real Estate Services	\$	50,000	\$	50,000	80913
2230	725665	Law Enforcement	\$	2,106,776	\$	2,126,432	80914
		Administration					
2270	725406	Parks Projects	\$	436,500	\$	436,500	80915
		Personnel					
4300	725671	Canal Lands	\$	907,618	\$	<del>907,879</del>	80916
						<u>883,879</u>	
4D50	725618	Recycled Materials	\$	50,000	\$	<del>50,000</del> <u>0</u>	80917
4S90	725622	NatureWorks Personnel	\$	400,358	\$	400,358	80918
4X80	725662	Water Resources	\$	138,011	\$	138,005	80919
		Council					
5100	725631	Maintenance -	\$	303,611	\$	303,611	80920
		State-owned					
		Residences					
5160	725620	Water Management	\$	2,541,565	\$	2,559,292	80921
6350	725664	Fountain Square	\$	3,544,623	\$	<del>3,548,445</del>	80922
		Facilities Management				<u>3,473,413</u>	
6970	725670	Submerged Lands	\$	836,162	\$	848,546	80923
TOTAL GSF General Services							80924
Fund Group			\$	25,194,318	\$	<del>24,596,187</del>	80925
							<u>24,234,648</u>
Federal Special Revenue Fund Group							80926
3320	725669	Federal Mine Safety	\$	258,102	\$	258,102	80927
		Grant					
3B30	725640	Federal Forest	\$	600,000	\$	600,000	80928
		Pass-Thru					
3B40	725641	Federal Flood	\$	600,000	\$	600,000	80929
		Pass-Thru					
3B50	725645	Federal Abandoned	\$	21,007,667	\$	21,207,667	80930
		Mine Lands					

3B60	725653	Federal Land and Water Conservation Grants	\$	1,150,000	\$	1,150,000	80931
3B70	725654	Reclamation - Regulatory	\$	3,200,000	\$	3,200,000	80932
3P10	725632	Geological Survey - Federal	\$	692,401	\$	692,401	80933
3P20	725642	Oil and Gas-Federal	\$	234,509	\$	234,509	80934
3P30	725650	Coastal Management - Federal	\$	3,290,633	\$	3,290,633	80935
3P40	725660	Federal - Soil and Water Resources	\$	1,213,048	\$	1,209,957	80936
3R50	725673	Acid Mine Drainage Abatement/Treatment	\$	2,025,001	\$	2,025,001	80937
3Z50	725657	Federal Recreation and Trails	\$	1,850,000	\$	1,850,000	80938
TOTAL FED Federal Special Revenue							80939
Fund Group			\$	36,121,361	\$	36,318,270	80940
State Special Revenue Fund Group							80941
4J20	725628	Injection Well Review	\$	130,899	\$	128,466	80942
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	80943
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	80944
5090	725602	State Forest	\$	7,891,747	\$	7,058,793	80945
5110	725646	Ohio Geological Mapping	\$	704,777	\$	705,130	80946
5120	725605	State Parks Operations	\$	32,284,117	\$	31,550,444	80947
5140	725606	Lake Erie Shoreline	\$	1,502,654	\$	1,505,983	80948
5180	725643	Oil and Gas Permit Fees	\$	5,821,970	\$	<del>5,623,645</del> <u>9,823,645</u>	80949
5180	725677	Oil and Gas Well Plugging	\$	800,000	\$	800,000	80950
5210	725627	Off-Road Vehicle	\$	143,490	\$	143,490	80951

		Trails					
5220	725656	Natural Areas and Preserves	\$	546,580	\$	546,639	80952
5260	725610	Strip Mining Administration Fee	\$	2,000,000	\$	2,000,000	80953
5270	725637	Surface Mining Administration	\$	1,940,977	\$	1,941,532	80954
5290	725639	Unreclaimed Land Fund	\$	2,004,180	\$	2,004,180	80955
5310	725648	Reclamation Forfeiture	\$	1,423,000	\$	<del>1,423,000</del> <u>500,000</u>	80956
5320	725644	Litter Control and Recycling	\$	4,926,730	\$	<del>4,911,575</del> <u>0</u>	80957
5860	725633	Scrap Tire Program	\$	1,497,645	\$	<del>1,497,645</del> <u>0</u>	80958
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	80959
5BV0	725658	Heidelberg Water Quality Lab	\$	250,000	\$	250,000	80960
5BV0	725683	Soil and Water Districts	\$	8,000,000	\$	8,000,000	80961
5CU0	725647	Mine Safety	\$	3,000,000	\$	3,000,000	80962
5EJ0	725608	Forestry Law Enforcement	\$	1,000	\$	1,000	80963
5EK0	725611	Natural Areas & Preserves Law Enforcement	\$	1,000	\$	1,000	80964
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	80965
5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	80966
5EN0	725614	Watercraft Law Enforcement	\$	2,500	\$	2,500	80967
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	80968
6150	725661	Dam Safety	\$	925,344	\$	926,028	80969
TOTAL	SSR	State Special Revenue					80970
Fund Group			\$	76,073,745	\$	<del>74,296,185</del>	80971

					<u>71,163,965</u>	
Clean Ohio Conservation Fund Group						80972
7061 725405	Clean Ohio Operating	\$	300,775	\$	300,775	80973
TOTAL CLF	Clean Ohio Conservation Fund Group	\$	300,775	\$	300,775	80974
Wildlife Fund Group						80975
5P20 725634	Wildlife Boater Angler Administration	\$	4,000,000	\$	4,000,000	80976
7015 740401	Division of Wildlife Conservation	\$	52,721,044	\$	51,669,158	80977
8150 725636	Cooperative Management Projects	\$	120,449	\$	120,449	80978
8160 725649	Wetlands Habitat	\$	966,885	\$	966,885	80979
8170 725655	Wildlife Conservation Checkoff Fund	\$	3,240,000	\$	3,240,000	80980
8180 725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	80981
8190 725685	Ohio River Management	\$	128,584	\$	128,584	80982
TOTAL WLF	Wildlife Fund Group	\$	62,676,962	\$	61,625,076	80983
Waterways Safety Fund Group						80984
7086 725414	Waterways Improvement	\$	5,692,601	\$	5,693,671	80985
7086 725418	Buoy Placement	\$	52,182	\$	52,182	80986
7086 725501	Waterway Safety Grants	\$	120,000	\$	120,000	80987
7086 725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	80988
7086 725513	Watercraft Educational Grants	\$	366,643	\$	366,643	80989
7086 739401	Division of Watercraft	\$	18,040,593	\$	17,552,370	80990
TOTAL WSF	Waterways Safety Fund Group	\$	24,848,172	\$	24,361,019	80991
		\$		\$		80992



Accrued Leave Liability Fund Group				80993
4M80 725675 FOP Contract	\$	20,219	\$ 20,219	80994
TOTAL ALF Accrued Leave				80995
Liability Fund Group	\$	20,219	\$ 20,219	80996
Holding Account Redistribution Fund Group				80997
R017 725659 Performance Cash Bond	\$	296,263	\$ 296,263	80998
Refunds				
R043 725624 Forestry	\$	2,000,000	\$ 2,154,750	80999
TOTAL 090 Holding Account				81000
Redistribution Fund Group	\$	2,296,263	\$ 2,451,013	81001
TOTAL ALL BUDGET FUND GROUPS	\$	302,590,591	\$ <del>318,033,095</del>	81002
			<u>317,509,336</u>	

**Sec. 343.40. LEASE RENTAL PAYMENTS** 81004

The foregoing appropriation item 725413, Lease Rental 81005  
 Payments, shall be used to meet all payments at the times they are 81006  
 required to be made during the period from July 1, 2011, through 81007  
 June 30, 2013, by the Department of Natural Resources pursuant to 81008  
 leases and agreements made under section 154.22 of the Revised 81009  
 Code. These appropriations are the source of funds pledged for 81010  
 bond service charges or obligations issued pursuant to Chapter 81011  
 154. of the Revised Code. 81012

**CANAL LANDS** 81013

The foregoing appropriation item 725456, Canal Lands, shall 81014  
 be used to transfer funds to the Canal Lands Fund (Fund 4300) to 81015  
 provide operating expenses for the State Canal Lands Program. The 81016  
 transfer shall be made using an intrastate transfer voucher and 81017  
 shall be subject to the approval of the Director of Budget and 81018  
 Management. 81019

**HEALTHY LAKE ERIE FUND** 81020

Of the foregoing appropriation item 725505, Healthy Lake Erie 81021

Fund, up to \$3,000,000 shall be used by the Director of Natural Resources, in consultation with the Director of Agriculture and the Director of Environmental Protection, to implement nonstatutory recommendations of the Agriculture Nutrients and Water Quality Working Group. The Director shall give priority to recommendations that encourage farmers to adopt agricultural production guidelines commonly known as 4R nutrient stewardship practices. Funds may also be used for enhanced soil testing in the Western Lake Erie Basin, monitoring the quality of Lake Erie and its tributaries, and conducting research and establishing pilot projects that have the goal of reducing algae blooms in Lake Erie.

NATURAL RESOURCES GENERAL OBLIGATION DEBT SERVICE

The foregoing appropriation item 725903, Natural Resources General Obligation Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2011, through June 30, 2013, on obligations issued under sections 151.01 and 151.05 of the Revised Code.

**Sec. 365.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

General Services Fund Group

5F60 870622 Utility and Railroad Regulation \$ 30,637,234 \$ 31,638,708

5F60 870624 NARUC/NRRI Subsidy \$ 158,000 \$ ~~158,000~~  
100,000

5F60 870625 Motor Transportation Regulation \$ 4,976,641 \$ ~~5,971,218~~ 0

5Q50 870626 Telecommunications Relay Service \$ 5,000,000 \$ 5,000,000

TOTAL GSF General Services Fund Group \$ 40,771,875 \$ ~~42,767,926~~

36,738,708

Federal Special Revenue Fund Group

3330	870601	Gas Pipeline Safety	\$	597,959	\$	597,959	81048
3500	870608	Motor Carrier Safety	\$	7,351,660	\$	7,351,660	81049
3CU0	870627	Electric Market Modeling	\$	91,183	\$	0	81050
3EA0	870630	Energy Assurance Planning	\$	384,000	\$	384,000	81051
3ED0	870631	State Regulators Assistance	\$	231,824	\$	231,824	81052
3V30	870604	Commercial Vehicle Information Systems/Networks	\$	100,000	\$	100,000	81053
TOTAL FED Federal Special Revenue							81054
Fund Group			\$	8,756,626	\$	8,665,443	81055
State Special Revenue Fund Group							81056
4A30	870614	Grade Crossing Protection Devices-State	\$	1,347,357	\$	1,347,357	81057
4L80	870617	Pipeline Safety-State	\$	181,992	\$	181,992	81058
4S60	870618	Hazardous Material Registration	\$	450,395	\$	<del>450,395</del> 0	81059
4S60	870621	Hazardous Materials Base State Registration	\$	373,346	\$	<del>373,346</del> 0	81060
4U80	870620	Civil Forfeitures	\$	277,347	\$	<del>277,496</del> 0	81061
5590	870605	Public Utilities Territorial Administration	\$	3,880	\$	<del>3,880</del> 0	81062
5600	870607	Special Assessment	\$	97,000	\$	<del>97,000</del> 0	81063
5610	870606	Power Siting Board	\$	631,508	\$	<del>631,618</del> 581,618	81064
5BP0	870623	Wireless 9-1-1 Administration	\$	36,440,000	\$	<del>18,220,000</del> <u>17,757,250</u>	81065
5HD0	870629	Radioactive Waste	\$	98,800	\$	<del>98,800</del> 0	81066

		Transportation					
5LT0	870640	<u>Intrastate</u>	\$	0	\$	<u>180,000</u>	81067
		<u>Registration</u>					
5LT0	870641	<u>Unified Carrier</u>	\$	0	\$	<u>420,000</u>	81068
		<u>Registration</u>					
5LT0	870642	<u>Hazardous Materials</u>	\$	0	\$	<u>823,741</u>	81069
		<u>Registration</u>					
5LT0	870643	<u>Nonhazardous Materials</u>	\$	0	\$	<u>277,496</u>	81070
		<u>Civil Forfeiture</u>					
5LT0	870644	<u>Hazardous Materials</u>	\$	0	\$	<u>898,800</u>	81071
		<u>Civil Forfeiture</u>					
5LT0	870645	<u>Motor Carrier</u>	\$	0	\$	<u>5,401,318</u>	81072
		<u>Enforcement</u>					
6380	870611	Biofuels/Municipal	\$	570	\$	0	81073
		Waste Technology					
6610	870612	Hazardous Materials	\$	898,800	\$	<del>898,800</del> 0	81074
		Transportation					
TOTAL SSR	State Special Revenue						81075
Fund Group			\$	40,800,995	\$	<del>22,580,684</del>	81076
						<u>27,869,572</u>	
TOTAL ALL BUDGET FUND GROUPS			\$	90,329,496	\$	<del>74,014,053</del>	81077
						<u>73,273,723</u>	

COMMUNITY-VOICEMAIL SERVICE PILOT PROGRAM 81078

The Community-voicemail Service Pilot Program assessments 81079  
 authorized by Section 6 of Sub. S.B. 162 of the 128th General 81080  
 Assembly shall cease. These assessments shall be refunded without 81081  
 interest to those assessed under the program by the Public 81082  
 Utilities Commission within 60 days of the effective date of this 81083  
 section. 81084

FUND ADJUSTMENTS 81085

On July 1, 2012, or as soon as practicable thereafter, the 81086  
Director of Budget and Management shall transfer the cash balances 81087

in the Hazardous Materials Registration Fund (Fund 4S60) and the 81088  
Base State Registration Fund (Fund 4G40) to the Public Utilities 81089  
Transportation Safety Fund (Fund 5LT0). The Director shall cancel 81090  
any existing encumbrances against appropriation items 870618, 81091  
Hazardous Material Registration, and 870621, Hazardous Materials 81092  
Base State Registration, and reestablish them against 81093  
appropriation item 870642, Hazardous Materials Registration. The 81094  
amounts of the reestablished encumbrances are hereby appropriated. 81095  
Upon completion of these transfers, the Hazardous Materials 81096  
Registration Fund (Fund 4S60) and the Base State Registration Fund 81097  
(Fund 4G40) are hereby abolished. 81098

On July 1, 2012, or as soon as practicable thereafter, the 81099  
Director of Budget and Management shall transfer the cash balance 81100  
in the Transportation Enforcement Fund (Fund 4U80) to the Public 81101  
Utilities Transportation Safety Fund (Fund 5LT0). The Director 81102  
shall cancel any existing encumbrances against appropriation item 81103  
870620, Civil Forfeitures, and reestablish them against 81104  
appropriation item 870643, Nonhazardous Materials Civil 81105  
Forfeitures. The amounts of the reestablished encumbrances are 81106  
hereby appropriated. Upon completion of these transfers, the 81107  
Transportation Enforcement Fund (Fund 4U80) is hereby abolished. 81108

On July 1, 2012, or as soon as practicable thereafter, the 81109  
Director of Budget and Management shall transfer the cash balance 81110  
in the Radioactive Waste Transportation Fund (Fund 5HD0) to the 81111  
Public Utilities Transportation Safety Fund (Fund 5LT0). The 81112  
Director shall cancel any existing encumbrances against 81113  
appropriation item 870629, Radioactive Waste Transportation, and 81114  
reestablish them against appropriation item 870645, Motor Carrier 81115  
Enforcement. The amounts of the reestablished encumbrances are 81116  
hereby appropriated. Upon completion of these transfers, the 81117  
Radioactive Waste Transportation Fund (Fund 5HD0) is hereby 81118  
abolished. 81119

On July 1, 2012, or as soon as practicable thereafter, the 81120  
Director of Budget and Management shall transfer the cash balance 81121  
in the Hazardous Materials Transportation Fund (Fund 6610) to the 81122  
Public Utilities Transportation Safety Fund (Fund 5LT0). The 81123  
Director shall cancel any existing encumbrances against 81124  
appropriation item 870612, Hazardous Materials Transportation, and 81125  
reestablish them against appropriation item 870644, Hazardous 81126  
Materials Civil Forfeitures. The amounts of the reestablished 81127  
encumbrances are hereby appropriated. Upon completion of these 81128  
transfers, the Hazardous Materials Transportation Fund (Fund 6610) 81129  
is hereby abolished. 81130

On July 1, 2012, or as soon as practicable thereafter, the 81131  
Director of Budget and Management shall transfer cash in an amount 81132  
up to \$21,000,000 from the Public Utilities Fund (Fund 5F60) to 81133  
the Public Utilities Transportation Safety Fund (Fund 5LT0). The 81134  
Director shall cancel any existing encumbrances against 81135  
appropriation item 870625, Motor Transportation Regulation, and 81136  
reestablish encumbrances or parts of encumbrances as needed in the 81137  
fiscal year in the appropriate fund and appropriation item for the 81138  
same purpose and to the same vendor. The amounts of the 81139  
reestablished encumbrances are hereby appropriated. 81140

The fund created by division (E) of section 4921.21 of the 81141  
Revised Code is the same fund, with the same name, as the Motor 81142  
Carrier Safety Fund (Fund 3500). 81143

The fund created by division (D) of section 4921.21 of the 81144  
Revised Code is the same fund, with the same name, as the 81145  
Commercial Vehicle Transportation Systems Fund (Fund 3V30). 81146

**Sec. 367.10. PWC PUBLIC WORKS COMMISSION** 81147

General Revenue Fund 81148

GRF 150904 Conservation General \$ 21,953,000 \$ 29,297,300 81149

	Obligation Debt				
	Service				
GRF 150907	State Capital	\$ 106,770,600	\$ <del>215,571,100</del>	81150	
	Improvements		<u>208,571,100</u>		
	General Obligation			81151	
	Debt Service				
TOTAL GRF	General Revenue Fund	\$ 128,723,600	\$ <del>244,868,400</del>	81152	
			<u>237,868,400</u>		
	Clean Ohio Conservation Fund Group			81153	
7056 150403	Clean Ohio Operating	\$ 300,000	\$ 288,980	81154	
	Expenses				
TOTAL 056	Clean Ohio Conservation	\$ 300,000	\$ 288,980	81155	
	Fund Group				
TOTAL ALL BUDGET FUND GROUPS		\$ 129,023,600	\$ <del>245,157,380</del>	81156	
			<u>238,157,380</u>		

CONSERVATION GENERAL OBLIGATION DEBT SERVICE 81157

The foregoing appropriation item 150904, Conservation General 81158  
Obligation Debt Service, shall be used to pay all debt service and 81159  
related financing costs during the period from July 1, 2011, 81160  
through June 30, 2013, at the times they are required to be made 81161  
for obligations issued under sections 151.01 and 151.09 of the 81162  
Revised Code. 81163

STATE CAPITAL IMPROVEMENTS GENERAL OBLIGATION DEBT SERVICE 81164

The foregoing appropriation item 150907, State Capital 81165  
Improvements General Obligation Debt Service, shall be used to pay 81166  
all debt service and related financing costs during the period 81167  
from July 1, 2011, through June 30, 2013, at the times they are 81168  
required to be made for obligations issued under sections 151.01 81169  
and 151.08 of the Revised Code. 81170

CLEAN OHIO OPERATING EXPENSES 81171

The foregoing appropriation item 150403, Clean Ohio Operating 81172

Expenses, shall be used by the Ohio Public Works Commission in 81173  
administering Clean Ohio Conservation Fund (Fund 7056) projects 81174  
pursuant to sections 164.20 to 164.27 of the Revised Code. 81175

REIMBURSEMENT TO THE GENERAL REVENUE FUND 81176

(A) On or before July 15, 2013, the Director of the Public 81177  
Works Commission shall certify to the Director of Budget and 81178  
Management the following: 81179

(1) The total amount disbursed from appropriation item 81180  
700409, Farmland Preservation, during the FY 2012-FY 2013 81181  
biennium; and 81182

(2) The amount of interest earnings that have been credited 81183  
to the Clean Ohio Conservation Fund (Fund 7056) that are in excess 81184  
of the amount needed for other purposes as calculated by the 81185  
Director of the Public Works Commission. 81186

(B) If the Director of Budget and Management determines under 81187  
division (A)(2) of this section that there are excess interest 81188  
earnings, the Director of Budget and Management shall, on or 81189  
before July 15, 2013, transfer the excess interest earnings to the 81190  
General Revenue Fund in an amount equal to the total amount 81191  
disbursed under division (A)(1) of this section from the Clean 81192  
Ohio Conservation Fund (Fund 7056). 81193

**Sec. 369.10. RAC STATE RACING COMMISSION** 81194

State Special Revenue Fund Group 81195

5620 875601 Thoroughbred Race \$ 1,796,328 \$ 1,696,456 81196  
Fund

5630 875602 Standardbred \$ 1,697,418 \$ 1,697,452 81197  
Development Fund

5640 875603 Quarter Horse \$ 1,000 \$ 1,000 81198  
Development Fund

5650 875604 Racing Commission \$ 3,095,331 \$ 2,934,178 81199



	Operating					
5C40	875607	Simulcast Horse	\$	12,000,000	\$	12,000,000 81200
		Racing Purse				
<u>5JK0</u>	<u>875610</u>	<u>Racing Commission</u>	<u>\$</u>	<u>339,919</u>	<u>\$</u>	<u>8,169,547</u> 81201
		<u>Fund</u>				
		TOTAL SSR State Special Revenue				81202
		Fund Group	\$	<del>18,590,078</del>	\$	<del>18,329,087</del> 81203
				<u>18,929,996</u>		<u>26,498,633</u>
		Holding Account Redistribution Fund Group				81204
R021	875605	Bond Reimbursements	\$	100,000	\$	100,000 81205
		TOTAL 090 Holding Account				81206
		Redistribution				
		Fund Group	\$	100,000	\$	100,000 81207
		TOTAL ALL BUDGET FUND GROUPS	\$	<del>18,690,078</del>	\$	<del>18,429,087</del> 81208
				<u>19,029,996</u>		<u>26,598,633</u>
		<b>Sec. 371.10. BOR BOARD OF REGENTS</b>				81210
		General Revenue Fund				81211
GRF	235321	Operating Expenses	\$	2,300,000	\$	2,300,000 81212
GRF	235401	Lease Rental Payments	\$	83,151,600	\$	57,634,400 81213
GRF	235402	Sea Grants	\$	285,000	\$	285,000 81214
GRF	235406	Articulation and	\$	2,000,000	\$	2,000,000 81215
		Transfer				
GRF	235408	Midwest Higher	\$	95,000	\$	95,000 81216
		Education Compact				
GRF	235409	<u>HEI</u> Information System	\$	800,000	\$	800,000 81217
GRF	235414	State Grants and	\$	1,230,000	\$	1,230,000 81218
		Scholarship				
		Administration				
GRF	235417	<del>Ohio Learning Network</del>	\$	2,532,688	\$	2,532,688 81219
		<u>eStudent Services</u>				
GRF	235428	Appalachian New	\$	737,366	\$	737,366 81220

	Economy Partnership				
GRF 235433	Economic Growth Challenge	\$	440,000	\$	440,000 81221
GRF 235438	Choose Ohio First Scholarship	\$	15,750,085	\$	15,750,085 81222
GRF 235443	Adult Basic and Literacy Education - State	\$	7,302,416	\$	7,302,416 81223
GRF 235444	Post-Secondary Adult Career-Technical Education	\$	15,317,547	\$	15,317,547 81224
GRF 235474	Area Health Education Centers Program Support	\$	900,000	\$	900,000 81225
GRF 235501	State Share of Instruction	\$	1,735,530,031	\$	1,751,225,497 81226
GRF 235502	Student Support Services	\$	632,974	\$	632,974 81227
GRF 235504	War Orphans Scholarships	\$	4,787,833	\$	4,787,833 81228
GRF 235507	OhioLINK	\$	6,100,000	\$	6,100,000 81229
GRF 235508	Air Force Institute of Technology	\$	1,740,803	\$	1,740,803 81230
GRF 235510	Ohio Supercomputer Center	\$	3,347,418	\$	3,347,418 81231
GRF 235511	Cooperative Extension Service	\$	22,220,910	\$	22,220,910 81232
GRF 235514	Central State Supplement	\$	11,503,651	\$	10,928,468 81233
GRF 235515	Case Western Reserve University School of Medicine	\$	2,146,253	\$	2,146,253 81234
GRF 235519	Family Practice	\$	3,166,185	\$	3,166,185 81235

GRF 235520	Shawnee State Supplement	\$	2,448,523	\$	2,326,097	81236
GRF 235524	Police and Fire Protection	\$	107,814	\$	107,814	81237
GRF 235525	Geriatric Medicine	\$	522,151	\$	522,151	81238
GRF 235526	Primary Care Residencies	\$	1,500,000	\$	1,500,000	81239
GRF 235535	Ohio Agricultural Research and Development Center	\$	33,100,000	\$	33,100,000	81240
GRF 235536	The Ohio State University Clinical Teaching	\$	9,668,941	\$	9,668,941	81241
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	81242
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	81243
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	81244
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	81245
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	81246
GRF 235552	Capital Component	\$	20,638,274	\$	<del>20,638,274</del> <u>13,628,639</u>	81247
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	81248
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	81249
GRF 235558	Long-term Care Research	\$	195,300	\$	195,300	81250

GRF 235563	Ohio College Opportunity Grant	\$ 80,284,265	\$ 80,284,265	81251
GRF 235572	The Ohio State University Clinic Support	\$ 766,533	\$ 766,533	81252
GRF 235599	National Guard Scholarship Program	\$ 16,912,271	\$ 18,143,293	81253
GRF 235909	Higher Education General Obligation Debt Service	\$ 108,262,500	\$ 201,555,000	81254
TOTAL GRF General Revenue Fund		\$ 2,226,105,156	\$ <del>2,310,109,335</del> <u>2,303,099,700</u>	81255
General Services Fund Group				81256
2200 235614	Program Approval and Reauthorization	\$ 1,311,567	\$ 1,457,959	81257
4560 235603	Sales and Services	\$ 199,250	\$ 199,250	81258
5JC0 235649	Co-op Internship Program	\$ 12,000,000	\$ 12,000,000	81259
5JC0 235667	Ohio College Opportunity Grant-Proprietary	\$ 6,000,000	\$ 6,000,000	81260
5JC0 235668	Air Force Institute of Technology - Defense/Aerospace Graduate Studies Institute	\$ 4,000,000	\$ 4,000,000	81261
TOTAL GSF General Services Fund Group		\$ 23,510,817	\$ 23,657,209	81262 81263
Federal Special Revenue Fund Group				81264
3120 235609	Tech Prep	\$ 183,850	\$ <del>183,850</del> <u>0</u>	81265
3120 235611	Gear-up Grant	\$ 3,900,000	\$ <del>3,900,000</del> <u>50,000</u>	81266

3120	235612	Carl D. Perkins Grant/Plan Administration	\$	912,961	\$	912,961	81267
3120	235617	Improving Teacher Quality Grant	\$	3,200,000	\$	3,200,000	81268
3120	235641	Adult Basic and Literacy Education - Federal	\$	14,835,671	\$	14,835,671	81269
3120	235659	Race to the Top Scholarship Program	\$	2,400,000	\$	<del>3,780,000</del> <u>0</u>	81270
3120	235660	Race to the Top Educator Preparation Reform Initiative	\$	448,000	\$	<del>1,120,000</del> <u>0</u>	81271
3120	235661	Americorps Grant	\$	260,000	\$	<del>260,000</del> <u>0</u>	81272
3H20	235608	Human Services Project	\$	3,500,000	\$	3,500,000	81273
3N60	235638	College Access Challenge Grant	\$	4,381,431	\$	4,381,431	81274
TOTAL FED Federal Special Revenue							81275
Fund Group							\$
				34,021,913	\$	<del>36,073,913</del>	81276
						<u>26,880,063</u>	
State Special Revenue Fund Group							81277
4E80	235602	Higher Educational Facility Commission Administration	\$	29,100	\$	29,100	81278
5FR0	235640	<del>Joyce Foundation</del> <u>Shifting Gears</u> Grant	\$	919,719	\$	919,719	81279
5FR0	235647	Developmental Education Initiatives	\$	135,000	\$	135,000	81280
5FR0	235657	Win-Win Grant	\$	37,000	\$	15,000	81281
5P30	235663	Variable Savings Plan	\$	8,946,994	\$	9,072,136	81282
6450	235664	Guaranteed Savings Plan	\$	900,293	\$	907,514	81283

6820 235606 Nursing Loan Program	\$	891,320	\$	891,320	81284
TOTAL SSR State Special Revenue					81285
Fund Group	\$	11,859,426	\$	11,969,789	81286
Third Frontier Research & Development Fund Group					81287
7011 235634 Research Incentive	\$	8,000,000	\$	8,000,000	81288
Third Frontier Fund					
TOTAL 011 Third Frontier Research & Development Fund Group	\$	8,000,000	\$	8,000,000	81289
TOTAL ALL BUDGET FUND GROUPS	\$	2,303,497,312	\$	<del>2,389,810,246</del> <u>2,373,606,761</u>	81290

**Sec. 371.50.61. CO-OP INTERNSHIP PROGRAM** 81292

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used by the Chancellor of the Board of Regents to support the operations of Ohio University's Voinovich School. 81293  
81294  
81295  
81296

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year, shall be used by the Chancellor of the Board of Regents to support the operations of The Ohio State University's John Glenn School of Public Affairs. 81297  
81298  
81299  
81300

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Bliss Institute of Applied Politics at the University of Akron. 81301  
81302  
81303

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Public Management and Regional Affairs at Miami University. 81304  
81305  
81306  
81307

Of the foregoing appropriation item 235649, Co-op Internship Program, \$75,000 in each fiscal year shall be used to support the Washington Center Internship Program. 81308  
81309  
81310

Of the foregoing appropriation item 235649, Co-op Internship 81311

Program, \$75,000 in each fiscal year shall be used to support the 81312  
~~Maxine Goodman Levin College of Urban Affairs mentoring program of~~ 81313  
~~the Ohio Center for the Advancement of Women in Public Service at~~ 81314  
~~the~~ Cleveland State University. 81315

Of the foregoing appropriation item 235649, Co-op Internship 81316  
Program, \$75,000 in each fiscal year shall be used to support the 81317  
University of Cincinnati Internship Program. 81318

**Sec. 371.60.80.** (A) The Ohio Digital Learning Task Force is 81319  
hereby established to develop a strategy for the expansion of 81320  
digital learning that enables students to customize their 81321  
education, produces cost savings, and meets the needs of Ohio's 81322  
economy. The Task Force shall consist of the following members: 81323

(1) The Chancellor of the Ohio Board of Regents or the 81324  
Chancellor's designee; 81325

(2) The Superintendent of Public Instruction or the 81326  
Superintendent's designee; 81327

(3) The Director of the Governor's Office of 21st Century 81328  
Education or the Director's designee; 81329

(4) Up to six members appointed by the Governor, who shall be 81330  
representatives of school districts or community schools, 81331  
established under Chapter 3314. of the Revised Code, that are 81332  
high-performing of their type and have demonstrated the ability to 81333  
incorporate technology into the classroom successfully; 81334

(5) A member appointed by the President of the Senate; 81335

(6) A member appointed by the Speaker of the House of 81336  
Representatives. 81337

(B) Members of the Task Force shall be appointed not later 81338  
than sixty days after the effective date of this section. 81339  
Vacancies on the Task Force shall be filled in the same manner as 81340  
the original appointments. Members shall serve without 81341

compensation.	81342
(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.	81343 81344 81345
(D) The Task Force shall do all of the following:	81346
(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;	81347 81348 81349 81350 81351
(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;	81352 81353 81354 81355
(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;	81356 81357 81358 81359 81360 81361
(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;	81362 81363 81364 81365
(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.	81366 81367 81368
(E) The Task Force shall make recommendations regarding all of the following:	81369 81370
(1) The creation of high quality digital content and	81371



instruction in grades kindergarten to twelve for free access by	81372
public and nonpublic schools and students receiving home	81373
instruction;	81374
(2) High quality professional development for teachers and	81375
principals providing online instruction or blended learning	81376
programs;	81377
(3) Funding strategies that create incentives for high	81378
performance, innovation, and options in course providers and	81379
delivery;	81380
(4) Student assessment and accountability;	81381
(5) Infrastructure to support digital learning;	81382
(6) Mobile learning and mobile learning applications;	81383
(7) The clearinghouse established under section 3333.82 of	81384
the Revised Code;	81385
(8) Ways to align the resources and digital learning	81386
initiatives of state agencies and offices;	81387
(9) Methods for removing redundancy and inefficiency in, and	81388
for providing coordination, of all digital learning programs,	81389
including the provision of free online instruction to public and	81390
nonpublic schools on a statewide basis;	81391
(10) Methods of addressing future changes in technology and	81392
learning.	81393
<del>(E)</del> (F) Not later than March 1, 2012, the Task Force shall	81394
issue a report of its findings and recommendations to the	81395
Governor, the President of the Senate, and the Speaker of the	81396
House of Representatives. <del>Upon issuance of</del> <u>After issuing</u> its	81397
report, the Task Force shall <u>monitor the implementation of its</u>	81398
<u>recommendations. Not later than June 30, 2013, the Task Force</u>	81399
<u>shall report to the Governor, the President of the Senate, and the</u>	81400
<u>Speaker of the House of Representatives whether digital learning</u>	81401

is advancing in Ohio schools and submit any recommendations to 81402  
further enhance the full deployment of useful digital learning 81403  
programs and services. The Task Force shall cease to exist on June 81404  
30, 2013. 81405

**Sec. 373.10.** DRC DEPARTMENT OF REHABILITATION AND CORRECTION 81406

General Revenue Fund 81407

GRF 501321 Institutional \$ 909,547,156 \$ 866,592,589 81408  
 Operations

GRF 501403 Prisoner Compensation \$ 8,599,255 \$ 8,599,255 81409

GRF 501405 Halfway House \$ 43,637,069 \$ 43,622,104 81410

GRF 501406 Lease Rental Payments \$ 42,863,100 \$ 104,301,500 81411

GRF 501407 Community \$ 25,859,382 \$ 25,839,390 81412

Nonresidential  
 Programs

GRF 501408 Community Misdemeanor \$ 14,906,800 \$ 14,906,800 81413

Programs

GRF 501501 Community Residential \$ 62,692,785 \$ 62,477,785 81414

Programs - CBCF

GRF 502321 Mental Health Services \$ 58,525,816 \$ 51,778,513 81415

GRF 503321 Parole and Community \$ 68,197,272 \$ 63,783,848 81416

Operations

GRF 504321 Administrative \$ 21,996,504 \$ 20,085,474 81417

Operations

GRF 505321 Institution Medical \$ 209,231,014 \$ 195,241,961 81418

Services

GRF 506321 Institution Education \$ 20,237,576 \$ 18,086,492 81419

Services

GRF 507321 Institution Recovery \$ 5,786,109 \$ 5,375,737 81420

Services

TOTAL GRF General Revenue Fund \$ 1,492,079,838 \$ 1,480,691,448 81421

General Services Fund Group 81422



and notwithstanding any other provision of law to the contrary, 81444  
the Director of Budget and Management, at the request of the 81445  
Director of Rehabilitation and Correction, may transfer up to 81446  
\$14,000,000 in appropriations, in each of fiscal years 2012 and 81447  
2013, from appropriation item 501321, Institutional Operations, to 81448  
any combination of appropriation items 501405, Halfway House; 81449  
501407, Community Residential Programs; 501408, Community 81450  
Misdemeanor Programs; and 501501, Community Residential Programs - 81451  
CBCF. 81452

OHIO BUILDING AUTHORITY LEASE PAYMENTS 81453

The foregoing appropriation item 501406, Lease Rental 81454  
Payments, shall be used to meet all payments at the times they are 81455  
required to be made during the period from July 1, 2011, through 81456  
June 30, 2013, by the Department of Rehabilitation and Correction 81457  
to the Ohio Building Authority under the primary leases and 81458  
agreements for those buildings made under Chapter 152. of the 81459  
Revised Code. These appropriations are the source of funds pledged 81460  
for bond service charges or obligations issued pursuant to Chapter 81461  
152. of the Revised Code. 81462

OSU MEDICAL CHARGES 81463

Notwithstanding section 341.192 of the Revised Code, at the 81464  
request of the Department of Rehabilitation and Correction, The 81465  
Ohio State University Medical Center, including the James Cancer 81466  
Hospital and Solove Research Institute and the Richard M. Ross 81467  
Heart Hospital, shall provide necessary care to persons who are 81468  
confined in state adult correctional facilities. The provision of 81469  
necessary care shall be billed to the Department at a rate not to 81470  
exceed the authorized reimbursement rate for the same service 81471  
established by the Department of Job and Family Services under the 81472  
Medical Assistance Program. 81473

CASH TRANSFER FROM INSTITUTIONAL SERVICES FUND TO OHIO PENAL 81474

<u>INDUSTRIES FUND</u>				81475
<u>The Director of Budget and Management may transfer an amount</u>				81476
<u>not to exceed \$4,000,000 in cash in fiscal year 2013 from the</u>				81477
<u>Institutional Services Fund (Fund 1480) to the Ohio Penal</u>				81478
<u>Industries Fund (Fund 2000).</u>				81479
 <b>Sec. 375.10. RSC REHABILITATION SERVICES COMMISSION</b>				81480
General Revenue Fund				81481
GRF	415402	Independent Living Council	\$ 252,000 \$ 252,000	81482
GRF	415406	Assistive Technology	\$ 26,618 \$ 26,618	81483
GRF	415431	Office for People with Brain Injury	\$ 126,567 \$ 126,567	81484
GRF	415506	Services for People with Disabilities	\$ 12,777,884 \$ 12,777,884	81485
GRF	415508	Services for the Deaf	\$ 28,000 \$ 28,000	81486
TOTAL GRF General Revenue Fund			\$ 13,211,069 \$ 13,211,069	81487
General Services Fund Group				81488
4670	415609	Business Enterprise Operating Expenses	\$ 1,308,431 \$ 1,303,090	81489
TOTAL GSF General Services				81490
Fund Group			\$ 1,308,431 \$ 1,303,090	81491
Federal Special Revenue Fund Group				81492
3170	415620	Disability Determination	\$ 97,579,095 \$ <del>97,579,095</del> <u>87,579,095</u>	81493
3790	415616	Federal - Vocational Rehabilitation	\$ 103,160,426 \$ 103,150,102	81494
3L10	415601	Social Security Personal Care Assistance	\$ 3,370,000 \$ 3,370,000	81495
3L10	415605	Social Security	\$ 772,000 \$ 772,000	81496

		Community Centers for the Deaf					
3L10	415608	Social Security	\$	1,521,406	\$	1,520,184	81497
		Special Programs/Assistance					
3L40	415612	Federal Independent	\$	652,222	\$	652,222	81498
		Living Centers or Services					
3L40	415615	Federal - Supported	\$	929,755	\$	929,755	81499
		Employment					
3L40	415617	Independent	\$	2,137,338	\$	2,137,338	81500
		Living/Vocational Rehabilitation Programs					
TOTAL FED Federal Special							81501
Revenue Fund Group			\$	210,122,242	\$	<del>210,110,696</del> <u>200,110,696</u>	81502
State Special Revenue Fund Group							81503
4680	415618	Third Party Funding	\$	10,802,589	\$	10,802,589	81504
4L10	415619	Services for	\$	3,700,000	\$	3,700,000	81505
		Rehabilitation					
4W50	415606	Program Management	\$	11,636,730	\$	11,587,201	81506
		Expenses					
TOTAL SSR State Special							81507
Revenue Fund Group			\$	26,139,319	\$	26,089,790	81508
TOTAL ALL BUDGET FUND GROUPS			\$	250,781,061	\$	<del>250,714,645</del> <u>240,714,645</u>	81509
INDEPENDENT LIVING COUNCIL							81510
The foregoing appropriation item 415402, Independent Living							81511
Council, shall be used to fund the operations of the State							81512
Independent Living Council and to support state independent living							81513
centers and independent living services under Title VII of the							81514

Independent Living Services and Centers for Independent Living of 81515  
the Rehabilitation Act Amendments of 1992, 106 Stat. 4344, 29 81516  
U.S.C. 796d. 81517

Of the foregoing appropriation item 415402, Independent 81518  
Living Council, \$67,662 in each fiscal year shall be used as state 81519  
matching funds for vocational rehabilitation innovation and 81520  
expansion activities. 81521

ASSISTIVE TECHNOLOGY 81522

The total amount of the foregoing appropriation item 415406, 81523  
Assistive Technology, shall be provided to Assistive Technology of 81524  
Ohio to provide grants and assistive technology services for 81525  
people with disabilities in the State of Ohio. 81526

OFFICE FOR PEOPLE WITH BRAIN INJURY 81527

The foregoing appropriation item 415431, Office for People 81528  
with Brain Injury, shall be used to plan and coordinate 81529  
head-injury-related services provided by state agencies and other 81530  
government or private entities, to assess the needs for such 81531  
services, and to set priorities in this area. 81532

Of the foregoing appropriation item 415431, Office for People 81533  
with Brain Injury, \$44,067 in each fiscal year shall be used as 81534  
state matching funds to provide vocational rehabilitation services 81535  
to eligible consumers. 81536

VOCATIONAL REHABILITATION SERVICES 81537

The foregoing appropriation item 415506, Services for People 81538  
with Disabilities, shall be used as state matching funds to 81539  
provide vocational rehabilitation services to eligible consumers. 81540

At the request of the Chancellor of the Board of Regents, the 81541  
Director of Budget and Management may transfer any unexpended, 81542  
unencumbered appropriation in fiscal year 2012 or fiscal year 2013 81543  
from appropriation item 235502, Student Support Services, to 81544

appropriation item 415506, Services for People with Disabilities.	81545
Any appropriation so transferred shall be used by the Ohio	81546
Rehabilitation Services Commission to obtain additional federal	81547
matching funds to serve disabled students.	81548
 SERVICES FOR THE DEAF	 81549
 The foregoing appropriation item 415508, Services for the	 81550
Deaf, shall be used to provide grants to community centers for the	81551
deaf.	81552
 INDEPENDENT LIVING/VOCATIONAL REHABILITATION PROGRAMS	 81553
 The foregoing appropriation item 415617, Independent	 81554
Living/Vocational Rehabilitation Programs, shall be used to	81555
support vocational rehabilitation programs.	81556
 SOCIAL SECURITY REIMBURSEMENT FUNDS	 81557
 Reimbursement funds received from the Social Security	 81558
Administration, United States Department of Health and Human	81559
Services, for the costs of providing services and training to	81560
return disability recipients to gainful employment shall be	81561
expended from the Social Security Reimbursement Fund (Fund 3L10),	81562
to the extent funds are available, as follows:	81563
 (A) Appropriation item 415601, Social Security Personal Care	 81564
Assistance, to provide personal care services in accordance with	81565
section 3304.41 of the Revised Code;	81566
 (B) Appropriation item 415605, Social Security Community	 81567
Centers for the Deaf, to provide grants to community centers for	81568
the deaf in Ohio for services to individuals with hearing	81569
impairments; and	81570
 (C) Appropriation item 415608, Social Security Special	 81571
Programs/Assistance, to provide vocational rehabilitation services	81572
to individuals with severe disabilities who are Social Security	81573
beneficiaries, to enable them to achieve competitive employment.	81574



This appropriation item shall also be used to pay a portion of 81575  
indirect costs of the Personal Care Assistance Program and the 81576  
Independent Living Programs as mandated by federal OMB Circular 81577  
A-87. 81578

PROGRAM MANAGEMENT EXPENSES 81579

The foregoing appropriation item 415606, Program Management 81580  
Expenses, shall be used to support the administrative functions of 81581  
the commission related to the provision of vocational 81582  
rehabilitation, disability determination services, and ancillary 81583  
programs. 81584

**Sec. 379.10.** RDF REVENUE DISTRIBUTION FUNDS 81585

Volunteer Firefighters' Dependents Fund 81586

7085 800985 Volunteer Firemen's \$ 300,000 \$ 300,000 81587  
Dependents Fund

TOTAL 085 Volunteer Firefighters' 81588

Dependents Fund \$ 300,000 \$ 300,000 81589

Agency Fund Group 81590

4P80 001698 Cash Management \$ 3,100,000 \$ 3,100,000 81591  
Improvement Fund

5JG0 110633 Gross Casino Revenue \$ 5,778,617 \$ 138,882,294 81592  
County Fund

5JH0 110634 Gross Casino Revenue \$ 3,852,412 \$ 92,588,196 81593  
County Student Fund

5JJ0 110636 Gross Casino Revenue \$ 566,531 \$ 13,615,911 81594  
Host City Fund

~~5JK0 875610 Ohio State Racing \$ 339,919 \$ 8,169,547 81595~~  
~~Commission Fund~~

~~5JL0 038629 Problem Casino \$ 226,612 \$ 5,446,364 81596~~  
~~Gambling and~~  
~~Addictions Fund~~

~~5JN0 055654 Ohio Law Enforcement \$ 226,612 \$ 5,446,364 81597~~

		<del>Training Fund</del>				
6080	001699	Investment Earnings	\$	50,000,000	\$	150,000,000 81598
7062	110962	Resort Area Excise	\$	1,000,000	\$	1,000,000 81599
		Tax				
7063	110963	Permissive Tax	\$	1,904,500,000	\$	1,980,700,000 81600
		Distribution				
7067	110967	School District	\$	317,000,000	\$	330,000,000 81601
		Income Tax				
TOTAL	AGY	Agency Fund Group	\$	<del>2,286,590,703</del>	\$	<del>2,728,948,676</del> 81602
				<u>2,285,797,560</u>		<u>2,709,886,401</u>
		Holding Account Redistribution				81603
R045	110617	International Fuel	\$	40,000,000	\$	40,000,000 81604
		Tax Distribution				
TOTAL	090	Holding Account				81605
		Redistribution Fund				
		Revenue Distribution Fund Group	\$	40,000,000	\$	40,000,000 81606
7049	038900	Indigent Drivers	\$	2,200,000	\$	2,200,000 81607
		Alcohol Treatment				
7050	762900	International	\$	30,000,000	\$	30,000,000 81608
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	539,000,000	\$	539,000,000 81609
		Distribution				
7054	110954	Local Government	\$	16,000,000	\$	11,000,000 81610
		Property Tax				
		Replacement - Utility				
7060	110960	Gasoline Excise Tax	\$	393,000,000	\$	395,000,000 81611
		Fund				
7065	110965	Public Library Fund	\$	354,000,000	\$	345,000,000 81612
7066	800966	Undivided Liquor	\$	14,100,000	\$	14,100,000 81613
		Permits				
7068	110968	State and Local	\$	193,000,000	\$	196,000,000 81614
		Government Highway				

	Distribution			
7069 110969	Local Government Fund	\$ 577,000,000	\$ 348,000,000	81615
7081 110981	Local Government	\$ 291,000,000	\$ 181,000,000	81616
	Property Tax			
	Replacement-Business			
7082 110982	Horse Racing Tax	\$ 100,000	\$ 100,000	81617
7083 700900	Ohio Fairs Fund	\$ 1,400,000	\$ 1,400,000	81618
TOTAL RDF Revenue Distribution				81619
Fund Group		\$ 2,410,800,000	\$ 2,062,800,000	81620
TOTAL ALL BUDGET FUND GROUPS		\$ <del>4,737,690,703</del>	\$ <del>4,832,048,676</del>	81621
		<u>4,736,897,560</u>	<u>4,812,986,401</u>	

ADDITIONAL APPROPRIATIONS 81622

Appropriation items in this section shall be used for the 81623  
purpose of administering and distributing the designated revenue 81624  
distribution funds according to the Revised Code. If it is 81625  
determined that additional appropriations are necessary for this 81626  
purpose, such amounts are hereby appropriated. 81627

GENERAL REVENUE FUND TRANSFERS 81628

Notwithstanding any provision of law to the contrary, in 81629  
fiscal year 2012 and fiscal year 2013, the Director of Budget and 81630  
Management may transfer from the General Revenue Fund to the Local 81631  
Government Tangible Property Tax Replacement Fund (Fund 7081) in 81632  
the Revenue Distribution Fund Group, those amounts necessary to 81633  
reimburse local taxing units under section 5751.22 of the Revised 81634  
Code. Also, in fiscal year 2012 and fiscal year 2013, the Director 81635  
of Budget and Management may make temporary transfers from the 81636  
General Revenue Fund to ensure sufficient balances in the Local 81637  
Government Tangible Property Tax Replacement Fund (Fund 7081) and 81638  
to replenish the General Revenue Fund for such transfers. 81639

**Sec. 387.10.** SFC SCHOOL FACILITIES COMMISSION 81640

General Revenue Fund 81641

GRF 230908	Common Schools	\$ 150,604,900	\$ <del>341,919,400</del>	81642
	General Obligation		<u>329,919,400</u>	
	Debt Service			
TOTAL GRF	General Revenue Fund	\$ 150,604,900	\$ <del>341,919,400</del>	81643
			<u>329,919,400</u>	
State Special Revenue Fund Group				81644
5E30 230644	Operating Expenses	\$ 8,950,000	\$ 8,550,000	81645
TOTAL SSR	State Special Revenue			81646
Fund Group		\$ 8,950,000	\$ 8,550,000	81647
TOTAL ALL BUDGET FUND GROUPS		\$ 159,554,900	\$ <del>350,469,400</del>	81648
			<u>338,469,400</u>	
<b>Sec. 403.10. TAX DEPARTMENT OF TAXATION</b>				81650
General Revenue Fund				81651
GRF 110321	Operating Expenses	\$ 73,500,000	\$ <del>73,550,000</del>	81652
			<u>72,814,500</u>	
GRF 110404	Tobacco Settlement	\$ 200,000	\$ <del>200,000</del>	81653
	Enforcement		<u>198,000</u>	
GRF 110412	Child Support	\$ 15,804	\$ <del>15,804</del> <u>15,646</u>	81654
	Administration			
GRF 110901	Property Tax	\$ 610,900,000	\$ 616,000,000	81655
	Allocation - Taxation			
TOTAL GRF	General Revenue Fund	\$ 684,615,804	\$ <del>689,765,804</del>	81656
			<u>689,028,146</u>	
General Services Fund Group				81657
2280 110628	Tax Reform System	\$ 13,638,008	\$ <del>13,642,176</del>	81658
	Implementation		<u>13,505,754</u>	
4330 110602	Tape File Account	\$ 197,802	\$ <del>197,878</del>	81659
			<u>195,899</u>	
5AP0 110632	Discovery Project	\$ 2,445,799	\$ <del>2,445,657</del>	81660
			<u>2,421,200</u>	
5BW0 110630	Tax Amnesty Promotion	\$ 2,500,000	\$ 0	81661

		and Administration					
5CZ0	110631	Vendor's License Application	\$	250,000	\$	250,000	81662
5N50	110605	Municipal Income Tax Administration	\$	339,798	\$	<del>339,975</del> <u>336,575</u>	81663
5N60	110618	Kilowatt Hour Tax Administration	\$	150,000	\$	<del>150,000</del> <u>148,500</u>	81664
5V80	110623	Property Tax Administration	\$	12,195,733	\$	<del>12,099,303</del> <u>11,978,310</u>	81665
5W40	110625	Centralized Tax Filing and Payment	\$	200,000	\$	<del>200,000</del> <u>198,000</u>	81666
5W70	110627	Exempt Facility Administration	\$	50,000	\$	<del>50,000</del> <u>49,500</u>	81667
TOTAL GSF General Services							81668
Fund Group			\$	31,967,140	\$	<del>29,374,989</del> <u>29,083,738</u>	81669
State Special Revenue Fund Group							81670
4350	110607	Local Tax Administration	\$	19,028,339	\$	<del>19,225,941</del> <u>19,033,682</u>	81671
4360	110608	Motor Vehicle Audit	\$	1,474,081	\$	<del>1,474,353</del> <u>1,459,609</u>	81672
4370	110606	Litter/Natural Resource Tax Administration	\$	20,000	\$	<del>20,000</del> <u>19,800</u>	81673
4380	110609	School District Income Tax	\$	5,859,041	\$	<del>5,860,650</del> <u>5,802,044</u>	81674
4C60	110616	International Registration Plan	\$	689,296	\$	<del>689,308</del> <u>682,415</u>	81675
4R60	110610	Tire Tax Administration	\$	245,462	\$	<del>246,660</del> <u>244,193</u>	81676
5V70	110622	Motor Fuel Tax Administration	\$	5,384,254	\$	<del>5,086,236</del> <u>5,035,374</u>	81677
6390	110614	Cigarette Tax	\$	1,384,217	\$	<del>1,384,314</del>	81678

	Enforcement			<u>1,370,471</u>	
6420	110613	Ohio Political Party	\$ 500,000	\$ 500,000	81679
		Distributions			
6880	110615	Local Excise Tax	\$ 782,630	<del>\$ 782,843</del>	81680
		Administration		<u>775,015</u>	
TOTAL SSR State Special Revenue					81681
Fund Group			\$ 35,367,320	<del>\$ 35,270,305</del>	81682
				<u>34,922,603</u>	
Agency Fund Group					81683
4250	110635	Tax Refunds	\$ 1,546,800,000	\$ 1,546,800,000	81684
7095	110995	Municipal Income Tax	\$ 21,000,000	\$ 21,000,000	81685
TOTAL AGY Agency Fund Group					81686
Holding Account Redistribution Fund Group					81687
R010	110611	Tax Distributions	\$ 50,000	\$ 50,000	81688
R011	110612	Miscellaneous Income	\$ 50,000	\$ 50,000	81689
		Tax Receipts			
TOTAL 090 Holding Account					81690
Redistribution Fund Group			\$ 100,000	\$ 100,000	81691
TOTAL ALL BUDGET FUND GROUPS					81692
			\$ 2,319,850,264	<del>\$ 2,322,311,098</del>	
				<u>2,320,934,487</u>	

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 81693

The foregoing appropriation item 110901, Property Tax 81694  
Allocation - Taxation, is hereby appropriated to pay for the 81695  
state's costs incurred due to the Homestead Exemption, the 81696  
Manufactured Home Property Tax Rollback, and the Property Tax 81697  
Rollback. The Tax Commissioner shall distribute these funds 81698  
directly to the appropriate local taxing districts, except for 81699  
school districts, notwithstanding the provisions in sections 81700  
321.24 and 323.156 of the Revised Code, which provide for payment 81701  
of the Homestead Exemption, the Manufactured Home Property Tax 81702  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 81703  
appropriate county treasurer and the subsequent redistribution of 81704

these funds to the appropriate local taxing districts by the 81705  
county auditor. 81706

Upon receipt of these amounts, each local taxing district 81707  
shall distribute the amount among the proper funds as if it had 81708  
been paid as real property taxes. Payments for the costs of 81709  
administration shall continue to be paid to the county treasurer 81710  
and county auditor as provided for in sections 319.54, 321.26, and 81711  
323.156 of the Revised Code. 81712

Any sums, in addition to the amounts specifically 81713  
appropriated in appropriation item 110901, Property Tax Allocation 81714  
- Taxation, for the Homestead Exemption, the Manufactured Home 81715  
Property Tax Rollback, and the Property Tax Rollback payments, 81716  
which are determined to be necessary for these purposes, are 81717  
hereby appropriated. 81718

TAX AMNESTY PROMOTION AND ADMINISTRATION 81719

The foregoing appropriation item 110630, Tax Amnesty 81720  
Promotion and Administration, shall be used to pay expenses 81721  
incurred to promote and administer the tax amnesty program to be 81722  
conducted from May 1, 2012, through June 15, 2012, by the 81723  
Department of Taxation pursuant to Section 757.40 of ~~this act~~ Am. 81724  
Sub. H.B. 153 of the 129th General Assembly. 81725

MUNICIPAL INCOME TAX 81726

The foregoing appropriation item 110995, Municipal Income 81727  
Tax, shall be used to make payments to municipal corporations 81728  
under section 5745.05 of the Revised Code. If it is determined 81729  
that additional appropriations are necessary to make such 81730  
payments, such amounts are hereby appropriated. 81731

TAX REFUNDS 81732

The foregoing appropriation item 110635, Tax Refunds, shall 81733  
be used to pay refunds under section 5703.052 of the Revised Code. 81734

If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated.	81735 81736
INTERNATIONAL REGISTRATION PLAN AUDIT	81737
The foregoing appropriation item 110616, International Registration Plan, shall be used under section 5703.12 of the Revised Code for audits of persons with vehicles registered under the International Registration Plan.	81738 81739 81740 81741
TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT	81742
Of the foregoing appropriation item 110607, Local Tax Administration, the Tax Commissioner may disburse funds, if available, for the purposes of paying travel expenses incurred by members of Ohio's delegation to the Streamlined Sales Tax Project, as appointed under section 5740.02 of the Revised Code. Any travel expense reimbursement paid for by the Department of Taxation shall be done in accordance with applicable state laws and guidelines.	81743 81744 81745 81746 81747 81748 81749
CENTRALIZED TAX FILING AND PAYMENT FUND	81750
The Director of Budget and Management, under a plan submitted by the Tax Commissioner, or as otherwise determined by the Director of Budget and Management, shall set a schedule to transfer cash from the General Revenue Fund to the credit of the Centralized Tax Filing and Payment Fund (Fund 5W40). The transfers of cash shall not exceed \$400,000 in the biennium.	81751 81752 81753 81754 81755 81756
TOBACCO SETTLEMENT ENFORCEMENT	81757
The foregoing appropriation item 110404, Tobacco Settlement Enforcement, shall be used by the Tax Commissioner to pay costs incurred in the enforcement of divisions (F) and (G) of section 5743.03 of the Revised Code.	81758 81759 81760 81761
<b>Sec. 411.10.</b> DVS DEPARTMENT OF VETERANS SERVICES	81762
General Revenue Fund	81763



GRF	900321	Veterans' Homes	\$	27,369,946	\$	27,369,946	81764
GRF	900402	Hall of Fame	\$	107,075	\$	107,075	81765
GRF	900408	Department of	\$	1,901,823	\$	<del>1,901,823</del>	81766
		Veterans Services				<u>2,001,823</u>	
GRF	900901	Persian Gulf,	\$	5,486,600	\$	10,112,100	81767
		Afghanistan, and Iraq					
		Compensation Debt					
		Service					
TOTAL GRF	General Revenue Fund		\$	34,865,444	\$	<del>39,490,944</del>	81768
						<u>39,590,944</u>	
General Services Fund Group							81769
4840	900603	Veterans' Homes	\$	305,806	\$	312,458	81770
		Services					
TOTAL GSF	General Services Fund		\$	305,806	\$	312,458	81771
Group							
Federal Special Revenue Fund Group							81772
3680	900614	Veterans Training	\$	769,500	\$	754,377	81773
3740	900606	Troops to Teachers	\$	136,786	\$	133,461	81774
3BX0	900609	Medicare Services	\$	2,500,000	\$	2,490,169	81775
3L20	900601	Veterans' Homes	\$	23,455,379	\$	23,476,269	81776
		Operations - Federal					
TOTAL FED	Federal Special Revenue						81777
Fund Group			\$	26,861,665	\$	26,854,276	81778
State Special Revenue Fund Group							81779
4E20	900602	Veterans' Homes	\$	10,117,680	\$	10,319,078	81780
		Operating					
6040	900604	Veterans' Homes	\$	347,598	\$	398,731	81781
		Improvement					
TOTAL SSR	State Special Revenue						81782
Fund Group			\$	10,465,278	\$	10,717,809	81783
Persian Gulf, Afghanistan, and Iraq Compensation Fund Group							81784
7041	900615	Veteran Bonus Program	\$	1,605,410	\$	1,147,703	81785

		- Administration					
7041	900641	Persian Gulf,	\$	25,425,000	\$	24,300,000	81786
		Afghanistan, and Iraq					
		Compensation					
TOTAL	041	Persian Gulf,					81787
		Afghanistan, and Iraq					81788
		Compensation Fund Group	\$	27,030,410	\$	25,447,703	81789
TOTAL ALL BUDGET FUND GROUPS			\$	99,528,603	\$	<del>102,823,190</del>	81790
						<u>102,923,190</u>	
		PERSIAN GULF, AFGHANISTAN AND IRAQ COMPENSATION GENERAL					81791
		OBLIGATION DEBT SERVICE					81792
		The foregoing appropriation item 900901, Persian Gulf,					81793
		Afghanistan and Iraq Compensation Debt Service, shall be used to					81794
		pay all debt service and related financing costs during the period					81795
		from July 1, 2011, through June 30, 2013, on obligations issued					81796
		for Persian Gulf, Afghanistan and Iraq Conflicts Compensation					81797
		purposes under sections 151.01 and 151.12 of the Revised Code.					81798
		<b>Sec. 415.10. DYS DEPARTMENT OF YOUTH SERVICES</b>					81799
		General Revenue Fund					81800
GRF	470401	RECLAIM Ohio	\$	168,716,967	\$	162,362,228	81801
GRF	470412	Lease Rental Payments	\$	10,221,800	\$	27,230,100	81802
GRF	470510	Youth Services	\$	16,702,728	\$	16,702,728	81803
GRF	472321	Parole Operations	\$	10,830,019	\$	10,583,118	81804
GRF	477321	Administrative	\$	12,222,051	\$	11,855,389	81805
		Operations					
TOTAL GRF		General Revenue Fund	\$	218,693,565	\$	228,733,563	81806
		General Services Fund Group					81807
1750	470613	Education	\$	8,160,277	\$	<del>8,151,056</del>	81808
		Reimbursement				<u>6,251,056</u>	
4790	470609	Employee Food Service	\$	150,000	\$	150,000	81809
4A20	470602	Child Support	\$	450,000	\$	400,000	81810

4G60	470605	General Operational Funds	\$	125,000	\$	125,000	81811
5BN0	470629	E-Rate Program	\$	535,000	\$	535,000	81812
TOTAL GSF General Services							81813
Fund Group			\$	9,420,277	\$	<del>9,361,056</del> <u>7,461,056</u>	81814
Federal Special Revenue Fund Group							81815
3210	470601	Education	\$	1,774,469	\$	1,517,840	81816
3210	470603	Juvenile Justice Prevention	\$	300,000	\$	300,000	81817
3210	470606	Nutrition	\$	1,747,432	\$	<del>1,704,022</del> <u>1,400,000</u>	81818
3210	470610	Rehabilitation Programs	\$	36,000	\$	<del>36,000</del> <u>0</u>	81819
3210	470614	Title IV-E Reimbursements	\$	6,000,000	\$	6,000,000	81820
3BY0	470635	Federal Juvenile Programs FFY 07	\$	56,471	\$	2,000	81821
3BZ0	470636	Federal Juvenile Programs FFY 08	\$	82,000	\$	1,618	81822
3CP0	470638	Federal Juvenile Programs FFY 09	\$	500,000	\$	300,730	81823
3CR0	470639	Federal Juvenile Programs FFY 10	\$	800,000	\$	479,900	81824
3FB0	470641	Federal Juvenile Programs FFY 11	\$	135,000	\$	600,000	81825
3FC0	470642	Federal Juvenile Programs FFY 12	\$	0	\$	135,000	81826
3V50	470604	Juvenile Justice/Delinquency Prevention	\$	2,010,000	\$	2,000,000	81827
TOTAL FED Federal Special Revenue							81828
Fund Group			\$	13,441,372	\$	<del>13,077,110</del>	81829

				<u>12,737,088</u>	
State Special Revenue Fund Group					81830
1470 470612 Vocational Education	\$	762,126	\$	758,210	81831
TOTAL SSR State Special Revenue					81832
Fund Group	\$	762,126	\$	758,210	81833
TOTAL ALL BUDGET FUND GROUPS	\$	242,317,340	\$	<del>251,929,939</del> <u>249,689,917</u>	81834

COMMUNITY PROGRAMS 81835

For purposes of implementing juvenile sentencing reforms, and 81836  
notwithstanding any provision of law to the contrary, the 81837  
Department of Youth Services may use up to forty-five per cent of 81838  
the unexpended, unencumbered balance of the portion of 81839  
appropriation item 470401, RECLAIM Ohio, that is allocated to 81840  
juvenile correctional facilities in each fiscal year to expand 81841  
Targeted RECLAIM, the Behavioral Health Juvenile Justice 81842  
Initiative, and other evidence-based community programs. 81843

OHIO BUILDING AUTHORITY LEASE PAYMENTS 81844

The foregoing appropriation item 470412, Lease Rental 81845  
Payments, shall be used to meet all payments at the times they are 81846  
required to be made for the period from July 1, 2011, through June 81847  
30, 2013, by the Department of Youth Services to the Ohio Building 81848  
Authority under the leases and agreements for facilities made 81849  
under Chapter 152. of the Revised Code. This appropriation is the 81850  
source of funds pledged for bond service charges on related 81851  
obligations issued pursuant to Chapter 152. of the Revised Code. 81852

EDUCATION REIMBURSEMENT 81853

The foregoing appropriation item 470613, Education 81854  
Reimbursement, shall be used to fund the operating expenses of 81855  
providing educational services to youth supervised by the 81856  
Department of Youth Services. Operating expenses include, but are 81857  
not limited to, teachers' salaries, maintenance costs, and 81858

educational equipment. This appropriation item may be used for 81859  
capital expenses related to the education program. 81860

EMPLOYEE FOOD SERVICE AND EQUIPMENT 81861

Notwithstanding section 125.14 of the Revised Code, the 81862  
foregoing appropriation item 470609, Employee Food Service, may be 81863  
used to purchase any food operational items with funds received 81864  
into the fund from reimbursements for state surplus property. 81865

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 81866

In collaboration with the county family and children first 81867  
council, the juvenile court of that county that receives 81868  
allocations from one or both of the foregoing appropriation items 81869  
470401, RECLAIM Ohio, and 470510, Youth Services, may transfer 81870  
portions of those allocations to a flexible funding pool as 81871  
authorized by the section of ~~this act~~ Am. Sub. H.B. 153 of the 81872  
129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE 81873  
FUNDING POOL." 81874

**Sec. 503.50.** REAPPROPRIATION OF UNEXPENDED ENCUMBERED 81875  
BALANCES OF OPERATING APPROPRIATIONS 81876

(A) An unexpended balance of an operating appropriation or 81877  
reappropriation that a state agency lawfully encumbered prior to 81878  
the close of a fiscal year is hereby reappropriated on the first 81879  
day of July of the following fiscal year from the fund from which 81880  
it was originally appropriated or reappropriated for the following 81881  
period and shall remain available only for the purpose of 81882  
discharging the encumbrance: 81883

(1) For an encumbrance for personal services, maintenance, 81884  
equipment, or items for resale, other than an encumbrance for an 81885  
item of special order manufacture not available on term contract 81886  
or in the open market or for reclamation of land or oil and gas 81887  
wells, for a period of not more than five months from the end of 81888

the fiscal year; 81889

(2) For an encumbrance for an item of special order 81890  
manufacture not available on term contract or in the open market, 81891  
for a period of not more than five months from the end of the 81892  
fiscal year or, with the written approval of the Director of 81893  
Budget and Management, for a period of not more than twelve months 81894  
from the end of the fiscal year; 81895

(3) For an encumbrance for reclamation of land or oil and gas 81896  
wells, for a period ending when the encumbered appropriation is 81897  
expended or for a period of two years, whichever is less; 81898

(4) For an encumbrance for any other expense, for such period 81899  
as the Director approves, provided such period does not exceed two 81900  
years. 81901

(B) Any operating appropriations for which unexpended 81902  
balances are reappropriated beyond a five-month period from the 81903  
end of the fiscal year by division (A)(2) of this section shall be 81904  
reported to the Controlling Board by the Director of Budget and 81905  
Management by the thirty-first day of December of each year. The 81906  
report on each such item shall include the item, the cost of the 81907  
item, and the name of the vendor. The report shall be updated on a 81908  
quarterly basis for encumbrances remaining open. 81909

(C) Upon the expiration of the reappropriation period set out 81910  
in division (A) of this section, a reappropriation made by this 81911  
section lapses, and the Director of Budget and Management shall 81912  
cancel the encumbrance of the unexpended reappropriation not later 81913  
than the end of the weekend following the expiration of the 81914  
reappropriation period. 81915

(D) Notwithstanding division (C) of this section, with the 81916  
approval of the Director of Budget and Management, an unexpended 81917  
balance of an encumbrance that was reappropriated on the first day 81918  
of July by this section for a period specified in division (A)(3) 81919

or (4) of this section and that remains encumbered at the close of 81920  
the fiscal biennium is hereby reappropriated on the first day of 81921  
July of the following fiscal biennium from the fund from which it 81922  
was originally appropriated or reappropriated for the applicable 81923  
period specified in division (A)(3) or (4) of this section and 81924  
shall remain available only for the purpose of discharging the 81925  
encumbrance. 81926

(E) The Director of Budget and Management may correct 81927  
accounting errors committed by the staff of the Office of Budget 81928  
and Management, such as ~~re-establishing~~ reestablishing 81929  
encumbrances or appropriations cancelled in error, during the 81930  
cancellation of operating encumbrances in November and of 81931  
nonoperating encumbrances in December. 81932

(F) The Director of Budget and Management may at any time 81933  
correct accounting errors committed by the staff of a state 81934  
institution of higher education, as defined in section 3345.011 of 81935  
the Revised Code, such as reestablishing prior year nonoperating 81936  
encumbrances canceled or modified in error. The reestablished 81937  
encumbrance amounts are hereby appropriated. 81938

(G) If the Controlling Board approved a purchase, that 81939  
approval remains in effect so long as the appropriation used to 81940  
make that purchase remains encumbered. 81941

**Sec. 521.70. OVERSIGHT OF FEDERAL STIMULUS FUNDS** 81942

(A) The Office of Internal Auditing within the Office of 81943  
Budget and Management shall, in connection with its duties under 81944  
sections 126.45 to 126.48 of the Revised Code, monitor and measure 81945  
the effectiveness of funds allocated to the state as part of the 81946  
federal American Recovery and Reinvestment Act of 2009. As such, 81947  
the Office of Internal Auditing shall review how funds allocated 81948  
to each state agency are spent. For purposes of this section, 81949  
"state agency" has the same meaning as in division (A) of section 81950

126.45 of the Revised Code. 81951

In addition to the reports required under section 126.47 of 81952  
the Revised Code, the Office of Internal Auditing shall ~~submit~~ 81953  
prepare a report of its findings for the period beginning July 1, 81954  
2011, and ending December 31, 2011. The Office shall submit the 81955  
report to the President of the Senate, Minority Leader of the 81956  
Senate, Speaker of the House of Representatives, Minority Leader 81957  
of the House of Representatives, and the Chairs of the committees 81958  
in the Senate and House of Representatives handling finance and 81959  
appropriations. ~~The report shall be submitted every six months at~~ 81960  
~~the following intervals:~~ 81961

~~(1) For the six month period ending December 31, 2011, not~~ 81962  
~~later than by February 1, 2012;~~ 81963

~~(2) For the six month period ending June 30, 2012, not later~~ 81964  
~~than August 1, 2012;~~ 81965

~~(3) For the six month period ending December 31, 2012, not~~ 81966  
~~later than February 1, 2013;~~ 81967

~~(4) For the six month period ending June 30, 2013, not later~~ 81968  
~~than August 1, 2013.~~ 81969

(B) When, as part of its compliance with the federal American 81970  
Recovery and Reinvestment Act of 2009 requirements to monitor and 81971  
measure the effectiveness of funds for which the state of Ohio is 81972  
the prime recipient, and for which reporting authority has not 81973  
been delegated to a ~~sub-recipient~~ subrecipient, the Office of 81974  
Budget and Management submits quarterly reports to the federal 81975  
government, the Office of Budget and Management shall also submit 81976  
those reports to the President of the Senate, Minority Leader of 81977  
the Senate, Speaker of the House of Representatives, Minority 81978  
Leader of the House of Representatives, and Chairs and ranking 81979  
members of the committees in the Senate and House of 81980  
Representatives handling finance and appropriations. The Office of 81981



Budget and Management shall continue to submit quarterly reports 81982  
to the legislature for the duration of the period in which the 81983  
state of Ohio is required to make reports to the federal 81984  
government concerning Ohio's use of the federal American Recovery 81985  
and Reinvestment Act of 2009 funds. 81986

**Section 601.41.** That existing Sections 205.10, 207.10, 81987  
207.10.80, 207.20.10, 207.20.30, 207.20.90, 209.10, 209.20, 81988  
209.30, 211.10, 215.10, 215.20, 223.10, 229.10, 243.10, 261.10.40, 81989  
261.10.70, 261.20.40, 261.20.50, 261.20.60, 261.20.80, 261.20.90, 81990  
261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.60, 261.30.70, 81991  
261.30.80, 261.30.90, 261.40.10, 263.10, 263.10.30, 263.10.90, 81992  
263.20.40, 263.20.70, 267.10, 267.10.10, 267.10.20, 267.10.40, 81993  
267.30.20, 267.30.40, 279.10, 287.10, 291.10, 307.10, 309.10, 81994  
309.30.30, 309.30.33, 309.30.53, 309.30.73, 313.10, 315.10, 81995  
323.10, 327.10, 335.10, 337.10, 343.10, 343.40, 365.10, 367.10, 81996  
369.10, 371.10, 371.50.61, 371.60.80, 373.10, 375.10, 379.10, 81997  
387.10, 403.10, 411.10, 415.10, 503.50, and 521.70 of Am. Sub. 81998  
H.B. 153 of the 129th General Assembly are hereby repealed. 81999

**Section 601.43.** That Section 247.10 of Am. Sub. H.B. 153 of 82000  
the 129th General Assembly, as amended by Sub. H.B. 319 of the 82001  
129th General Assembly, be amended to read as follows: 82002

**Sec. 247.10.** CEB CONTROLLING BOARD 82003

General Revenue Fund 82004

GRF	911404	Mandate Assistance	\$	2,750,000	\$	0	82005
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GRF	911441	Ballot Advertising	\$	475,000	\$	475,000	82006
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Costs

TOTAL GRF	General Revenue Fund	\$	3,225,000	\$	475,000	82007
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General Services Fund Group 82008

5KM0	911614	CB Emergency Purposes	\$	10,000,000	\$	10,000,000	82009
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State Individual Assistance Program for disasters that have been 82040  
declared by the Governor and the federal Small Business 82041  
Administration. The Ohio Emergency Management Agency shall publish 82042  
and make available application packets outlining procedures for 82043  
the State Disaster Relief Program and the State Individual 82044  
Assistance Program. 82045

Fund 5E20 shall be used by the Controlling Board, pursuant to 82046  
requests submitted by state agencies, to transfer cash and 82047  
appropriations to any fund and appropriation item for the payment 82048  
of state agency disaster relief program expenses for disasters 82049  
declared by the Governor, if the Director of Budget and Management 82050  
determines that sufficient funds exist. 82051

Upon the request of the Department of Public Safety, the 82052  
Controlling Board may release up to \$3,000,000 for Blanchard River 82053  
flood mitigation projects. 82054

BALLOT ADVERTISING COSTS 82055

Pursuant to section 3501.17 of the Revised Code, and upon 82056  
requests submitted by the Secretary of State, the Controlling 82057  
Board shall approve transfers from the foregoing appropriation 82058  
item 911441, Ballot Advertising Costs, to appropriation item 82059  
050621, Statewide Ballot Advertising, in order to pay for the cost 82060  
of public notices associated with statewide ballot initiatives. 82061

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS 82062  
ELIGIBILITY 82063

A state agency director shall request that the Controlling 82064  
Board increase the amount of the agency's capital appropriations 82065  
if the director determines such an increase is necessary for the 82066  
agency to receive and use funds under the federal American 82067  
Recovery and Reinvestment Act of 2009. The Controlling Board may 82068  
increase the capital appropriations pursuant to the request up to 82069  
the exact amount necessary under the federal act if the Board 82070

determines it is necessary for the agency to receive and use those 82071  
federal funds. 82072

**Section 601.44.** That existing Section 247.10 of Am. Sub. H.B. 82073  
153 of the 129th General Assembly, as amended by Sub. H.B. 319 of 82074  
the 129th General Assembly, is hereby repealed. 82075

**Section 601.46.** That Sections 261.10 and 261.20.93 of Am. 82076  
Sub. H.B. 153 of the 129th General Assembly, as amended by Sub. 82077  
H.B. 371 of the 129th General Assembly, be amended to read as 82078  
follows: 82079

**Sec. 261.10.** ~~DEV DEPARTMENT OF~~ DEVELOPMENT SERVICES AGENCY 82080

General Revenue Fund 82081

GRF	195401	Thomas Edison Program	\$	14,820,354	\$	0	82082
GRF	195402	Coal Development	\$	260,983	\$	261,205	82083
		<u>Office Research</u>					
		<u>Operating</u>					
GRF	195404	Small Business	\$	1,565,770	\$	0	82084
		Development					
GRF	195405	Minority Business	\$	1,118,528	\$	0	82085
		Enterprise Division					
GRF	195407	Travel and Tourism	\$	5,000,000	\$	<del>0</del> <u>5,000,000</u>	82086
GRF	195412	Rapid Outreach Grants	\$	9,000,000	\$	0	82087
GRF	195415	<del>Strategic Business</del>	\$	4,500,000	\$	<del>0</del> <u>2,413,387</u>	82088
		<del>Investment Division</del>					
		<del>and Regional Offices</del>					
		<u>Development Services</u>					
GRF	195416	Governor's Office of	\$	3,700,000	\$	<del>3,700,000</del> <u>0</u>	82089
		Appalachia					
GRF	195422	Technology Action	\$	547,341	\$	0	82090
GRF	195426	Clean Ohio	\$	468,365	\$	<del>0</del> <u>468,365</u>	82091
		Implementation					

GRF	195432	Global Markets	\$	3,500,000	\$	0	82092
GRF	195434	Industrial Training Grants	\$	10,000,000	\$	0	82093
GRF	195497	CDBG Operating Match	\$	1,015,000	\$	<del>1,015,000</del>	82094
GRF	195501	Appalachian Local Development Districts	\$	391,482	\$	<del>391,482</del> 0	82095
GRF	195502	Appalachian Regional Commission Dues	\$	195,000	\$	<del>195,000</del> 0	82096
GRF	<del>195528</del>	<del>Economic Development Projects</del>	\$	0	\$	<del>26,943,518</del>	82097
<u>GRF</u>	<u>195532</u>	<u>Technology Programs and Grants</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>13,547,341</u>	82098
<u>GRF</u>	<u>195533</u>	<u>Business Assistance</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>5,899,465</u>	82099
<u>GRF</u>	<u>195535</u>	<u>Appalachia Assistance</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>4,286,482</u>	82100
GRF	195901	Coal Research & Development General Obligation Debt Service	\$	7,861,100	\$	5,577,700	82101
GRF	195905	Third Frontier Research & Development General Obligation Debt Service	\$	29,323,300	\$	63,640,300	82102
GRF	195912	Job Ready Site Development General Obligation Debt Service	\$	9,859,200	\$	15,680,500	82103
TOTAL GRF	General Revenue Fund		\$	103,126,423	\$	<del>116,389,705</del> <u>118,039,745</u>	82104
General Services Fund Group							82105
1350	195684	<del>Supportive</del> <u>Development Services</u> <u>Operations</u>	\$	11,700,000	\$	11,700,000	82106

4W10	195646	Minority Business Enterprise Loan	\$	2,500,000	\$	2,500,000	82107
5AD0	195633	Legacy Projects	\$	15,000,000	\$	<del>15,000,000</del> <u>18,600,000</u>	82108
5AD0	195677	Economic Development Contingency	\$	10,000,000	\$	0	82109
5W50	195690	Travel and Tourism Cooperative Projects	\$	50,000	\$	50,000	82110
6850	195636	<del>Direct Cost Recovery</del> <u>Development Services</u> <u>Reimbursable</u> Expenditures	\$	750,000	\$	750,000	82111
TOTAL GSF General Services Fund							82112
Group			\$	40,000,000	\$	<del>30,000,000</del> <u>33,600,000</u>	82113
Federal Special Revenue Fund Group							82114
3080	195602	Appalachian Regional Commission	\$	475,000	\$	475,000	82115
3080	195603	<del>Housing and Urban</del> Development <u>Assistance Programs</u>	\$	6,000,000	\$	6,000,000	82116
3080	195605	Federal Projects	\$	85,028,606	\$	<del>85,470,106</del> 0	82117
3080	195609	Small Business Administration <u>Grants</u>	\$	6,438,143	\$	5,511,381	82118
3080	195618	Energy <del>Federal</del> Grants	\$	38,000,000	\$	3,400,000	82119
<u>3080</u>	<u>195670</u>	<u>Home Weatherization</u> <u>Program</u>	\$	0	\$	<u>72,670,106</u>	82120
<u>3080</u>	<u>195671</u>	<u>Brownfield</u> <u>Redevelopment</u>	\$	0	\$	<u>6,800,000</u>	82121
<u>3080</u>	<u>195672</u>	<u>Manufacturing</u> <u>Extension Partnership</u>	\$	0	\$	<u>6,000,000</u>	82122
3350	195610	Energy <del>Conservation</del> and <del>Emerging</del>	\$	1,100,000	\$	1,100,000	82123

		<u>Technology Programs</u>					
3AE0	195643	Workforce Development Initiatives	\$	16,300,000	\$	16,300,000	82124
3DB0	195642	Federal Stimulus - Energy Efficiency & Conservation Block Grants	\$	3,000,000	\$	42,485	82125
3EG0	195608	<del>Federal</del> <u>Energy Sector Training Grants</u>	\$	5,000,000	\$	1,344,056	82126
3K80	195613	Community Development Block Grant	\$	76,795,818	\$	65,210,000	82127
3K90	195611	Home Energy Assistance Block Grant	\$	115,743,608	\$	115,743,608	82128
3K90	195614	HEAP Weatherization	\$	22,000,000	\$	22,000,000	82129
3L00	195612	Community Services Block Grant	\$	27,240,217	\$	27,240,217	82130
3V10	195601	HOME Program	\$	40,000,000	\$	40,000,000	82131
TOTAL FED Federal Special Revenue Fund Group							82132
							\$ 443,121,392 \$ 389,836,853 82133
State Special Revenue Fund Group							82134
4500	195624	Minority Business Bonding Program Administration	\$	160,110	\$	159,069	82135
4510	195625	Economic Development Financing Operating	\$	3,000,000	\$	<del>3,000,000</del> 0	82136
<u>4510</u>	<u>195649</u>	<u>Business Assistance Programs</u>	\$	0	\$	<u>3,700,800</u>	82137
4F20	195639	State Special Projects	\$	180,437	\$	180,436	82138
4F20	195676	Marketing Initiatives	\$	5,000,000	\$	0	82139
4F20	195699	Utility <del>Provided Funds</del> <u>Community Assistance</u>	\$	500,000	\$	500,000	82140
4S00	195630	Tax Incentive Programs	\$	650,800	\$	<del>650,800</del> 0	82141

5CG0	195679	Alternative Fuel Transportation	\$	750,000	\$	750,000	82142
5HJ0	195604	Motion Picture Tax Credit Program	\$	50,000	\$	<del>50,000</del> 0	82143
5HR0	195526	<del>Ohio Incumbent</del> Workforce Job Training <u>Vouchers</u>	\$	20,000,000	\$	30,000,000	82144
5HR0	195622	Defense Development Assistance	\$	5,000,000	\$	5,000,000	82145
<u>5JR0</u>	<u>195635</u>	<u>Redevelopment Program</u> <u>Support</u>	\$	0	\$	<u>100,000</u>	82146
5JR0	195656	New Market Tax Credit Program	\$	50,000	\$	<del>50,000</del> 0	82147
5KD0	195621	Brownfield Stormwater Loan	\$	50,000	\$	<del>50,000</del> 0	82148
5KN0	195640	Local Government Innovation	\$	175,000	\$	44,825,000	82149
<u>5LK0</u>	<u>195655</u>	<u>Workforce Development</u> <u>Programs</u>	\$	0	\$	<u>10,000,000</u>	82150
5M40	195659	Low Income Energy Assistance ( <u>USF</u> )	\$	245,000,000	\$	245,000,000	82151
5M50	195660	Advanced Energy <u>Loan</u> Programs	\$	8,000,000	\$	0	82152
5W60	195691	International Trade Cooperative Projects	\$	160,000	\$	160,000	82153
6170	195654	Volume Cap Administration	\$	94,397	\$	92,768	82154
6460	195638	Low- and Moderate- Income Housing Trust Fund	\$	53,000,000	\$	53,000,000	82155
TOTAL SSR		State Special Revenue					82156
Fund Group			\$	341,820,744	\$	<del>383,468,073</del> <u>393,468,073</u>	82157



Facilities Establishment Fund Group				82158
5S90	195628	Capital Access Loan	\$ 1,500,000 \$ 1,500,000	82159
Program				
7009	195664	Innovation Ohio	\$ 15,000,000 \$ 15,000,000	82160
7010	195665	Research and	\$ 22,000,000 \$ 22,000,000	82161
Development				
7037	195615	Facilities	\$ 50,000,000 \$ 50,000,000	82162
Establishment				
TOTAL 037 Facilities				82163
Establishment Fund Group				\$ 88,500,000 \$ 88,500,000 82164
Clean Ohio Revitalization Fund				82165
7003	195663	Clean Ohio <del>Operating</del>	\$ 950,000 \$ 950,000	82166
<u>Program</u>				
TOTAL 7003 Clean Ohio				\$ 950,000 \$ 950,000 82167
Revitalization Fund				
Third Frontier Research & Development Fund Group				82168
7011	195686	Third Frontier	\$ 1,149,750 \$ 1,149,750	82169
Operating				
7011	195687	Third Frontier	\$ 183,850,250 \$ 133,850,250	82170
Research &				
Development Projects				
7014	195620	Third Frontier	\$ 1,700,000 \$ 1,700,000	82171
Operating - Tax				
7014	195692	Research &	\$ 38,300,000 \$ 38,300,000	82172
Development Taxable				
Bond Projects				
TOTAL 011 Third Frontier Research &				\$ 225,000,000 \$ 175,000,000 82173
Development Fund Group				
Job Ready Site Development Fund Group				82174
7012	195688	Job Ready Site	\$ 800,000 \$ 800,000	82175
<u>Operating Program</u>				
TOTAL 012 Job Ready Site				\$ 800,000 \$ 800,000 82176

Development Fund Group

Tobacco Master Settlement Agreement Fund Group				82177	
M087 195435 Biomedical Research	\$	1,999,224	\$	1,999,224	82178
and Technology					
Transfer					
TOTAL TSF Tobacco Master Settlement	\$	1,999,224	\$	1,999,224	82179
Agreement Fund Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,245,317,783	\$	<del>1,186,943,855</del>	82180
				<u>1,202,193,895</u>	

**Sec. 261.20.93.** LOCAL GOVERNMENT INNOVATION FUND 82182

The foregoing appropriation item 195640, Local Government 82183  
 Innovation, shall be used for the purposes of making loans and 82184  
 grants to political subdivisions under the Local Government 82185  
 Innovation Program in accordance with sections 189.01 to 189.10 of 82186  
 the Revised Code. Of the foregoing appropriation item 195640, 82187  
 Local Government Innovation, up to \$175,000 in fiscal year 2012 82188  
 and \$175,000 in fiscal year 2013 shall be used for administrative 82189  
 costs incurred by the ~~Department of Development~~ Services Agency. 82190

On the effective date of this amendment, or as soon as 82191  
 possible thereafter, the Director of Budget and Management shall 82192  
 transfer \$175,000 in cash from the General Revenue Fund to the 82193  
 Local Government Innovation Fund (Fund 5KN0). On July 1, 2012, or 82194  
 as soon as possible thereafter, the Director of Budget and 82195  
 Management shall transfer \$44,825,000 in cash from the General 82196  
 Revenue Fund to the Local Government Innovation Fund (Fund 5KN0). 82197

**Section 601.47.** That existing Sections 261.10 and 261.20.93 82198  
 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by 82199  
 Sub. H.B. 371 of the 129th General Assembly, are hereby repealed. 82200

**Section 601.50.** That Section 4 of Sub. S.B. 171 of the 129th 82201  
 General Assembly be amended to read as follows: 82202

<b>Sec. 4.</b> The following agencies are retained under division		82203
(D) of section 101.83 of the Revised Code and expire on December		82204
31, 2016:		82205
AGENCY NAME	REVISED CODE OR	82206
	UNCODIFIED	
	SECTION	
Academic Distress Commission	3302.10	82207
Advisory Board of Governor's Office of	107.12	82208
Faith-Based and Community Initiatives		
Advisory Board to Assist and Advise in the	3323.33, 3323.34	82209
Operation of the Ohio Center for Autism and Low		
Incidence		
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	82210
Advisory Council of Directors for Prison Labor	5145.162	82211
Advisory Council for Wild, Scenic, or	1547.84	82212
Recreational River Area(s)		
Advisory Committee on Livestock Exhibitions	901.71	82213
Agricultural Commodity Marketing Programs	924.07	82214
Operating Committees		
Agricultural Commodity Marketing Programs	924.14	82215
Coordinating Committee		
Alternative Energy Advisory Committee	4928.64(D)	82216
AMBER Alert Advisory Committee	5502.521	82217
Apprenticeship Council	Chapter 4139.	82218
Armory Board of Control	5911.09, 5911.12	82219
Automated Title Processing Board	4505.09(C)(1)	82220
Backflow Advisory Board	3703.21	82221
Banking Commission	1123.01	82222
Board of Directors of the Great Lakes Protection	1506.22	82223
Fund	(6161.04)	
Board of Directors of the Medical Liability	3929.631	82224
Underwriting Association Stabilization Fund		

Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	82225
Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	82226
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	82227
Board of Governors of the Medical Liability Underwriting Association	3929.64	82228
Board of Voting Machines Examiners	3506.05	82229
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	82230
Brain Injury Advisory Committee	3304.231	82231
Bureau of Workers' Compensation Board of Directors	4121.12	82232
Capitol Square Review and Advisory Board	105.41	82233
Child Care Advisory Council	5104.08	82234
Child Support Guideline Advisory Council	3119.024	82235
Children's Trust Fund Board	3109.15 - 3109.17	82236
Citizen's Advisory Council	5123.092, 5123.093	82237
Clean Ohio Trail Advisory Board	1519.06	82238
Coastal Resources Advisory Council	1506.12	82239
Commission on African-American Males	4112.12, 4112.13	82240
Commission on Hispanic-Latino Affairs	121.31	82241
Commission on Minority Health	3701.78	82242
Committee on Prescriptive Governance	4723.49 - 4723.492	82243
Commodity Advisory Commission	926.32	82244
Consumer Advisory Committee to the Rehabilitation Services Commission	3304.24	82245
Continuing Education Committee	109.80(B)	82246

Council on Alcohol and Drug Addiction Services	3793.09	82247
Council on Unreclaimed Strip Mined Lands	1513.29	82248
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	82249
Credential Review Board	3319.65	82250
Credit Union Council	1733.329	82251
Criminal Sentencing Advisory Committee	181.22	82252
Data Collection and Analysis Group	3727.32	82253
Dentist Loan Repayment Advisory Board	3702.92	82254
Department Advisory Council(s)	107.18, 121.13	82255
Development Financing Advisory Council	122.40, 122.41	82256
Early Childhood Advisory Council	3301.90	82257
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	82258
Education Management Information System Advisory Board	3301.0713	82259
Educator Standards Board	3319.60	82260
Electrical Safety Inspector Advisory Committee	3783.08	82261
Emergency Response Commission	3750.02	82262
Engineering Experiment Station Advisory Committee	3335.27	82263
Environmental Education Council	3745.21	82264
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	82265
eTech Ohio Commission	3353.02 - 3353.04	82266
Ex-Offender Reentry Coalition	5120.07	82267
Farmland Preservation Advisory Board	901.23	82268
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	82269
Financial Planning and Supervision Commission for a school district	3316.05	82270
Forestry Advisory Council	1503.40	82271
Governance Authority for a State University or	3345.75	82272

College		
Governor's Council on People with Disabilities	3303.41	82273
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	82274
Governor's Residence Advisory Commission	107.40	82275
Grain Marketing Program Operating Committee	924.20 - 924.30	82276
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	82277
Gubernatorial Transition Committee	107.29, 126.26	82278
Help Me Grow Advisory Council	3701.611	82279
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	82280
Homeland Security Advisory Council	5502.011(E)	82281
Hospital Measures Advisory Council	3727.31	82282
Housing Trust Fund Advisory Committee	174.06	82283
Industrial Commission Nominating Council	4121.04	82284
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	82285
Infant Hearing Screening Subcommittee	3701.507	82286
Infection Control Group	3727.312(D)	82287
Insurance Agent Education Advisory Council	3905.483	82288
Interstate Rail Passenger Advisory Council	4981.35	82289
Joint Select Committee on Volume Cap	133.021	82290
Labor-Management Government Advisory Council	4121.70	82291
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	82292
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	82293
Maternity and Newborn Advisory Council	3711.20, 3711.21	82294
Medically Handicapped Children's Medical Advisory Council	3701.025	82295
Midwest Interstate Passenger Rail Compact	4981.361	82296

Commission		
Milk Sanitation Board	917.03 - 917.032	82297
Mine Subsidence Insurance Governing Board	3929.51	82298
Minority Development Financing Advisory Board	122.72, 122.73	82299
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	82300
National Museum of Afro-American History and Culture Planning Committee	149.303	82301
New African Immigrants Commission	4112.31, 4112.32	82302
Ohio Accountability Task Force	3302.021(E)	82303
Ohio Advisory Council for the Aging	173.03	82304
Ohio Agriculture License Plate Scholarship Fund Board	901.90	82305
Ohio Arts Council	Chapter 3379.	82306
Ohio Business Gateway Steering Committee	5703.57	82307
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	82308
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	82309
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	82310
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	82311
Ohio Commission on Fatherhood	5101.34	82312
Ohio Community Service Council	121.40 - 121.404	82313
Ohio Council for Interstate Adult Offender Supervision	5149.22	82314
Ohio Cultural Facilities Commission	Chapter 3383.	82315
Ohio Cystic Fibrosis Legislative Task Force	101.38	82316
Ohio Developmental Disabilities Council	5123.35	82317
Ohio Expositions Commission	991.02	82318
Ohio Family and Children First Cabinet Council	121.37	82319
Ohio Geographically Referenced Information	125.901, 125.902	82320

Program Council		
Ohio Geology Advisory Council	1501.11	82321
Ohio Grape Industries Committee	924.51 - 924.55	82322
Ohio Historic Site Preservation Advisory Board	149.301	82323
Ohio Historical Society Board of Trustees	149.30	82324
Ohio Judicial Conference	105.91 - 105.97	82325
Ohio Lake Erie Commission	1506.21	82326
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	82327
Ohio Medical Quality Foundation	3701.89	82328
Ohio Parks and Recreation Council	1541.40	82329
Ohio Peace Officer Training Commission	109.71, 109.72	82330
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	82331
Ohio Public Defender Commission	120.01 - 120.03	82332
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	82333
Ohio Quarter Horse Development Commission	3769.086	82334
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	82335
Ohio Soil and Water Conservation Commission	1515.02	82336
Ohio Standardbred Development Commission	3769.085	82337
Ohio Subrogation Rights Commission	2323.44	82338
Ohio Thoroughbred Racing Advisory Committee	3769.084	82339
Ohio Transportation Finance Commission	5531.12(B) to (D)	82340
Ohio Tuition Trust Authority	3334.03, 3334.08	82341
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	82342
Ohio Vendors Representative Committee	3304.34, 20 USC 107	82343
Ohio War Orphans Scholarship Board	5910.02 -	82344



	5910.06	
Ohio Water Advisory Council	1521.031	82345
Ohio Water Resources Council Advisory Group	1521.19	82346
Ohio Water Resources Council	1521.19	82347
Oil and Gas Commission	1509.35	82348
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	82349
Organized Crime Investigations Commission	177.01	82350
Pharmacy and Therapeutics Committee of the Department of Job and Family Services	5111.084	82351
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	82352
Physician Loan Repayment Advisory Board	3702.81	82353
Power Siting Board	4906.02	82354
Prequalification Review Board	5525.07	82355
Private Water Systems Advisory Council	3701.346	82356
<del>Public Health Council</del>	<del>3701.33, 3701.34</del>	82357
Public Utilities Commission Nominating Council	4901.021	82358
Public Utility Property Tax Study Committee	5727.85(K)	82359
Radiation Advisory Council	3748.20	82360
Reclamation Commission	1513.05	82361
Reclamation Forfeiture Fund Advisory Board	1513.182	82362
Recreation and Resources Commission	1501.04	82363
Recycling and Litter Prevention Advisory Council	1502.04	82364
School and Ministerial Lands Divestiture Committee	501.041	82365
Savings and Loan Associations and Savings Banks Board	1181.16	82366
Second Chance Trust Fund Advisory Committee	2108.35	82367
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	82368
Ski Tramway Board	4169.02	82369

Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	82370
Solid Waste Management Advisory Council	3734.51	82371
Special Commission to Consider the Suspension of Local Government Officials	3.16	82372
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	82373
State Agency Coordinating Group	1521.19	82374
State Audit Committee	126.46	82375
State Council of Uniform State Laws	105.21 - 105.27	82376
State Criminal Sentencing Commission	181.22 - 181.26	82377
State Fire Council	3737.81	82378
State Library Board	3375.01	82379
State Victims Assistance Advisory Council	109.91(B) and (C)	82380
Statewide Consortium of County Law Library Resource Boards	3375.481	82381
STEM Committee	3326.02	82382
Student Tuition Recovery Authority	3332.081	82383
Sunset Review Committee	101.84 - 101.87	82384
Tax Credit Authority	122.17(M)	82385
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	82386
Technical Advisory Council on Oil and Gas	1509.38	82387
Transportation Review Advisory Council	5512.07 - 5512.09	82388
Unemployment Compensation Advisory Council	4141.08	82389
Unemployment Compensation Review Commission	4141.06	82390
Veterans Advisory Committee	5902.02(K)	82391
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	82392
Volunteer Fire Fighters' Dependents Fund Boards	146.02 - 146.06	82393

(public)

Water and Sewer Commission	1525.11(C)	82394
Waterways Safety Council	1547.73	82395
Wildlife Council	1531.03 - 1531.05	82396
Workers' Compensation Board of Directors	4121.123	82397
Nominating Committee		

**Section 601.51.** That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly is hereby repealed. 82398  
82399

**Section 601.55.** That Section 701.10 of Sub. S.B. 312 of the 129th General Assembly be amended to read as follows: 82400  
82401

**Sec. 701.10.** Notwithstanding any contrary provision in section 105.41 of the Revised Code or in any rule or procedure adopted by the Capitol Square Review and Advisory Board, the Board shall designate, not later than October 1, 2012, a prominent place on the lawn or other outside grounds of Capitol Square for the erection of a permanent memorial to victims of The Holocaust (1933-1945) and to those Ohioans who participated in the liberation of the death camps during World War II. The Ohio Arts Council and the Board shall work together to invite, accept, and evaluate proposals for the concept, design, and erection of such a memorial, and shall jointly select from among the proposals the memorial to be designed and erected at the place designated by the Capitol Square Review and Advisory Board for that purpose. Site preparation, utility placement, and other ~~preliminary~~ construction activities ~~shall be paid for with public funds. Planning, and~~ planning for and designing and erecting the memorial, shall be paid for with only private contributions. The Capitol Square Foundation shall accept private contributions for those purposes, and shall deposit the contributions into the Capitol Square

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Holocaust Memorial Fund. 82421

**Section 601.56.** That existing Section 701.10 of Sub. S.B. 312 82422  
of the 129th General Assembly is hereby repealed. 82423

**Section 610.10.** That Section 3 of Am. Sub. S.B. 160 of the 82424  
121st General Assembly be amended to read as follows: 82425

**Sec. 3.** Sections 109.57, 109.572, 2950.08, and 2953.32, ~~and~~ 82426  
~~3701.881~~ of the Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 82427  
160 of the 121st General Assembly regarding employment of persons 82428  
who provide direct care to older adults, and sections ~~173.41,~~ 82429  
3712.09, 3721.121, and 3722.151 of the Revised Code, as enacted by 82430  
~~this act~~ Am. Sub. S.B. 160 of the 121st General Assembly, apply 82431  
only to persons who apply for employment on or after ~~the effective~~ 82432  
~~date of this act~~ January 27, 1997. 82433

**Section 610.11.** That existing Section 3 of Am. Sub. S.B. 160 82434  
of the 121st General Assembly is hereby repealed. 82435

**Section 620.10.** That Section 3 of Am. Sub. S.B. 38 of the 82436  
120th General Assembly be amended to read as follows: 82437

**Sec. 3.** Sections 3301.54, and 5104.09, ~~and 5126.28~~ of the 82438  
Revised Code, as amended by ~~this act~~ Am. Sub. S.B. 38 of the 120th 82439  
General Assembly, and sections 109.572, 2151.86, 3301.32, 82440  
3301.541, ~~3319.311~~ 3319.39, ~~3701.881,~~ 5104.012, 5104.013, and 82441  
5153.111 of the Revised Code, as enacted by ~~this act~~ Am. Sub. S.B. 82442  
38 of the 120th General Assembly, apply only to persons who apply 82443  
for employment for a position on or after ~~the effective date of~~ 82444  
~~this act~~ October 29, 1993. 82445

**Section 620.11.** That existing Section 3 of Am. Sub. S.B. 38 82446

of the 120th General Assembly is hereby repealed. 82447

**Section 650.10.** That Sections 261.10.10, 261.10.20, 82448  
261.10.30, 261.10.50, 261.10.60, 261.10.80, 261.10.90, 261.20.10, 82449  
261.20.20, 261.20.70, 261.30.50, and 263.10.80 of Am. Sub. H.B. 82450  
153 of the 129th General Assembly are hereby repealed. 82451

**Section 701.10.10.** OHIO STATEHOUSE SAFETY AND SECURITY STUDY 82452

The Capitol Square Review and Advisory Board and the 82453  
Department of Public Safety jointly shall contract for a study of 82454  
the safety and security of the Ohio Statehouse complex, including 82455  
the buildings, parking garage, and grounds. The Board and the 82456  
Department jointly shall determine with whom to contract. The 82457  
study shall include recommendations for security protocols while 82458  
providing for the health, safety, and convenience of those who 82459  
work in, or visit, the statehouse. The report shall be submitted 82460  
to the Capitol Square Review and Advisory Board for action not 82461  
later than December 1, 2012. 82462

**Section 701.23.** As used in this section, "political 82463  
subdivision" has the meaning defined in section 2744.01 of the 82464  
Revised Code. 82465

The Auditor of State shall establish, operate, and maintain 82466  
one or more web sites to serve as an online clearinghouse of 82467  
information about streamlining government operations, 82468  
collaboration, and shared services to reduce the cost of 82469  
government in this state. The web site may be developed by the 82470  
Auditor of State or through the use of outside vendors. Existing 82471  
web sites may be used if their content conforms to the 82472  
requirements of this section. In establishing, maintaining, and 82473  
operating the online clearinghouse web site, the Auditor of State 82474  
shall: 82475

(A) Use a domain name for the web site that will be easily recognized, remembered, and understood by the users of the web site;	82476 82477 82478
(B) Maintain the web site so that it is fully accessible to and searchable by members of the public at all times;	82479 82480
(C) Not charge a fee to a person who accesses, searches, or otherwise uses the web site;	82481 82482
(D) Compile information provided by political subdivisions that includes savings recommendations from performance audits, examples of shared services among communities, shared services agreements to use as templates, and other tools developed independently by the Auditor of State or requested by political subdivisions and agreed to by the Auditor of State;	82483 82484 82485 82486 82487 82488
(E) Enable political subdivisions to register and request inclusion of their submitted information on the web site, as well as to report state and local barriers to collaboration;	82489 82490 82491
(F) Enable information to be accessed by key word or other useful identifiers;	82492 82493
(G) Maintain adequate systemic security and back-up features, and develop and maintain a contingency plan for coping with and recovering from power outages, systemic failures, and other unforeseen difficulties; and	82494 82495 82496 82497
(H) Maintain the web site in such a manner that it will not infringe legally protected interests, so that vulnerability of the web site to interruption because of litigation or the threat of litigation is reduced.	82498 82499 82500 82501
<b>Section 701.33.</b> As used in this section, "political subdivision" has the meaning defined in section 2744.01 of the Revised Code.	82502 82503 82504
The Department of Administrative Services, by itself or by	82505

contract with another entity, shall establish, operate, and 82506  
maintain a web site to serve as an online clearinghouse of 82507  
information about existing joint purchasing programs between or 82508  
among political subdivisions in the state. In establishing, 82509  
maintaining, and operating the online clearinghouse web site, the 82510  
department shall: 82511

(A) Use a domain name for the web site that will be easily 82512  
recognized, remembered, and understood by the users of the web 82513  
site; 82514

(B) Maintain the web site so that it is fully accessible to 82515  
and searchable by members of the public at all times; 82516

(C) Not charge a fee to a person who accesses, searches, or 82517  
otherwise uses the web site; 82518

(D) Compile information provided by political subdivisions 82519  
about joint purchasing arrangements they are involved in that the 82520  
department verifies, through meetings with various statewide 82521  
associations and others, to have resulted in verifiable cost 82522  
savings, and consolidate that information on the web site in a 82523  
consistent manner; 82524

(E) Enable political subdivisions to register and request 82525  
inclusion of their submitted information on the web site; 82526

(F) Enable information to be accessed by key word, by program 82527  
name, by county, by type of product or service, and by other 82528  
useful identifiers; 82529

(G) Maintain adequate systemic security and back-up features, 82530  
and develop and maintain a contingency plan for coping with and 82531  
recovering from power outages, systemic failures, and other 82532  
unforeseen difficulties; and 82533

(H) Maintain the web site in such a manner that it will not 82534  
infringe legally protected interests, so that vulnerability of the 82535

web site to interruption because of litigation or the threat of 82536  
litigation is reduced. 82537

The department shall bear the expense of establishing, 82538  
operating, and maintaining the online clearinghouse web site. 82539

**Section 701.41.** The Department of Administrative Services 82540  
shall analyze opportunities to reduce travel expenses through 82541  
teleconferencing and web conferencing within state government. The 82542  
Department shall assess current teleconferencing capabilities 82543  
within state government operations, research industry standards 82544  
and best practices, and make recommendations that will optimize 82545  
the use of these technologies. Not later than December 31, 2012, 82546  
the Department of Administrative Services shall produce a report 82547  
with its findings and shall deliver the report to the Speaker and 82548  
Minority Leader of the House of Representatives, the President and 82549  
Minority Leader of the Senate, and the Governor. 82550

**Section 701.50.** MARCS STEERING COMMITTEE AND STATEWIDE 82551  
COMMUNICATIONS SYSTEM 82552

There is hereby created a Multi-Agency Radio Communications 82553  
System (MARCS) Steering Committee consisting of the designees of 82554  
the Directors of Administrative Services, Public Safety, Natural 82555  
Resources, Transportation, Rehabilitation and Correction, and 82556  
Budget and Management, and the State Fire Marshal or the State 82557  
Fire Marshal's designee. The Director of Administrative Services 82558  
or the Director's designee shall chair the Committee. The 82559  
Committee shall provide assistance to the Director of 82560  
Administrative Services for effective and efficient implementation 82561  
of the MARCS system as well as develop policies for the ongoing 82562  
management of the system. Upon dates prescribed by the Directors 82563  
of Administrative Services and Budget and Management, the MARCS 82564  
Steering Committee shall report to the Directors on the progress 82565



of MARCS implementation and the development of policies related to 82566  
the system. 82567

**Section 701.60.** As used in this section, "business day" means 82568  
a day of the week, excluding Saturday, Sunday, or a legal holiday 82569  
as defined in section 1.14 of the Revised Code. 82570

Any regional council of governments that was formed and is 82571  
operating before the effective date of the amendment by this act 82572  
of section 167.04 of the Revised Code shall notify the Auditor of 82573  
State of its existence within 30 business days after the effective 82574  
date of that amendment, and shall provide on a form prescribed by 82575  
the Auditor of State the information required under that section. 82576  
The Auditor of State shall review the information and, within one 82577  
year after the effective date of that amendment, shall issue a 82578  
report to the Governor and the General Assembly. The report shall 82579  
address how many regional councils of governments are operating 82580  
under Chapter 167. of the Revised Code, whether those regional 82581  
councils continue to meet the objectives for which regional 82582  
councils were first authorized in 1967, and whether regional 82583  
councils are an efficient and effective way for local governments 82584  
to share services or to participate in cooperative arrangements. 82585

**Section 701.70.10.** (A) The construction and energy operations 82586  
of the Office of the State Architect and Engineer (OSAE) under 82587  
Chapters 123. and 153. are transferred and consolidated into the 82588  
construction and capital funding operations of the Ohio Facilities 82589  
Construction Commission (OFCC). And the Ohio School Facilities 82590  
Commission (OSFC) becomes an independent agency within the Ohio 82591  
Facilities Construction Commission. Notwithstanding Chapter 153. 82592  
of the Revised Code, the OFCC is thereupon and thereafter 82593  
successor to, assumes the power and obligations of, and otherwise 82594  
constitutes the continuation of the construction and energy 82595  
operations and related management functions of the OSAE as 82596

provided in the applicable sections of Chapter 153. of the Revised Code or in any agreements relating to capital expenditures for construction operations functions to which the OSAE is a party. All statutory references to the OSAE are deemed to be references to the OFCC.

(B) Any activities relating to the operations and related management functions commenced but not completed by the OSAE shall be completed by the OFCC in the same manner and with the same effect as if completed by the OSAE. No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of the consolidation, and shall be administered by the OFCC. All rules, orders, and determinations related to design, planning, and construction and energy operations and related management functions of the OSAE continue in effect as rules, orders, and determinations of the OFCC, until modified or rescinded by the OFCC. The Director of the Legislative Service Commission shall renumber the OSAE rules related to the design, planning, and construction and energy operations and related management functions to reflect their transfer to the OFCC.

(C) To the extent possible, all employees of the OSAE shall be transferred to the OFCC, as the OFCC determines to be necessary for the successful implementation of this section. All employees of the OSFC shall remain in their current classifications unless the OFCC determines otherwise.

(D) No judicial or administrative action or proceeding, to which the OSAE or an authorized officer of either is a party, that is pending on the effective date of this section, or on such later date as may be established by an authorized officer of the OFCC and that is related to its construction, capital funding, or energy operation or related management functions, is affected by the transfer and consolidation of functions. Any such action or

proceeding shall be prosecuted or defended in the name of the 82628  
OFCC. On application to the court or agency, the OFCC shall be 82629  
substituted for the OSAE or an authorized officer of either as a 82630  
party to the action or proceeding. 82631

(E) Notwithstanding any provision of the law to the contrary, 82632  
and not sooner than 90 days after the effective date of this 82633  
section, and if requested by the OFCC, the Director of Budget and 82634  
Management shall make budget changes made necessary by the 82635  
transfer, if any, including administrative organization, program 82636  
transfers, the creation of new funds, the transfer of state funds, 82637  
and the consolidation of funds, as authorized by this section. The 82638  
Director of Budget and Management may, if necessary, establish 82639  
encumbrances or parts of encumbrances created in fiscal years 2012 82640  
and 2013 in the appropriate fund and appropriation item for the 82641  
same purpose and for payment to the same vendor in fiscal year 82642  
2013. The established encumbrances plus any additional amounts 82643  
determined to be necessary for the OFCC to perform the 82644  
construction, energy, and capital funding operation and related 82645  
management functions of the OSAE are hereby appropriated. 82646

(F) Not later than 30 days after the transfer and 82647  
consolidation of the construction, energy, and capital funding 82648  
operations and related management functions of the OSAE to the 82649  
OFCC, an authorized officer of the OSAE shall certify to the OFCC 82650  
the unexpended balance and location of any funds and accounts 82651  
designated for building and facility operation and management 82652  
functions, and the custody of such funds and accounts shall be 82653  
transferred to the OFCC. 82654

(G) The OFCC and the Department of Natural Resources (DNR) 82655  
shall cooperate in a study to determine which operation functions, 82656  
if any, of the DNR Division of Engineering should be integrated 82657  
and consolidated into the OFCC. The study shall be completed not 82658  
later than December 31, 2012. 82659

**Section 701.70.20.** The Division of Labor in the Department of 82660  
Commerce is hereby renamed the Division of Industrial Compliance 82661  
on the effective date of section 121.04 of the Revised Code, as 82662  
amended by this act. The Division and the Superintendent of 82663  
Industrial Compliance shall have and perform all the duties, 82664  
powers, and obligations of the Division and Superintendent of 82665  
Labor. All rules, actions, determinations, commitments, 82666  
resolutions, decisions, and agreements pertaining to the duties, 82667  
powers, obligations, functions, and rights of the Division or 82668  
Superintendent of Labor, in force or in effect on the effective 82669  
date of section 121.04 of the Revised Code, as amended by this 82670  
act, shall continue in force and effect and apply to the Division 82671  
or Superintendent of Industrial Compliance as applicable and 82672  
subject to any further lawful action thereon by the Division or 82673  
Superintendent of Industrial Compliance. Wherever the 82674  
Superintendent of Labor or Division of Labor are referred to in 82675  
any provision of law, or in any agreement or document that 82676  
pertains to those duties, powers, obligations, functions, and 82677  
rights, the reference is to the Superintendent of Industrial 82678  
Compliance or Division of Industrial Compliance, as appropriate. 82679

All authorized obligations and supplements thereto of the 82680  
Superintendent and Division of Labor are binding on the 82681  
Superintendent or Division of Industrial Compliance and nothing in 82682  
this act impairs those obligations or rights or the obligations or 82683  
rights under any contract. The renaming of the Division of Labor 82684  
and Superintendent of Labor does not affect the validity of 82685  
agreements or obligations made by that superintendent or division 82686  
pursuant to Chapters 121., 3703., 3781., 3791., 4104., 4105., and 82687  
4740. of the Revised Code or any other provisions of law. 82688

In connection with the renaming of the Division of Labor, all 82689  
real property and interest therein, documents, books, money, 82690  
papers, records, machinery, furnishings, office equipment, 82691

furniture, and all other property over which the Superintendent 82692  
and Division of Labor have control and the rights of the 82693  
Superintendent and Division of Labor to enforce or receive any of 82694  
those is automatically transferred to the Superintendent and 82695  
Division of Industrial Compliance without necessity for further 82696  
action on the part of the Superintendent or Division of Industrial 82697  
Compliance, or the Director of Commerce. Additionally, all 82698  
appropriations or reappropriations made to the Superintendent and 82699  
Division of Labor for the purposes of the performance of their 82700  
duties, powers, and obligations, are transferred to the 82701  
Superintendent and Division of Industrial Compliance to the extent 82702  
of the remaining unexpended or unencumbered balance thereof, 82703  
whether allocated or unallocated, and whether obligated or 82704  
unobligated. 82705

**Section 701.111.** The new filing requirements applicable to 82706  
persons who are elected or appointed to, or who are candidates 82707  
for, an office of a township with a population of five thousand or 82708  
more under section 102.02 of the Revised Code, as amended by this 82709  
act, first apply to 2011 statements required to be filed by 82710  
persons who are candidates for or serving in a township office in 82711  
calendar year 2012, which shall be filed not later than ninety 82712  
days after the effective date of this section. 82713

**Section 701.121.** (A) The state of Ohio requests that the 82714  
Joint Committee on the Library of Congress approve the replacement 82715  
of Ohio's statue of Governor William Allen in the National 82716  
Statuary Hall Collection with a statue of Thomas Edison. 82717

(B) In accordance with the Procedure for Replacement of 82718  
Statues in the National Statuary Hall Collection, Ohio submits the 82719  
following information for consideration by the Joint Committee on 82720  
the Library of Congress: 82721

(1) Thomas Edison, a native of Milan, Ohio, was a world famous inventor and highly successful businessperson whose inventions, such as the phonograph, the kinetoscope (a precursor to the film projector), and the first practical incandescent light bulb, have had a tremendous impact on the world. In addition to these inventions, Thomas Edison's service to the United States Government has also impacted world history. During World War I, he consulted for the government, examining inventions submitted for military use and working on defensive devices for submarines and ships. For his service, he eventually was awarded a Distinguished Service Medal by the Department of the Navy. By the time of his death, he had received over one thousand patents.

Thomas Edison also has had a significant impact on the state of Ohio. He established the Edison Steel Company in Cleveland, Ohio, and established one of the first electric power stations in Tiffin, Ohio. His General Electric Company established the first industrial park in Ohio, which has employed hundreds of thousands of people over time. And the Ohio Department of Development sponsors The Thomas Edison Award, which was established in partnership with the Edison Birthplace Museum in Milan, Ohio. The Edison Birthplace Museum also has been instrumental in the issuance of a Thomas Edison stamp and commemorative silver dollar, and has received, on Thomas Edison's behalf, a posthumously awarded GRAMMY Award.

Thomas Edison's impact on the world, and, in particular, on the state of Ohio, through his inventions, business endeavors, and government service, merits inclusion of a statue of him in the National Statuary Hall Collection.

(2) The Ohio Statuary Hall Commission, a nonprofit Ohio corporation, was established in 2009 for the purpose of assisting with the process of recommending an Ohio citizen for statuary representation in the National Statuary Hall Collection, including

raising funds and providing financial support for that effort. If 82754  
the Joint Committee on the Library of Congress approves this 82755  
replacement statue request, the Commission shall be responsible 82756  
for the selection of a sculptor for the Thomas Edison statue as 82757  
well as for paying all costs incurred for placing the Thomas 82758  
Edison statue in the United States Capitol, including costs 82759  
incurred for all of the following: 82760

(a) Paying the sculptor; 82761

(b) Carving or casting the statue; 82762

(c) Creating a pedestal and any inscription; 82763

(d) Transporting the statue and pedestal to the United States 82764  
Capitol; 82765

(e) Removing and transporting the replaced statue; 82766

(f) Temporarily erecting the new statue in the Rotunda of the 82767  
Capitol for the unveiling ceremony; 82768

(g) Expenses related to the unveiling ceremony; and 82769

(h) Any other expenses that the Ohio Statuary Hall Commission 82770  
finds it to be necessary to incur. 82771

(C) As required by the Procedure for Replacement of Statues 82772  
in the National Statuary Hall Collection, the Governor shall 82773  
submit to the Architect of the Capitol a copy of this act, along 82774  
with a letter from the Governor, requesting approval from the 82775  
Joint Committee on the Library of Congress to replace Ohio's 82776  
statue of Governor William Allen in the National Statuary Hall 82777  
Collection with a statue of Thomas Edison. 82778

**Section 701.131.** The amendment by this act to sections 107.54 82779  
and 119.032 and the enactment by this act of section 119.033 of 82780  
the Revised Code apply to a rule that is subjected to review under 82781  
section 119.032 of the Revised Code on or after January 1, 2013. 82782

The amendment by this act to sections 107.54 and 119.032 and the 82783  
enactment by this act of section 119.033 of the Revised Code do 82784  
not apply to a rule the review of which under section 119.032 of 82785  
the Revised Code is pending on January 1, 2013. Prior law 82786  
continues to apply to these proposed rules and to these rules 82787  
until the rule-making or the review proceedings are completed. 82788  
82789

**Section 707.10.** For fiscal years 2013 and 2014, the 82790  
legislative authority of a municipal corporation in a county, with 82791  
a population between three hundred seventy-five thousand and four 82792  
hundred thousand according to the most recent federal decennial 82793  
census, may conduct a pilot program whereby the legislative 82794  
authority may use up to five per cent of the aggregate amount of 82795  
money deposited in the municipal corporation's sewer fund and up 82796  
to five per cent of the aggregate amount of money deposited in a 82797  
fund created by the municipal corporation for water-works for the 82798  
purpose of extending the municipal corporation's water or sewerage 82799  
system, as applicable, if both of the following apply: 82800

(A) The water or sewerage system is being extended to areas 82801  
for economic development purposes. 82802

(B) The areas into which the water or sewerage system is 82803  
being extended are the subject of a cooperative economic 82804  
development agreement entered into by the municipal corporation 82805  
under section 701.07 of the Revised Code. 82806

With regard to either fund, the legislative authority shall 82807  
not exceed the five per cent limit established in this section. 82808

**Section 709.11.** Upon the expiration of the term of a member 82809  
who is serving on the Ohio Grape Industries Committee created in 82810  
section 924.51 of the Revised Code immediately prior to the 82811  
effective date of this act, the Director of Agriculture shall 82812



appoint a member for a new term in accordance with that section as 82813  
amended by this act. 82814

**Section 733.05.** Not later than ninety days after the 82815  
effective date of this section, the Ohio Board of Regents shall 82816  
complete a review of each entity that held the Department of 82817  
Insurance's designation under section 3305.03 of the Revised Code 82818  
immediately prior to the effective date of this act. In conducting 82819  
the review, the Board shall comply with the applicable 82820  
requirements of sections 3305.03 and 3305.031 of the Revised Code, 82821  
as amended and enacted by this act. 82822

**Section 733.10.** (A) This section applies to a state 82823  
university, as defined in section 3345.011 of the Revised Code, 82824  
that has a main campus subsidy-eligible undergraduate enrollment 82825  
of more than 17,000 but less than 22,000 students for fiscal year 82826  
2012. 82827

(B) Notwithstanding section 3313.41 of the Revised Code, when 82828  
a school district board of education decides to dispose of real 82829  
property that the board owns in its corporate capacity, exceeds in 82830  
value ten thousand dollars, and is located within one hundred 82831  
yards of any classroom or administrative building on the main 82832  
campus of the state university as described in division (A) of 82833  
this section, prior to offering that property for sale under 82834  
divisions (A) to (G) of section 3313.41 of the Revised Code, the 82835  
board may offer that property to the board of trustees of the 82836  
state university in either or both of the following manners: 82837

(1) In an "as is" condition in return for an agreement 82838  
between the board of trustees and the school district board, under 82839  
which the university will provide the school district with in-kind 82840  
services, educational programs, or other assistance valued in the 82841  
aggregate in an amount reasonably related to the appraised fair 82842

market value of the property; 82843

(2) For sale for money at a price that is not higher than the 82844  
appraised fair market value of that property. 82845

(C) If the board of trustees does not accept either offer, or 82846  
if the agreement is not entered into between the school district 82847  
board and the board of trustees, within sixty days after the offer 82848  
is made by the district board, the district board then shall offer 82849  
the property for sale as provided in division (G) of section 82850  
3313.41 of the Revised Code. 82851

(D) This section expires on December 31, 2012. 82852

**Section 737.10. ABOLISHMENT OF THE PUBLIC HEALTH COUNCIL** 82853

On the effective date of this section, the Public Health 82854  
Council is abolished and the responsibilities of the Public Health 82855  
Council are transferred to the Director of Health. 82856

Any business before the Public Health Council commenced but 82857  
not completed before the effective date of this section shall be 82858  
completed by the Director of Health. The business shall be 82859  
completed in the same manner, and with the same effect, as if 82860  
completed by the Director of Health immediately prior to the 82861  
effective date of this section. 82862

No validation, cure, right, privilege, remedy, obligation, or 82863  
liability is lost or impaired by reason of this act's abolishment 82864  
of the Public Health Council and transfer of responsibility to the 82865  
Director of Health. Each such validation, cure, right, privilege, 82866  
remedy, obligation, or liability shall be administered by the 82867  
Director of Health. 82868

All rules, orders, and determinations of the Public Health 82869  
Council adopted or made immediately prior to the effective date of 82870  
this section shall continue in effect as rules, orders, and 82871  
determinations of the Director of Health until modified or 82872

rescinded by the Director of Health. If necessary to ensure the 82873  
integrity of the numbering system of the Administrative Code, the 82874  
Director of the Legislative Service Commission shall renumber the 82875  
rules to reflect the transfer of the Public Health Council's 82876  
responsibilities to the Director of Health. 82877

Any action or proceeding that is related to the functions or 82878  
duties of the Public Health Council pending on the effective date 82879  
of this section is not affected by the transfer and shall be 82880  
prosecuted or defended in the name of the Director of Health. In 82881  
all such actions and proceedings, the Director of Health, on 82882  
application to the court, shall be substituted as a party. 82883

**Section 737.20.** (A) On the effective date of the amendment of 82884  
the statutes governing the Division of Recycling and Litter 82885  
Prevention in the Department of Natural Resources by this act or 82886  
on July 1, 2012, whichever is later, the Division of Recycling and 82887  
Litter Prevention is abolished, and all of its functions, together 82888  
with its assets and liabilities, are transferred from within the 82889  
Department of Natural Resources to within the Environmental 82890  
Protection Agency. 82891

(B) Any business commenced but not completed by the Division 82892  
of Recycling and Litter Prevention in the Department of Natural 82893  
Resources on the effective date of the transfer shall be completed 82894  
by the Environmental Protection Agency. Any validation, cure, 82895  
right, privilege, remedy, obligation, or liability is not lost or 82896  
impaired solely by reason of the transfer required by this section 82897  
and shall be administered by the Environmental Protection Agency 82898  
in accordance with this act. 82899

(C) All of the rules, orders, and determinations of the 82900  
Division of Recycling and Litter Prevention in the Department of 82901  
Natural Resources or of the Department of Natural Resources in 82902  
relation to that Division continue in effect as rules, orders, and 82903

determinations of the Environmental Protection Agency until 82904  
modified or rescinded by the Environmental Protection Agency. If 82905  
necessary to ensure the integrity of the numbering of the 82906  
Administrative Code, the Director of the Legislative Service 82907  
Commission shall renumber rules of the Department of Natural 82908  
Resources in relation to the former Division of Recycling and 82909  
Litter Prevention in that Department to reflect the transfer to 82910  
the Environmental Protection Agency. 82911

(D) Subject to the provisions of the applicable bargaining 82912  
unit agreements, all of the positions of the Division of Recycling 82913  
and Litter Prevention in the Department of Natural Resources are 82914  
transferred to the Environmental Protection Agency. Employees who 82915  
transfer with the positions shall retain their same or 82916  
substantially similar positions and all the benefits accruing 82917  
thereto. Upon completion of the transfer, the employees shall be 82918  
subject to the policies and procedures of the Environmental 82919  
Protection Agency. 82920

(E) Whenever the Division of Recycling and Litter Prevention 82921  
in the Department of Natural Resources or the Chief of the 82922  
Division of Recycling and Litter Prevention is referred to in any 82923  
law, contract, or other document, the reference shall be deemed to 82924  
refer to the Environmental Protection Agency or to the Director of 82925  
Environmental Protection, whichever is appropriate in context. 82926

(F) Any action or proceeding pending on the effective date of 82927  
the amendment of the statutes governing the Division of Recycling 82928  
and Litter Prevention by this act is not affected by the transfer 82929  
of the functions of that Division by this act and shall be 82930  
prosecuted or defended in the name of the Environmental Protection 82931  
Agency. In all such actions and proceedings, the Environmental 82932  
Protection Agency, upon application to the court, shall be 82933  
substituted as a party. 82934

**Section 737.30.** The Recycling and Litter Prevention Advisory Council created within the Environmental Protection Agency by section 3736.04 of the Revised Code, as amended and renumbered by this act, is a continuation of the Recycling and Litter Prevention Advisory Council created within the Division of Recycling and Litter Prevention in the Department of Natural Resources by section 1502.04 of the Revised Code prior to its amendment and renumbering by this act.

**Section 737.40.** (A) As used in this section:

(1) "Food service operation," "retail food establishment," and "vending machine location" have the same meanings as in section 3717.01 of the Revised Code.

(2) "Micro market" means an area or room that has displays of not more than two hundred fifty linear feet that offer either of the following:

(a) Prepackaged foods that are not time- or temperature-controlled for food safety purposes;

(b) Prepackaged foods that are refrigerated or frozen and time- or temperature-controlled for food safety purposes and that are stored in equipment that complies with Chapter 3717-1 of the Administrative Code.

(B) Until the Director of Agriculture adopts rules under section 3717.04 of the Revised Code governing the licensure of micro markets, the operation of a micro market is exempt from the licensure requirements for retail food establishments, food service operations, and vending machine locations established under Chapter 3717. of the Revised Code. This division applies to a micro market that was previously exempted under division (B)(5) of section 3717.22 of the Revised Code by the Director from being licensed as a retail food establishment.

(C) Not later than sixty days following the adoption of rules 82965  
by the Director under section 3717.04 of the Revised Code 82966  
governing the licensure of micro markets, the operator of a micro 82967  
market shall apply for a license in accordance with those rules. 82968

**Section 737.50.** Not later than 30 days after the amendment by 82969  
this act of section 3791.11 of the Revised Code takes effect, the 82970  
Treasurer of State shall give written notice to each property 82971  
owner or lessee who, under former division (D) of that section, 82972  
deposited money or a surety or government-issued bond with the 82973  
Treasurer of State that the money will be refunded or the bond 82974  
will be released within the following time period, and that the 82975  
property owner or lessee must file a bond in the manner required 82976  
by division (C) of section 3791.11 of the Revised Code immediately 82977  
after the refund or release: 82978

(A) If money was deposited, the Treasurer of State will 82979  
refund the money to the property owner or lessee within 180 days 82980  
after the effective date of section 3791.11 of the Revised Code, 82981  
as amended by this act; 82982

(B) If a surety bond was deposited, the Treasurer of State 82983  
will release the bond to the property owner or lessee upon the 82984  
earlier of the expiration of the bond or within two years after 82985  
the effective date of section 3791.11 of the Revised Code, as 82986  
amended by this act; 82987

(C) If a government-issued bond was deposited, the Treasurer 82988  
of State will release the bond to the property owner or lessee 82989  
within 180 days after the effective date of section 3791.11 of the 82990  
Revised Code, as amended by this act. 82991

**Section 737.60.** LUPUS EDUCATION AND AWARENESS PROGRAM 82992

(A) In establishing the Lupus Education and Awareness Program 82993  
under sections 3701.77 to 3701.775 of the Revised Code, as enacted 82994

by this act, the General Assembly hereby finds the following: 82995

(1) Lupus is a serious, complex, and debilitating autoimmune 82996  
disease that can cause inflammation and tissue damage to virtually 82997  
any organ system in the body, including the skin, joints, other 82998  
connective tissue, blood and blood vessels, heart, lungs, kidneys, 82999  
and brain. 83000

(2) The Lupus Foundation of America, Inc., estimates that 83001  
approximately 1.5 to 2 million Americans live with lupus. 83002

(3) According to the Centers for Disease Control and 83003  
Prevention, the rate of lupus mortality has increased since the 83004  
late 1970s. 83005

(4) The pain and fatigue associated with lupus can threaten 83006  
the ability to live independently, maintain employment, and lead a 83007  
normal life. One in five individuals with lupus is disabled by the 83008  
disease, and consequently receives support from government 83009  
programs, including Medicare, Medicaid, Social Security 83010  
Disability, and Social Security Supplemental Income. 83011

(5) The estimated average annual cost of medical treatment 83012  
for an individual with lupus is between \$10,000 and \$30,000; for 83013  
individuals who have the most serious form of lupus, medical costs 83014  
can greatly exceed this amount, causing a significant economic, 83015  
emotional, and social burden to the entire family and society. 83016

(6) More than half of individuals with lupus suffer four or 83017  
more years and visit three or more physicians before obtaining a 83018  
diagnosis of lupus; early diagnosis of and treatment for lupus can 83019  
prevent or reduce serious organ damage, disability, and death. 83020

(7) Despite the magnitude of lupus and its impact on 83021  
individuals and families, health professional and public 83022  
understanding of lupus remains low; only one in five Americans can 83023  
provide basic information about lupus, and awareness of lupus is 83024  
lowest among adults 18 to 34 years of age - the age group most 83025

likely to develop lupus. 83026

(8) Lupus is a significant national health issue that 83027  
deserves a comprehensive and coordinated response by state and 83028  
federal governments with involvement of the health care provider, 83029  
patient, and public health communities. 83030

(B) The purpose of sections 3701.77 to 3701.775 of the 83031  
Revised Code, as enacted by this act, is to create a 83032  
multi-pronged, statewide program to promote public and health 83033  
professional awareness and increase knowledge concerning the 83034  
causes and consequences of lupus, the importance of early 83035  
diagnosis and appropriate management, and effective treatment and 83036  
management strategies by all of the following: 83037

(1) Conducting educational and training programs for health 83038  
professionals on lupus diagnosis and management; 83039

(2) Developing and disseminating educational materials and 83040  
information to patients and health professionals on lupus research 83041  
results and health care services available; 83042

(3) Designing and implementing a statewide public education 83043  
campaign aimed at heightening public awareness of lupus; 83044

(4) Leveraging educational and training resources and 83045  
services previously developed by organizations with appropriate 83046  
expertise and knowledge of lupus. 83047

**Section 737.70. PILOT PROGRAM FOR OPIOID- AND 83048**  
ALCOHOL-DEPENDENT OFFENDERS 83049

(A) The Department of Alcohol and Drug Addiction Services 83050  
shall conduct a pilot program to provide to certain 83051  
opioid-dependent, alcohol-dependent, or opioid- and 83052  
alcohol-dependent offenders within the criminal justice system 83053  
treatment to prevent relapse into dependency, including 83054  
medication-assisted treatment. The medication-assisted treatment 83055



shall be provided by using one or more drugs that constitute 83056  
long-acting antagonist therapy and meet all of the following 83057  
conditions: 83058

(1) There is no potential for abuse of the drugs by the 83059  
person to whom they are given or through diversion of the drugs to 83060  
others. 83061

(2) There is no potential for a person to become addicted to 83062  
or otherwise dependent on the drugs. 83063

(3) The drugs have been approved by the United States Food 83064  
and Drug Administration to prevent relapse into opioid dependency, 83065  
alcohol dependency, or opioid and alcohol dependency. 83066

(B) The Department shall conduct the program in Franklin 83067  
County and Scioto County and may conduct the program in any one or 83068  
more other counties the Department selects. In conducting the 83069  
program, the Department shall collaborate with the boards of 83070  
alcohol, drug addiction, and mental health services that serve the 83071  
counties included in the program. The Department also shall 83072  
collaborate with the Departments of Mental Health, Job and Family 83073  
Services, and Health and with any other state agency that the 83074  
Department determines may be of assistance in accomplishing the 83075  
objectives of the program. 83076

(C) The program shall serve not more than one hundred fifty 83077  
opioid-dependent or alcohol-dependent offenders selected by the 83078  
Department, each of whom meets all of the following criteria: 83079

(1) Is either being released from a community-based 83080  
correctional facility or being diverted from prosecution under 83081  
section 2935.36 of the Revised Code by a county drug court or 83082  
municipal court; 83083

(2) Is transitioning to community-based programs as 83084  
prescribed by the court; 83085

(3) Was opioid dependent, alcohol dependent, or opioid and alcohol dependent at the time of committing the offense for which the offender was most recently sentenced; 83086  
83087  
83088

(4) Resides in this state and in the offender's own court-approved residence or court-approved transitional housing. 83089  
83090

(D) A program participant shall do both of the following: 83091

(1) Commit to participate in the program for twelve months and comply with all requirements established by the program, sentencing court, and treatment providers, including testing, counseling, medication therapies, and reporting requirements; 83092  
83093  
83094  
83095

(2) Attend any on-site programming specified by the sentencing court or treatment provider. 83096  
83097

(E) Treatment under the program shall be provided by an alcohol and drug addiction program certified by the Department under section 3793.06 of the Revised Code. Treatment shall be based on an integrated service delivery model. The treatment provider shall do all of the following: 83098  
83099  
83100  
83101  
83102

(1) Conduct a professional, comprehensive substance abuse and mental health diagnostic assessment of each person who is a potential program participant to determine whether the person is opioid dependent, alcohol dependent, or opioid and alcohol dependent and would benefit from substance abuse treatment and monitoring to address the dependency; 83103  
83104  
83105  
83106  
83107  
83108

(2) Determine treatment needs for each program participant based on the diagnostic assessment; 83109  
83110

(3) Develop individualized goals and objectives for each program participant that follow guidelines provided by the Department; 83111  
83112  
83113

(4) Provide initial treatment to each program participant by persons professionally qualified to provide substance abuse 83114  
83115

counseling or treatment; 83116

(5) Provide substance abuse and co-occurring disorder 83117  
treatment that includes psychosocial therapies and monthly 83118  
medication-assisted treatment; 83119

(6) Provide access to long-acting antagonist therapies to the 83120  
same extent that access may be provided to any other 83121  
medication-assisted treatment approved by the United States Food 83122  
and Drug Administration; 83123

(7) Monitor program compliance through regular urinalysis 83124  
drug testing. 83125

(F) Not later than three months after the program has ended, 83126  
Kent State University shall prepare a report of the findings 83127  
obtained from the program, along with its recommendations, if any. 83128  
The University shall include in the report data derived from the 83129  
drug testing performed under the program. In preparing the report, 83130  
the University shall obtain assistance from the Department of 83131  
Alcohol and Drug Addition Services. When the report is complete, 83132  
the University shall submit the report to the Governor; President 83133  
of the Senate; Speaker of the House of Representatives; 83134  
Departments of Mental Health, Job and Family Services, and Health; 83135  
and any other agency the Department collaborates with in 83136  
conducting the program. 83137

**Section 737.81.** (A) As used in this section, "source 83138  
separated recyclable material" includes any material such as 83139  
paper, cardboard, metal, glass, plastic, or similar material that 83140  
is segregated by the producer or generator of the material in 83141  
order to reuse or recycle the material. 83142

(B) On and after the effective date of this section through 83143  
December 31, 2013, the board of county commissioners or board of 83144  
directors of a solid waste management district shall not do any of 83145

the following: 83146

(1) Designate any new facilities or activities for the 83147  
collection or processing of source separated recyclable material; 83148

(2) Exercise rulemaking authority to require source separated 83149  
recyclable material to be delivered to one or more specified 83150  
facilities; 83151

(3) Enter into any new contract for the collection of source 83152  
separated recyclable material that requires the material to be 83153  
delivered to one or more specified facilities. 83154

Any designations, rules, or contracts existing on the 83155  
effective date of this section shall remain in effect and, with 83156  
respect to contracts, may be renewed. 83157

(C) On and after the effective date of this section through 83158  
December 31, 2013, the board of county commissioners or board of 83159  
directors of a solid waste management district proposing to 83160  
construct a new recycling processing facility on land owned by the 83161  
district or operate a new recycling processing facility shall do 83162  
so only through a competitive selection process, including 83163  
competitive bidding or competitive proposals. 83164

**Section 737.91.** It is expected that the Futures Committee of 83165  
the Ohio Association of Health Commissioners will release a report 83166  
in June 2012 that evaluates the status of public health services 83167  
in the state and offers ideas for the future role of boards of 83168  
health and health districts in the state. The Legislative 83169  
Committee on Public Health Futures shall review the Future 83170  
Committee's report, and, on the basis of its review, recommend 83171  
legislative and fiscal policies. The policy recommendations shall 83172  
be considered for inclusion in the fiscal year 2013-2014 operating 83173  
budget. The Legislative Committee, not later than October 31, 83174  
2012, shall prepare a report that describes its review of the 83175

Future Committee's report, and that states, and provides 83176  
explanations of, its policy recommendations. The Legislative 83177  
Committee shall transmit a copy of its report to the Governor, the 83178  
President and Minority Leader of the Senate, the Speaker and 83179  
Minority Leader of the House of Representatives, and the 83180  
chairpersons of the committees of the Senate and House of 83181  
Representatives that will consider the public health phase of the 83182  
2013-2014 operating budget. Upon transmitting its report, the 83183  
Legislative Committee ceases to exist. 83184

There is the Legislative Committee on Public Health Futures. 83185  
Each of the following associations shall appoint one individual to 83186  
the Legislative Committee: the County Commissioners Association of 83187  
Ohio, the Ohio Township Association, the Department of Health, the 83188  
Association of Ohio Health Commissioners, the Ohio Public Health 83189  
Association, the Ohio Environmental Health Association, the Ohio 83190  
Boards of Health Association, the Ohio Municipal League, and the 83191  
Ohio Hospital Association. The President and Minority Leader of 83192  
the Senate each shall appoint one member of the Senate to the 83193  
Legislative Committee. The Speaker and Minority Leader of the 83194  
House of Representatives each shall appoint one member of the 83195  
House of Representatives to the Legislative Committee. 83196  
Appointments shall be made as soon as possible but not later than 83197  
thirty days after the effective date of this section. Vacancies on 83198  
the Legislative Committee shall be filled in the same manner as 83199  
the original appointment. 83200

As soon as all members have been appointed to the Legislative 83201  
Committee, the President of the Senate shall fix a time and place 83202  
for the committee to hold its first meeting. At that meeting, the 83203  
committee shall elect from among its membership a chairperson, a 83204  
vice-chairperson, and a secretary. The Director of Health shall 83205  
provide the Legislative Committee with meeting and office space, 83206  
equipment, and professional, technical, and clerical staff as are 83207

necessary to enable the Legislative Committee successfully to 83208  
complete its work. 83209

**Section 747.10.10.** (A) The Manufactured Homes Commission 83210  
shall adopt the rules required by section 4781.26 of the Revised 83211  
Code as amended by this act not later than December 1, 2012. After 83212  
adopting the rules, the Commission immediately shall notify the 83213  
Director of Health. 83214

(B)(1) The rules governing manufactured home parks adopted by 83215  
the Public Health Council under former section 3733.02 of the 83216  
Revised Code shall remain in effect in a health district until the 83217  
Commission adopts rules under section 4781.26 of the Revised Code 83218  
as amended by this act. 83219

(2) On the effective date of the rules adopted by the 83220  
Commission as required by section 4781.26 of the Revised Code as 83221  
amended by this act, the Public Health Council rules adopted under 83222  
former section 3733.02 of the Revised Code cease to be effective 83223  
within the jurisdiction of that board of health. 83224

(C) No board of health of a city or general health district 83225  
shall invoice or collect manufactured home park licensing fees for 83226  
calendar year 2013. 83227

(D) As used in this section: 83228

(1) "Manufactured home park," "board of health," and "health 83229  
district" have the same meanings as in section 4781.01 of the 83230  
Revised Code, as amended by this act. 83231

(2) "Public Health Council" means the Public Health Council 83232  
created by section 3701.33 of the Revised Code. 83233

**Section 747.10.20.** Any manufactured home park license and 83234  
inspection fees collected pursuant to former section 3733.04 of 83235  
the Revised Code by a board of health prior to the transition of 83236

the annual license and inspection program to the Manufactured 83237  
Homes Commission as required under this act in the amount of two 83238  
thousand dollars or less may be transferred to the health fund of 83239  
the city or general health district. Any of those funds in excess 83240  
of two thousand dollars shall be transferred to the Manufactured 83241  
Homes Commission Regulatory Fund created in section 4781.54 of the 83242  
Revised Code as enacted by this act. 83243

**Section 747.10.30.** Notwithstanding the original term of the 83244  
appointment, the term of the Manufactured Homes Commission member 83245  
who was appointed by the Governor as a representative of the 83246  
Department of Health pursuant to division (B)(2)(b) of section 83247  
4781.02 of the Revised Code shall end on the effective date of 83248  
that section as amended by this act. The initial term of the 83249  
registered sanitarian appointed to the Manufactured Homes 83250  
Commission pursuant to section 4781.02 of the Revised Code, as 83251  
amended by this act, shall expire on the date when the 83252  
representative of the Department of Health's term would have 83253  
expired, but for this section. 83254

**Section 747.20.10.** On the effective date of the amendments 83255  
made to section 4765.02 of the Revised Code by this act, the 83256  
member of the renamed State Board of Emergency Medical, Fire, and 83257  
Transportation Services who is an administrator of an adult or 83258  
pediatric trauma center shall cease to be a member of the Board. 83259  
On the effective date of the amendments made to section 4765.02 of 83260  
the Revised Code by this act, the member of the renamed State 83261  
Board of Emergency Medical, Fire, and Transportation Services who 83262  
is a member of the Ohio Ambulance Association shall cease to be a 83263  
member of the Board. On the effective date of the amendments made 83264  
to section 4765.02 of the Revised Code by this act, the member of 83265  
the renamed State Board of Emergency Medical, Fire, and 83266

Transportation Services who is a physician certified by the 83267  
American board of surgery, American board of osteopathic surgery, 83268  
American osteopathic board of emergency medicine, or American 83269  
board of emergency medicine, is chief medical officer of an air 83270  
medical agency, and is currently active in providing emergency 83271  
medical services shall cease to be a member of the Board. On the 83272  
effective date of the amendments made to section 4765.02 of the 83273  
Revised Code by this act, of the members of the renamed State 83274  
Board of Emergency Medical, Fire, and Transportation Services who 83275  
were EMTs, advanced EMTs, or paramedics and were appointed to the 83276  
Board in that capacity, only the members who are designated by the 83277  
Governor to continue to be members of the Board shall continue to 83278  
be so; the other persons shall cease to be members of the Board. 83279  
On the effective date of the amendments made to section 4765.02 of 83280  
the Revised Code by this act, the member of the renamed State 83281  
Board of Emergency Medical and Transportation Services who is a 83282  
registered nurse and is in the active practice of emergency 83283  
nursing shall cease to be a member of the Board. Not later than 83284  
sixty days after the effective date of those amendments, the 83285  
Governor shall appoint to the renamed State Board of Emergency 83286  
Medical and Transportation Services a registered nurse with EMS 83287  
certification who is in the active practice of critical care 83288  
nursing. The Governor shall appoint this member from among three 83289  
persons nominated by the Ohio Nurses Association, three persons 83290  
nominated by the Ohio Association of Critical Care Transport, and 83291  
three persons nominated by the Ohio State Council of the Emergency 83292  
Nurses Association. 83293

On the effective date of the amendments made to section 83294  
4765.02 of the Revised Code by this act, all members of the former 83295  
State Board of Emergency Medical Services who do not cease to be 83296  
members of the renamed State Board of Emergency Medical, Fire, and 83297  
Transportation Services by the terms of this act shall continue to 83298



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;

(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.

(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.

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.

**Section 747.20.20. TRANSFER OF THE MEDICAL TRANSPORTATION BOARD TO THE DEPARTMENT OF PUBLIC SAFETY**

On July 1, 2012, the Medical Transportation Board and all of

its functions are transferred to the Department of Public Safety. 83329  
As of such date, the Medical Transportation Board shall operate 83330  
under the Department of Public Safety, which shall assume all of 83331  
the Board's functions. All assets, liabilities, any capital 83332  
spending authority related thereto, and equipment and records, 83333  
regardless of form or medium, related to the Medical 83334  
Transportation Board's functions are transferred to the Department 83335  
of Public Safety on July 1, 2012. 83336

No validation, cure, right, privilege, remedy, obligation, or 83337  
liability is lost or impaired by reason of the transfer. All of 83338  
the Medical Transportation Board's rules, orders, and 83339  
determinations continue in effect as rules, orders, and 83340  
determinations of the Department of Public Safety until modified 83341  
or rescinded by the Department of Public Safety. 83342

Subject to the lay-off provisions of sections 124.321 to 83343  
124.328 of the Revised Code, all employees of the Medical 83344  
Transportation Board are transferred to the Department of Public 83345  
Safety and shall retain their positions and all benefits accruing 83346  
thereto. 83347

No action or proceeding pending on July 1, 2012, is affected 83348  
by the transfer and any action or proceeding pending on July 1, 83349  
2012, shall be prosecuted or defended in the name of the 83350  
Department of Public Safety or its director. In all such actions 83351  
and proceedings, the Department of Public Safety or its director, 83352  
upon application to the court, shall be substituted as a party. 83353

On or after July 1, 2012, notwithstanding any provision of 83354  
law to the contrary, the Director of Budget and Management shall 83355  
take any action with respect to budget changes made necessary by 83356  
the transfer. The Director may transfer cash balances between 83357  
funds. The Director may cancel encumbrances and reestablish 83358  
encumbrances or parts of encumbrances as needed in the fiscal year 83359  
in the appropriate fund and appropriation item for the same 83360

purpose and to the same vendor. As determined by the Director, 83361  
encumbrances reestablished in the fiscal year in a different fund 83362  
or appropriation item used by an agency or between agencies are 83363  
appropriated. The Director shall reduce each year's appropriation 83364  
balances by the amount of the encumbrance canceled in their 83365  
respective funds and appropriation item. Any unencumbered or 83366  
unallocated appropriation balances from the previous fiscal year 83367  
may be transferred to the appropriate appropriation item to be 83368  
used for the same purposes, as determined by the Director. Any 83369  
such transfers are hereby appropriated. 83370

**Section 747.31.** A licensee whose license is in a voluntary 83371  
hold status under Chapter 4735. of the Revised Code on the 83372  
effective date of this section may apply to the Superintendent of 83373  
the Division of Real Estate and Professional Licensing for 83374  
reactivation of the license in accordance with rules adopted by 83375  
the Ohio Real Estate Commission or may apply to place the license 83376  
in a resigned status within the ninety-day period after the 83377  
effective date of this section. The license of a licensee who does 83378  
not reactivate or resign a license that is in a voluntary hold 83379  
status on the effective date of this section shall be 83380  
automatically suspended. A suspended license may be reactivated 83381  
within twelve months of the date of suspension, provided that the 83382  
renewal fee plus a penalty fee of fifty per cent of the renewal 83383  
fee is paid to the Superintendent. Failure to reactivate the 83384  
suspended license within twelve months as provided in this section 83385  
shall result in automatic revocation of the license without the 83386  
taking of any action by the Superintendent. 83387

**Section 751.03.** TRANSFER OF MEDICAID AND CHILDREN'S HEALTH 83388  
INSURANCE PROGRAM 83389

(A) Notwithstanding the amendments made by this act to 83390  
section 5111.01 of the Revised Code: 83391

(1) The Office of Medical Assistance shall not replace the Department of Job and Family Services as the single state agency to supervise the administration of Medicaid until the replacement is approved by the United States Centers for Medicare and Medicaid Services if such approval is needed.

(2) A contract regarding Medicaid or the Children's Health Insurance Program that is in effect on the effective date of this section shall continue to be operated in accordance with the contract's terms until the contract is amended, expires, or is terminated.

(B) Subject to division (A)(1) of this section:

(1) The Office of Medical Assistance is responsible for entering into contracts regarding Medicaid and the Children's Health Insurance Program on or after the effective date of this section.

(2) Any rules of the Department of Job and Family Services regarding Medicaid or the Children's Health Insurance Program that are in effect on the effective date of this section are hereby rules of the Office of Medical Assistance and the Medical Assistance Director may amend or rescind the rules in a manner consistent with the statutes that authorize the rules.

(C) The Director of Job and Family Services and Medical Assistance Director shall collaborate as necessary to provide for the Office of Medical Assistance to assume the Department of Job and Family Services' duties and authorities regarding Medicaid and the Children's Health Insurance Program.

(D) It is the General Assembly's intent to amend the laws governing Medicaid and the Children's Health Insurance Program to replace references to the Director of Job and Family Services with references to the Medical Assistance Director and to replace references to the Department of Job and Family Services with

references to the Office of Medical Assistance as appropriate in 83423  
the context of transferring authority for those programs from the 83424  
Department of Job and Family Services to the Office of Medical 83425  
Assistance. 83426

**Section 751.05.** FISCAL YEAR 2013 QUALITY BONUS PAYMENTS TO 83427  
NURSING FACILITIES 83428

(A) As used in this section: 83429

(1) "Medicaid days," "nursing facility," and "provider" have 83430  
the same meanings as in section 5111.20 of the Revised Code. 83431

(2) "Point days" means the product of the following: 83432

(a) A qualifying nursing facility's quality bonus points for 83433  
fiscal year 2013; 83434

(b) The number of the qualifying nursing facility's Medicaid 83435  
days in fiscal year 2012. 83436

(3) "Qualifying nursing facility" means a nursing facility 83437  
that qualifies for a quality bonus for fiscal year 2013 as 83438  
determined under division (C) of this section. 83439

(4) "Quality bonus points" means the amount determined by 83440  
subtracting five from the number of points awarded to a qualifying 83441  
nursing facility under division (C) of section 5111.244 of the 83442  
Revised Code for fiscal year 2013. 83443

(B) In addition to the quality bonuses, if any, to be paid to 83444  
nursing facilities in accordance with section 5111.245 of the 83445  
Revised Code for fiscal year 2013, quality bonuses also shall be 83446  
paid to nursing facilities in accordance with this section for 83447  
fiscal year 2013. 83448

(C) Not later than July 31, 2012, the Department of Job and 83449  
Family Services shall pay a nursing facility provider a quality 83450  
bonus for fiscal year 2013 if the provider's nursing facility is 83451

awarded more than five points under division (C) of section 83452  
5111.244 of the Revised Code for fiscal year 2013 and at least one 83453  
of the points is awarded to the nursing facility pursuant to 83454  
division (C)(10), (11), (12), (13), or (14) of that section. 83455

(D) The total quality bonus to be paid to the provider of a 83456  
qualifying nursing facility for fiscal year 2013 shall equal the 83457  
product of the following: 83458

(1) The quality bonus per Medicaid day for the fiscal year 83459  
determined for the provider's qualifying nursing facility under 83460  
division (E) of this section; 83461

(2) The number of the qualifying nursing facility's Medicaid 83462  
days in fiscal year 2012. 83463

(E) A qualifying nursing facility's quality bonus per 83464  
Medicaid day for fiscal year 2013 shall be the product of the 83465  
following: 83466

(1) The nursing facility's quality bonus points for fiscal 83467  
year 2013; 83468

(2) The quality bonus per point for fiscal year 2013 83469  
determined under division (F) of this section. 83470

(F) The quality bonus per point for fiscal year 2013 shall be 83471  
determined as follows: 83472

(1) Determine the number of each qualifying nursing 83473  
facility's point days for fiscal year 2013. 83474

(2) Determine the sum of all qualifying nursing facilities' 83475  
point days for fiscal year 2013. 83476

(3) Divide thirty million dollars by the sum determined under 83477  
division (F)(2) of this section. 83478

(G) The calculation of a qualifying nursing facility's bonus 83479  
payment is not subject to appeal under Chapter 119. of the Revised 83480  
Code. 83481

(H) The Director of Job and Family Services may adopt rules 83482  
under section 5111.02 of the Revised Code as necessary to 83483  
implement this section. 83484

**Section 751.10. LICENSURE OF ICFs/MR AS RESIDENTIAL 83485**  
FACILITIES 83486

(A) Until July 1, 2013, a person or government agency that, 83487  
on the effective date of this section, operates an intermediate 83488  
care facility for the mentally retarded pursuant to a nursing home 83489  
license issued under Chapter 3721. of the Revised Code shall not 83490  
be subject to a penalty under section 5123.99 of the Revised Code 83491  
for operating the facility without a license issued under section 83492  
5123.19 of the Revised Code notwithstanding sections 5123.20 and 83493  
5123.99 of the Revised Code. 83494

(B) Notwithstanding the amendments by this act to sections 83495  
3702.62, 3721.01, and 5123.19 of the Revised Code and the repeal 83496  
by this act of section 5123.192 of the Revised Code, an 83497  
intermediate care facility for the mentally retarded that is 83498  
licensed as a nursing home under Chapter 3721. of the Revised Code 83499  
on the effective date of this section shall continue to be a 83500  
nursing home for the purposes for which it is considered to be a 83501  
nursing home under the law in effect on the day immediately 83502  
preceding the effective date of those amendments and that repeal 83503  
until the earliest of the following: 83504

(1) The date that the facility's nursing home license is 83505  
revoked or voided under section 3721.07 of the Revised Code; 83506

(2) The date that a residential facility license is obtained 83507  
for the facility under section 5123.19 of the Revised Code; 83508

(3) July 1, 2013. 83509

(C) Notwithstanding the amendment by this act to section 83510  
3721.21 of the Revised Code, a nursing home or part of a nursing 83511

home certified as an intermediate care facility for the mentally 83512  
retarded on the effective date of this section shall continue to 83513  
be excluded from the definition of "long-term care facility" in 83514  
that section for as long as it is certified as an intermediate 83515  
care facility for the mentally retarded. 83516

(D) Notwithstanding the amendment by this act to section 83517  
3721.50 of the Revised Code, a nursing home or part of a nursing 83518  
home licensed under section 3721.02 or 3721.09 of the Revised Code 83519  
that is certified as an intermediate care facility for the 83520  
mentally retarded on the effective date of this section shall 83521  
continue to be exempt from the franchise permit fee under sections 83522  
3721.50 to 3721.58 of the Revised Code and instead subject to the 83523  
franchise permit fee under sections 5112.30 to 5112.39 of the 83524  
Revised Code for as long as it is certified as an intermediate 83525  
care facility for the mentally retarded. 83526

(E) Notwithstanding the amendment by this act to section 83527  
5123.41 of the Revised Code, a nursing home or part of a nursing 83528  
home that is certified as an intermediate care facility for the 83529  
mentally retarded on the effective date of this section shall 83530  
continue to be a residential facility for the purpose of section 83531  
5123.41 of the Revised Code for as long as it is certified as an 83532  
intermediate care facility for the mentally retarded or is 83533  
licensed under section 5123.19 of the Revised Code. 83534

(F) Notwithstanding the amendment by this act to section 83535  
5126.51 of the Revised Code, a nursing home or part of a nursing 83536  
home that is certified as an intermediate care facility for the 83537  
mentally retarded on the effective date of this section shall 83538  
continue to be a residential facility for the purpose of section 83539  
5126.51 of the Revised Code for as long as it is certified as an 83540  
intermediate care facility for the mentally retarded or otherwise 83541  
meets the definition of "residential facility" in section 5123.19 83542  
of the Revised Code. 83543



**Section 751.10.10.** ADULT CARE FACILITY LICENSURE TRANSITION 83544

Pursuant to the amendment and repeal by this act of sections 83545  
5119.22, 5119.70 to 5119.88, and 5119.99 of the Revised Code, the 83546  
Director of Mental Health may convert an adult care facility's 83547  
license in effect immediately before the effective date of this 83548  
section to a license as a residential facility. Until the Director 83549  
converts the license or issues an order denying the conversion, 83550  
the adult care facility's license is deemed to be a residential 83551  
facility license. All rules, orders, and determinations pertaining 83552  
to the adult care facility license continue in effect as rules, 83553  
orders, and determinations pertaining to the residential facility 83554  
license. 83555

**Section 751.12.** TRANSITION FOR CERTIFIED ADULT FOSTER HOMES 83556

Pursuant to the amendment and repeal by this act of sections 83557  
5119.22, 5119.692, and 5119.693 of the Revised Code, the Director 83558  
of Mental Health may convert an adult foster home's certification 83559  
in effect immediately before the effective date of this section to 83560  
a license as a residential facility. Until the Director converts 83561  
the certification or issues an order denying the conversion, the 83562  
adult foster home's certification is deemed to be a residential 83563  
facility license. All rules, orders, and determinations pertaining 83564  
to the adult foster home's certification continue in effect as 83565  
rules, orders, and determinations pertaining to the residential 83566  
facility license. 83567

**Section 751.15.** AGING IN PLACE PILOT PROGRAM 83568

(A) As used in this section: 83569

(1) "Aging in Place administrator" means the organization 83570  
that contracts with the Department of Aging pursuant to division 83571  
(E) of this section to administer the Aging in Place pilot 83572

program. 83573

(2) "Nursing home" and "residential care facility" have the 83574  
same meanings as in section 3721.01 of the Revised Code. 83575

(3) "Residential facility" means a residential facility as 83576  
defined in section 5119.22 or a residential facility as defined in 83577  
section 5123.19 of the Revised Code. 83578

(4) "Veteran" means either of the following: 83579

(a) A former member of the armed forces of the United States 83580  
who served on active military duty and received an honorable 83581  
discharge or honorable separation; 83582

(b) A member of the United States army transport service or 83583  
the United States naval transport service who has an honorable 83584  
report of separation from the active duty military service, form 83585  
DD214 or DD215. 83586

(B) The Department of Aging shall establish the Aging in 83587  
Place pilot program in Butler, Clermont, Hamilton, and Warren 83588  
counties. Up to one hundred eighty eligible individuals may enroll 83589  
in the pilot program to receive home repairs and modifications 83590  
that are covered by the pilot program. The pilot program shall be 83591  
operated for two years. 83592

(C) To be eligible to enroll in the Aging in Place pilot 83593  
program, an individual must meet all of the following 83594  
requirements: 83595

(1) The individual must be at least fifty years of age or a 83596  
veteran of any age. 83597

(2) The individual must be a resident of one of the counties 83598  
in which the pilot program is established. 83599

(3) The individual must reside in a private residence that is 83600  
not a nursing home, residential care facility, residential 83601  
facility, or other facility that may not operate legally without a 83602

license, certificate, or other authority issued by an agency of this state or a political subdivision of this state. 83603  
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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. 83605  
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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. 83607  
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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. 83609  
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(7) The individual must meet any other requirements specified in rules adopted under this section. 83612  
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(D) The Aging in Place pilot program shall cover home repairs and modifications specified in rules adopted under this section. 83614  
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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: 83616  
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(1) It must have been founded not later than 1975. 83619

(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 elderly or disabled. 83620  
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(3) It must be exempt from federal income taxation under section 501(a) and described in section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 501, as amended. 83624  
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(F) The Aging in Place administrator may help coordinate the home repairs and modifications provided under the Aging in Place pilot program with home health services that individuals enrolled in the pilot program receive under the Medicaid program or other programs. 83627  
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(G) The Aging in Place administrator shall seek 83632

nongovernmental funds to help pay the costs of the Aging in Place pilot program. 83633  
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(H) The Department of Job and Family Services shall apply to the United States Secretary of Health and Human Services for a federal Medicaid waiver to make the Aging in Place pilot program a component of the Medicaid program. If the waiver is granted, the Department of Job and Family Services shall enter into an interagency agreement with the Department of Aging under section 5111.91 of the Revised Code regarding the Department of Aging's duties under this section and the Department of Aging shall establish the pilot program as a Medicaid component. If the waiver is not granted, the Department of Aging shall establish the pilot program as a non-Medicaid program. 83635  
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(I) The Director of Aging shall adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section. If the Aging in Place pilot program is established as a Medicaid component, the Director of Job and Family Services shall adopt any rules that are necessary for the Director of Aging to be able to adopt the rules for the pilot program. 83646  
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(J) Not later than ninety days after the termination of the Aging in Place pilot program, the Department of Aging shall prepare a report regarding the pilot program. On completion of the report, the Department shall submit it to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly. The report shall include the Department's conclusions regarding all of the following: 83652  
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(1) The number of individuals in the state who would benefit from the services covered by the pilot program if the services were made available statewide; 83659  
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(2) How governmental and nongovernmental resources can be leveraged most efficiently to make the services available 83662  
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statewide;	83664
(3) The costs, if any, that the Medicaid program and other governmental health care programs would incur if the services were available statewide;	83665 83666 83667
(4) The impact that the services would have on the quality of patient care and treatment;	83668 83669
(5) The impact that the services would have on the communities in which they would be provided;	83670 83671
(6) The overall costs and benefits to the state that the services would have.	83672 83673
<b>Section 751.17. OHIO WORKS FIRST DRUG TESTING PILOT PROGRAM</b>	83674
(A) As used in this section:	83675
(1) "Adult," "assistance group," "minor child," and "Ohio Works First" have the same meanings as in section 5107.02 of the Revised Code.	83676 83677 83678
(2) "Chemical dependency" means the use of a drug of abuse to the extent that the user becomes physically or psychologically dependent on the drug or endangers the user's health, safety, or welfare or that of others.	83679 83680 83681 83682
(3) "Drug of abuse" means any controlled substance as defined in section 3719.01 of the Revised Code, any harmful intoxicant as defined in section 2925.01 of the Revised Code, and any dangerous drug as defined in section 4729.01 of the Revised Code.	83683 83684 83685 83686
(4) "Drug test" means either of the following that is conducted to determine whether a drug of abuse is present in a biological specimen taken from an individual's body:	83687 83688 83689
(a) A chemical test of an individual's urine;	83690
(b) An oral fluid test that uses a swab.	83691

(5)(a) Except as provided in division (A)(5)(b) of this section, "fail a drug test" means that a drug test reveals the presence of a drug of abuse in a biological specimen taken from an individual's body.

(b) An individual shall not be determined to have failed a drug test if the individual obtained the drug of abuse pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs and the individual injected, ingested, or inhaled the drug of abuse in accordance with the licensed health professional's directions.

(6) "Licensed health professional authorized to prescribe drugs" and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(7) "Participating county" means a county participating in the pilot program established under this section.

(8) "Pass a drug test" means that a drug test does not reveal the presence of a drug of abuse in a biological specimen taken from an individual's body.

(9) "Work-eligible individual" has the same meaning as in 45 C.F.R. 261.2(n).

(B) Not later than ninety days after the effective date of this section, the Director of Job and Family Services shall establish an Ohio Works First drug testing pilot program. The pilot program shall be operated for two years in three counties the Director selects, except that the Director may select a county to participate only if the board of county commissioners of the county volunteers to have the county participate. In selecting counties, the Director shall strive to have one rural, one suburban, and one urban county participate.

Under the pilot program, the county department of job and family services of each participating county shall conduct an

assessment of each adult member of an assistance group that 83723  
applies to participate in Ohio Works First to determine whether 83724  
there is reasonable cause to suspect that any of the adults have a 83725  
chemical dependency. The assessment shall be conducted in 83726  
accordance with rules adopted under this section and as part of 83727  
the process of determining under section 5107.12 of the Revised 83728  
Code whether the assistance group is initially eligible to 83729  
participate in Ohio Works First. The assessment shall not be 83730  
conducted as part of an eligibility redetermination. If pursuant 83731  
to an assessment conducted under the pilot program there is 83732  
reasonable cause to suspect that an adult has a chemical 83733  
dependency, the county department shall require the adult to 83734  
undergo a drug test. 83735

(C) The cash assistance that an assistance group receives 83736  
under Ohio Works First shall be provided to a protective payee 83737  
approved by the county department of job and family services if an 83738  
adult member of the assistance group refuses to cooperate with an 83739  
assessment conducted under the pilot program, refuses to undergo a 83740  
drug test when required to do so under the pilot program, or fails 83741  
a drug test conducted under the pilot program. The protective 83742  
payee may not be a member of the assistance group. The protective 83743  
payee shall act as a representative of the assistance group and 83744  
manage the assistance group's cash assistance on behalf of the 83745  
assistance group. Except as provided in division (D) of this 83746  
section, the assistance group's cash assistance shall be provided 83747  
to the protective payee for one year. After the one-year period, 83748  
the cash assistance shall be provided to the assistance group 83749  
unless rules adopted under section 5107.05 of the Revised Code 83750  
provide for the cash assistance to be provided to a protective 83751  
payee due to another circumstance. 83752

(D) The county department of job and family services of a 83753  
participating county shall refer an adult who fails a drug test 83754

conducted pursuant to division (B) of this section to the board of 83755  
alcohol, drug addiction, and mental health services that serves 83756  
the same county as the county department. If the adult, acting on 83757  
the referral, requests services from the board to which the adult 83758  
is referred, the board shall refer the adult to an alcohol and 83759  
drug addiction program certified by the Department of Alcohol and 83760  
Drug Addiction Services under section 3793.06 of the Revised Code. 83761

Not sooner than six months after the date that the cash 83762  
assistance of the adult's assistance group begins to be provided 83763  
to a protective payee pursuant to division (C) of this section, 83764  
the adult may submit a request to the county department to have 83765  
the assistance group's cash assistance cease to be provided to the 83766  
protective payee and begin to be provided to the assistance group. 83767  
The adult must include with the request documentation that is 83768  
acceptable to the county department and shows that the adult 83769  
successfully completed the treatment provided by the certified 83770  
alcohol and drug addiction program to which the adult was referred 83771  
under this division. The county department may approve the request 83772  
if the adult undergoes a drug test and passes the drug test. 83773  
However, the county department shall disapprove the request if 83774  
rules adopted under section 5107.05 of the Revised Code provide 83775  
for the cash assistance to be provided to a protective payee due 83776  
to another circumstance. If the adult fails to undergo a drug test 83777  
or fails the drug test, the cash assistance shall continue to be 83778  
provided to the protective payee for an additional year beginning 83779  
on the date that is twelve months after the date that the cash 83780  
assistance first began to be provided to the protective payee 83781  
under division (C) of this section. 83782

(E) An assistance group's cash assistance shall be provided 83783  
to a protective payee for the period specified in division (C) or 83784  
(D) of this section, as applicable, regardless of whether that 83785  
period extends beyond the date the pilot program ends. 83786



(F) The provision of an assistance group's cash assistance to 83787  
a protective payee as required by this section does not excuse the 83788  
members of the assistance group or any work-eligible individuals 83789  
from compliance with any of the Ohio Works First requirements 83790  
applicable to them. 83791

(G) The county department of job and family services of a 83792  
participating county shall determine which type of drug test to 83793  
use under the pilot program. An adult undergoing the drug test is 83794  
responsible for the cost of the drug test. 83795

(H) The Director of Job and Family Services shall adopt rules 83796  
as necessary to implement the pilot program, including rules 83797  
governing the assessments conducted under division (B) of this 83798  
section. The rules shall be adopted in accordance with Chapter 83799  
119. of the Revised Code. 83800

(I)(1) The Director of Job and Family Services shall prepare 83801  
a report regarding the pilot program. The report shall include all 83802  
of the following information: 83803

(a) The number of adults for whom reasonable cause to suspect 83804  
they have a chemical dependency is found pursuant to assessments 83805  
conducted under division (B) of this section; 83806

(b) The number of adults required to undergo drug tests; 83807

(c) The number of adults who fail drug tests; 83808

(d) The costs of the drug tests; 83809

(e) The total amount of time that Ohio Works First cash 83810  
assistance is provided to protective payees under the pilot 83811  
program as of the date the report is prepared; 83812

(f) Regarding the adults who are referred to certified 83813  
alcohol and drug addiction programs under division (D) of this 83814  
section, all of the following: 83815

(i) The number of the adults who complete the treatment 83816

provided by the programs; 83817

(ii) The number of the adults who are employed as of the date 83818  
the report is prepared; 83819

(iii) In the case of the adults who are not employed at the 83820  
time they complete the treatment but become employed by the date 83821  
the report is prepared, the average number of months it took the 83822  
adults after completing the treatment to become employed. 83823

(2) The county department of job and family services of each 83824  
participating county shall provide any information the Director 83825  
needs to prepare the report. Not later than ninety days after the 83826  
conclusion of the pilot program, the Director shall submit the 83827  
report to the Governor and, in accordance with section 101.68 of 83828  
the Revised Code, the General Assembly. 83829

**Section 751.20.** The amendments by this act to Section 3 of 83830  
Am. Sub. S.B. 38 of the 120th General Assembly eliminate the 83831  
exemptions from the requirements of sections 3701.881 and 5126.28 83832  
of the Revised Code that Section 3 of that act gave to persons 83833  
who, before October 29, 1993, were employed or had applied for 83834  
employment in positions covered by sections 3701.881 and 5126.28 83835  
of the Revised Code. The amendments by this act to Section 3 of 83836  
Am. Sub. S.B. 160 of the 121st General Assembly eliminate the 83837  
exemptions from the requirements of sections 173.41 (as 83838  
subsequently renumbered as 173.394) and 3701.881 of the Revised 83839  
Code that Section 3 of that act gave to persons who, before 83840  
January 27, 1997, were employed or had applied for employment in 83841  
positions covered by sections 173.41 (173.394) and 3701.881 of the 83842  
Revised Code. The exemptions are eliminated in conjunction with 83843  
this act's amendments to sections 173.394, 3701.881, and 5123.081 83844  
of the Revised Code and the repeal of section 5126.28 of the 83845  
Revised Code so that the Directors of Aging, Health, and 83846  
Developmental Disabilities may adopt rules under those amended 83847

sections to make persons formerly exempt from the requirements of 83848  
sections 173.394, 3701.881, and 5126.28 of the Revised Code 83849  
subject to the requirements of sections 173.394, 3701.881, and 83850  
5123.081 of the Revised Code. 83851

**Section 753.11.** (A) Notwithstanding section 3313.41 of the 83852  
Revised Code, during the period beginning June 30, 2005, and 83853  
ending December 31, 2005, a school district board of education in 83854  
support of economic development within the territory of the 83855  
district may dispose of real property that it owns in its 83856  
corporate capacity, and that exceeds in value ten thousand 83857  
dollars, by direct sale in lieu of offering the property for sale 83858  
at public auction as provided in division (A) of that section, in 83859  
lieu of offering the property for sale to an entity listed in 83860  
division (C) of that section, or in lieu of offering the property 83861  
for sale to a community school as provided in division (G) of that 83862  
section, if all of the following conditions are satisfied: 83863

(1) The real property is encumbered by easements, liens, or 83864  
other use restrictions that benefit the person acquiring the 83865  
property under this section; 83866

(2) The real property was part of or adjacent to real 83867  
property previously disposed of by the board of education; 83868

(3) The real property when sold will be used for commercial 83869  
development. 83870

(B) Notwithstanding division (A)(3) of this section, on or 83871  
after the effective date of this section, the real property may be 83872  
used for residential development as well as commercial 83873  
development. 83874

**Section 753.13.** That Section 2 of Am. Sub. S.B. 63 of the 83875  
121st General Assembly is repealed. 83876

This repeal releases the use, ownership, and conveyance 83877  
restrictions, and rescinds the state's right of reversion, with 83878  
respect to real estate conveyed to the City of Broadview Heights 83879  
under Section 1 of Am. Sub. S.B. 63 of the 121st General Assembly. 83880

**Section 753.14.** Within thirty days after the effective date 83881  
of Section 753.13 of this act, the Auditor of State, with the 83882  
assistance of the Attorney General, shall, consistent with that 83883  
section, prepare a deed to the real estate. The deed shall be 83884  
executed by the Governor in the name of the state, countersigned 83885  
by the Secretary of State, sealed with the Great Seal of the 83886  
State, presented in the office of the Auditor of State for 83887  
recording, and delivered to the City of Broadview Heights. The 83888  
City of Broadview Heights shall present the deed for recording in 83889  
the Office of the Cuyahoga County Recorder. 83890

**Section 755.10.** One year after the effective date of this 83891  
act, the Director of the Department of Rehabilitation and 83892  
Correction, after consultation with the State Highway Patrol, the 83893  
Department of Public Safety, the Fraternal Order of Police of 83894  
Ohio, and the Buckeye State Sheriff's Association, shall submit a 83895  
written report to the Governor, the President of the Senate, the 83896  
Speaker of the House of Representatives, the minority leader of 83897  
the Senate, and the minority leader of the House of 83898  
Representatives on the effectiveness of the State Highway Patrol's 83899  
authority to enforce the criminal laws in the Lake Erie 83900  
Correctional Institution pursuant to section 5503.03 of the 83901  
Revised Code, as amended by this act. 83902

**Section 757.10.** A board of township trustees or the 83903  
legislative authority of a municipal corporation to which section 83904  
5705.19 or 5705.252 of the Revised Code applies, as enacted or 83905  
amended by this act, may adopt the resolution proposing the levy 83906

of the tax or the combined questions authorized by those 83907  
enactments or amendments and certify a copy of the resolution to 83908  
the proper county board of elections as otherwise prescribed by 83909  
law after this act becomes law and before the effective date of 83910  
those enactments or amendments, requesting that the board of 83911  
elections submit the proposal to the electors at the general 83912  
election occurring on November 6, 2012. The board of elections, 83913  
upon receiving a properly certified copy of such a resolution not 83914  
later than four p.m. on August 8, 2012, shall submit the proposal 83915  
to electors at that election as otherwise provided under section 83916  
5705.25 or 5705.252 of the Revised Code, and such actions of the 83917  
board of township trustees, municipal legislative authority, and 83918  
board of elections are hereby ratified. 83919

**Section 757.20.** As used in this section, "qualified property" 83920  
means real property that either: 83921

(A) Satisfies the qualifications for tax exemption under the 83922  
terms of section 5709.07 of the Revised Code and is owned by a 83923  
church as defined in that section; 83924

(B) Satisfies the qualifications for tax exemption under the 83925  
terms of section 5709.08 of the Revised Code and is owned by a 83926  
township that acquired the property from a county. 83927

Notwithstanding section 5713.081 of the Revised Code, when 83928  
qualified property has not received tax exemption due to a failure 83929  
to comply with Chapter 5713. or section 5715.27 of the Revised 83930  
Code, the current owner of the property, or the prior owner of the 83931  
property requesting exemption from prior taxes, at any time on or 83932  
before twelve months after the effective date of this section, may 83933  
file with the Tax Commissioner an application requesting that the 83934  
property be placed on the tax-exempt list and that all unpaid 83935  
taxes, penalties, and interest on the property be abated. 83936

The application shall be made on the form prescribed by the 83937

Tax Commissioner under section 5715.27 of the Revised Code and 83938  
shall list the name of the county in which the property is 83939  
located; the property's legal description; its taxable value; the 83940  
amount in dollars of the unpaid taxes, penalties, and interest; 83941  
the date of acquisition of title to the property; the use of the 83942  
property during any time that the unpaid taxes accrued; and any 83943  
other information required by the Tax Commissioner. The county 83944  
auditor shall supply the required information upon request of the 83945  
applicant. 83946

Upon request of the applicant, the county treasurer shall 83947  
determine if all taxes, penalties, and interest that became a lien 83948  
on the qualified property before it first was used for an exempt 83949  
purpose and all special assessments charged against the property 83950  
have been paid in full. If so, the county treasurer shall issue a 83951  
certificate to the applicant stating that all such taxes, 83952  
penalties, interest, and assessments have been paid in full. Prior 83953  
to filing the application with the Tax Commissioner, the applicant 83954  
shall attach the county treasurer's certificate to it. The Tax 83955  
Commissioner shall not consider an application filed under this 83956  
section unless such a certificate is attached to it. 83957

Upon receipt of the application and after consideration of 83958  
it, the Tax Commissioner shall determine if the applicant meets 83959  
the qualifications set forth in this section, and if so shall 83960  
issue an order directing that the property be placed on the 83961  
tax-exempt list of the county and that all unpaid taxes, 83962  
penalties, and interest for every year the property met the 83963  
qualifications for exemption described in section 5709.07 or 83964  
5709.08 of the Revised Code be abated. If the Tax Commissioner 83965  
finds that the property is not now being so used or is being used 83966  
for a purpose that would foreclose its right to tax exemption, the 83967  
Tax Commissioner shall issue an order denying the application. 83968

If the Tax Commissioner finds that the property is not 83969

entitled to tax exemption and to the abatement of unpaid taxes, 83970  
penalties, and interest for any of the years for which the current 83971  
or prior owner claims an exemption or abatement, the Tax 83972  
Commissioner shall order the county treasurer of the county in 83973  
which the property is located to collect all taxes, penalties, and 83974  
interest due on the property for those years in accordance with 83975  
law. 83976

The Tax Commissioner may apply this section to any qualified 83977  
property that is the subject of an application for exemption 83978  
pending before the Tax Commissioner on the effective date of this 83979  
section, without requiring the property owner to file an 83980  
additional application. The Tax Commissioner also may apply this 83981  
section to any qualified property that is the subject of an 83982  
application for exemption filed on or after the effective date of 83983  
this section and on or before twelve months after that effective 83984  
date, even though the application does not expressly request 83985  
abatement of unpaid taxes, penalties, and interest. 83986

**Section 757.51.** The amendment by this act of section 5713.03 83987  
of the Revised Code applies to the first tax year, after tax year 83988  
2012, to which division (A) or (B) of section 5715.24 of the 83989  
Revised Code applies in the county. 83990

**Section 757.61.** The General Assembly hereby declares that the 83991  
intent of the amendment by this act of section 5739.02 of the 83992  
Revised Code is to clarify the law as it existed prior to the 83993  
amendment by this act of that section. 83994

**Section 806.10.** The items of law contained in this act, and 83995  
their applications, are severable. If any item of law contained in 83996  
this act, or if any application of any item of law contained in 83997  
this act, is held invalid, the invalidity does not affect other 83998  
items of law contained in this act and their applications that can 83999

be given effect without the invalid item of law or application. 84000

**Section 812.10. Sections subject to referendum: general** 84001  
**effective date.** Except as otherwise provided in this act, the 84002  
amendment, enactment, or repeal by this act of a section is 84003  
subject to the referendum under Ohio Constitution, Article II, 84004  
Section 1c and therefore takes effect on the ninety-first day 84005  
after this act is filed with the Secretary of State. 84006

**Section 812.11. Sections subject to referendum: special** 84007  
**effective date.** The amendment by this act of sections 4735.01, 84008  
4735.02, 4735.052, 4735.10, 4735.13, 4735.14, 4735.141, and 84009  
4735.142 of the Revised Code is subject to the referendum under 84010  
Ohio Constitution, Article II, Section 1c and takes effect on the 84011  
ninetieth day after the day on which this section takes effect. 84012

**Section 812.20. Sections exempt from referendum: general** 84013  
**effective date.** The amendment, enactment, or repeal by this act of 84014  
the following sections is exempt from the referendum under Ohio 84015  
Constitution, Article II, Section 1d and section 1.471 of the 84016  
Revised Code and therefore takes effect immediately when this act 84017  
becomes law: 84018

Sections 145.01, 145.012, 167.04, 306.04, 306.36, 340.091, 84019  
901.54, 2927.023, 2945.371, 2945.38, 2945.39, 2945.40, 2945.401, 84020  
3125.41, 3734.131, 3734.15, 3743.06, 3743.19, 3752.06, 4163.07, 84021  
4303.22, 4501.01, 4501.06, 4503.81, 4506.01, 4506.03, 4506.22, 84022  
4506.25, 4511.78, 4513.50, 4905.01, 4905.02, 4905.03, 4905.05, 84023  
4905.06, 4905.402, 4905.54, 4905.57, 4905.58, 4905.80, 4905.801, 84024  
4905.81, 4905.82, 4905.83, 4905.84, 4907.01, 4907.02, 4907.04, 84025  
4907.08, 4907.19, 4907.28, 4907.35, 4907.37, 4907.43, 4907.49, 84026  
4907.57, 4907.59, 4907.60, 4907.61, 4907.62, 4909.01, 4909.02, 84027  
4909.03, 4909.17, 4909.22, 4909.24, 4909.28, 4911.01, 4919.75, 84028



4919.76, 4919.77, 4919.78, 4919.79, 4919.99, 4921.01, 4921.02, 84029  
4921.03, 4921.04, 4921.05, 4921.06, 4921.07, 4921.08, 4921.09, 84030  
4921.10, 4921.101, 4921.11, 4921.12, 4921.13, 4921.14, 4921.15, 84031  
4921.16, 4921.17, 4921.18, 4921.19, 4921.20, 4921.21, 4921.23, 84032  
4921.24, 4921.25, 4921.26, 4921.27, 4921.28, 4921.30, 4921.31, 84033  
4921.32, 4921.34, 4921.35, 4921.36, 4921.37, 4921.38, 4921.39, 84034  
4921.40, 4921.99, 4923.01, 4923.02, 4923.03, 4923.04, 4923.05, 84035  
4923.06, 4923.07, 4923.08, 4923.09, 4923.10, 4923.11, 4923.12, 84036  
4923.13, 4923.14, 4923.15, 4923.17, 4923.20, 4923.26, 4923.99, 84037  
4927.01, 4929.01, 4929.02, 4933.18, 4933.19, 4939.01, 4953.04, 84038  
4961.03, 4965.54, 5119.691, 5503.02, 5503.34, 5743.031, and 84039  
5751.033 of the Revised Code. 84040

Section 205.10 of Am. Sub. H.B. 114 of the 129th General 84041  
Assembly, as amended by Am. Sub. H.B. 153 of the 129th General 84042  
Assembly. 84043

Section 201 of Sub. H.B. 123 of the 129th General Assembly. 84044

Section 1 of H.B. 124 of the 129th General Assembly. 84045

Sections 205.10, 207.10, 207.10.80, 207.20.10, 207.20.30, 84046  
207.20.90, 209.10, 209.30, 211.10, 215.10, 223.10, 229.10, 243.10, 84047  
261.10, 261.10.10, 261.10.20, 261.10.30, 261.10.40, 261.10.50, 84048  
261.10.60, 261.10.70, 261.10.80, 261.10.90, 261.20.10, 261.20.20, 84049  
261.20.40, 261.20.50, 261.20.60, 261.20.70, 261.20.80, 261.20.90, 84050  
261.30.10, 261.30.20, 261.30.30, 261.30.40, 261.30.50, 261.30.60, 84051  
261.30.70, 261.30.80, 261.30.90, 261.40.10, 263.10, 263.10.30, 84052  
263.10.90, 263.20.40, 263.20.70, 267.10, 267.10.20, 267.10.40, 84053  
267.30.40, 279.10, 287.10, 291.10, 307.10, 309.10, 313.10, 315.10, 84054  
323.10, 327.10, 335.10, 337.10, 343.10, 343.40, 365.10, 367.10, 84055  
369.10, 371.10, 371.50.61, 371.60.80, 373.10, 375.10, 379.10, 84056  
387.10, 403.10, 411.10, 415.10, 503.50, and 521.70 of Am. Sub. 84057  
H.B. 153 of the 129th General Assembly. 84058

Section 247.10 of Am. Sub. H.B. 153 of the 129th General 84059

Assembly, as amended by Sub. H.B. 319 of the 129th General Assembly.	84060 84061
Sections 261.10 and 261.20.93 of Am. Sub. H.B. 153 of the 129th General Assembly, as amended by Sub. H.B. 371 of the 129th General Assembly.	84062 84063 84064
Sections 701.70.10, 701.80, and 733.10 of this act.	84065
Sections 812.20 and 812.21 of this act.	84066
Section 812.30 of this act insofar as it refers to parts of sections that are exempt from the referendum.	84067 84068
<b>Section 812.21. Sections exempt from the referendum: special effective date.</b> The amendment by this act of sections 3313.976, 3313.978, and 3313.979 of the Revised Code is exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and is therefore entitled to take effect immediately when this act becomes law. However, the amendment of those sections takes effect on July 1, 2012, or the date this act becomes law, whichever is later.	84069 84070 84071 84072 84073 84074 84075 84076
<b>Section 812.30. Mixed sections: general effective dates.</b> The sections listed in the left-hand column of the following table combine amendments by this act that are and that are not exempt from the referendum. The middle column identifies amendments to the listed sections that are subject to the referendum under Ohio Constitution, Article II, Section 1c and therefore take effect on the ninety-first day after this act is filed with the Secretary of State. The right-hand column identifies amendments to the listed sections that are exempt from the referendum under Ohio Constitution, Article II, Section 1d and section 1.471 of the Revised Code and therefore take effect immediately when this act becomes law.	84077 84078 84079 84080 84081 84082 84083 84084 84085 84086 84087 84088
Section of Amendments subject to	Amendments exempt from 84089

law	referendum	referendum	
4905.90	The amendment in division (A)	All amendments except as described in the middle column	84090
5111.941	The amendment that inserts division (A)(4)	All amendments except as described in the middle column	84091
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"	84092
5119.69	The amendments in relettered divisions (D)(1)(b) and (c)	All amendments except as described in the middle column	84093
5502.01	All amendments except as described in the right-hand column	The amendment in division (F)	84094

**Section 815.20.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act:

Section 102.02 of the Revised Code as amended by both Am. Sub. H.B. 153 and Sub. S.B. 171 of the 129th General Assembly.	84103
Section 121.04 of the Revised Code as amended by both Am.	84105

Sub. H.B. 153 and Sub. H.B. 229 of the 129th General Assembly.	84106
Section 123.01 of the Revised Code as amended by both Am.	84107
Sub. H.B. 133 and Am. Sub. H.B. 153 of the 129th General Assembly.	84108
Section 124.11 of the Revised Code as amended by both Am.	84109
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	84110
Section 149.43 of the Revised Code as amended by both Sub.	84111
H.B. 64 and Am. Sub. H.B. 153 of the 129th General Assembly.	84112
Sections 1901.01, 1901.03, 1901.08, and 1907.11 of the	84113
Revised Code as amended by both Am. Sub. H.B. 238 and Sub. H.B.	84114
338 of the 128th General Assembly.	84115
Section 1923.01 of the Revised Code as amended by both Sub.	84116
H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	84117
Section 1923.02 of the Revised Code as amended by both Sub.	84118
H.B. 56 and Am. Sub. S.B. 10 of the 127th General Assembly.	84119
Section 3301.55 of the Revised Code as amended by both Am.	84120
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly.	84121
Section 4731.22 of the Revised Code as amended by both H.B.	84122
78 and Am. Sub. H.B. 93 of the 129th General Assembly.	84123